MAKING APPROPRIATIONS FOR ENERGY AND WATER DEVELOPMENT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006, AND FOR OTHER PURPOSES

November 7, 2005.—Ordered to be printed

Mr. Hobson, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 2419]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) “making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes”, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for energy and water development and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protec-
tion and storm damage reduction, aquatic ecosystem restoration, and related purposes.

INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $164,000,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, within the funds provided under this heading, $1,000,000 shall be available for planning assistance to the state of Ohio for Stark County watershed basin study: Provided further, That using $8,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a comprehensive hurricane protection analysis and design at full federal expense to develop and present a full range of flood control, coastal restoration, and hurricane protection measures exclusive of normal policy considerations for South Louisiana and the Secretary shall submit a preliminary technical report for comprehensive Category 5 protection within 6 months of enactment of this Act and a final technical report for Category 5 protection within 24 months of enactment of this Act: Provided further, That the Secretary shall consider providing protection for a storm surge equivalent to a Category 5 hurricane within the project area and may submit reports on component areas of the larger protection program for authorization as soon as practicable: Provided further, That the analysis shall be conducted in close coordination with the State of Louisiana and its appropriate agencies.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $2,372,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction and rehabilitation of inland waterways projects, (including the rehabilitation costs for Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 19, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock 27, Mississippi River, Illinois; and Lock and Dam 3, Mississippi River, Minnesota) shall be derived from the Inland Waterways Trust Fund; and of which $12,000,000 shall be exclusively for projects and activities authorized under section 107 of the River and
Harbor Act of 1960; and of which $500,000 shall be exclusively for projects and activities authorized under section 111 of the River and Harbor Act of 1968; and of which $7,000,000 shall be exclusively for projects and activities authorized under section 103 of the River and Harbor Act of 1962; and of which $40,000,000 shall be exclusively available for projects and activities authorized under section 205 of the Flood Control Act of 1948; and of which $15,000,000 shall be exclusively for projects and activities authorized under section 14 of the Flood Control Act of 1946; and of which $30,000,000 shall be exclusively for projects and activities authorized under section 208 of the Flood Control Act of 1954; and of which $30,000,000 shall be exclusively for projects and activities authorized under section 1135 of the Water Resources Development Act of 1986; and of which $30,000,000 shall be exclusively for projects and activities authorized under section 206 of the Water Resources Development Act of 1996; and of which $5,000,000 shall be exclusively for projects and activities authorized under sections 204 and 207 of the Water Resources Development Act of 1992 and section 933 of the Water Resources Development Act of 1986: Provided, That the Chief of Engineers is directed to use $11,250,000 of the funds appropriated herein for the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the Chief of Engineers is directed to use $1,500,000 of the funds provided herein for the Hawaii Water Management Project: Provided further, That the Chief of Engineers is directed to use $13,000,000 of the funds appropriated herein for the navigation project at Kaumalapau Harbor, Hawaii: Provided further, That the Chief of Engineers is directed to use $4,000,000 of the funds provided herein for the Dam Safety and Seepage/Stability Correction Program for seepage control features and repairs to the tainter gates at Waterbury Dam, Vermont: Provided further, That $600,000 of the funds provided herein for the Dam Safety and Seepage/Stability Correction Program shall be available for Dover Dam, Ohio: Provided further, That the Chief of Engineers is directed to use $9,500,000 of the funds appropriated herein for planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Chief of Engineers is directed to use $5,600,000 of the funds appropriated herein for planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Chief of Engineers is directed to use $5,600,000 of the funds appropriated herein for planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Chief of Engineers is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special consider-
ations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $16,000,000 of the funds appropriated herein for the Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Harlan County in accordance with the Draft Detailed Project Report dated January 2002, Floyd County, Martin County, Johnson County, and Knox County, Kentucky, detailed project report, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River: Provided further, That the Chief of Engineers is directed to proceed with work on the permanent bridge to replace Folsom Bridge Dam Road, Folsom, California, as authorized by the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137), and, of the $15,000,000 available for the American River Watershed (Folsom Dam Mini-Raise), California, project, $10,000,000 of those funds be directed for the permanent bridge, with all remaining devoted to the Mini-Raise: Provided further, That $300,000 is provided for the Chief of Engineers to conduct a General Reevaluation Study on the Mount St. Helens project to determine if ecosystem restoration actions are prudent in the Cowlitz and Toutle watersheds for species that have been listed as being of economic importance and threatened or endangered: Provided further, That $35,000,000 shall be available for projects and activities authorized under 16 U.S.C. 410–r–8: Provided further, That the Secretary of the Army, acting through the Chief of Engineers is directed to use $9,000,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

FOR FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $400,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: Provided, That the Chief of Engineers is directed to use $20,000,000 of the funds provided herein for design and real estate activities and pump supply elements for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: Provided further, That the Secretary of the Army, acting through the Chief of Engineers is directed to use $9,000,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by
law; for providing security for infrastructure owned and operated by, or on behalf of, the United States Army Corps of Engineers (the “Corps”), including administrative buildings and facilities, laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, $1,989,000,000, to remain available until expended, of which such sums to cover the Federal share of operation and maintenance costs for coastal harbors and channels, and inland harbors shall be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662 may be derived from that fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)), may be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104–303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: Provided, That utilizing funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between October 1, 2005, and September 30, 2006: Provided further, That the Chief of Engineers is authorized to undertake, at full Federal expense, a detailed evaluation of the Albuquerque levees for purposes of determining structural integrity, impacts of vegetative growth, and performance under current hydrological conditions: Provided further, That using $275,000 provided herein, the Chief of Engineers is authorized to remove the sunken vessel State of Pennsylvania from the Christina River in Delaware.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $160,000,000, to remain available until expended.

REVOLVING FUND

None of the funds in title I of this Act or otherwise available to the Corps of Engineers shall be available for the rehabilitation and lead and asbestos abatement of the dredge McFarland.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation’s early atomic energy program, $140,000,000, to remain available until expended.
GENERAL EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $154,000,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: Provided further, That the Secretary is directed to use $4,500,000 of the funds appropriated herein to conduct, at full federal expense and in close cooperation with state and local governments, comprehensive analyses that examine multi-jurisdictional use and management of water resources on a watershed or regional scale.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For expenses necessary for the Office of Assistant Secretary of the Army (Civil Works), as authorized by 10 U.S.C. 3016(b)(3), $4,000,000.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses not to exceed $5,000; and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase not to exceed 100 for replacement only and hire of passenger motor vehicles.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

Sec. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2006, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;
(2) eliminates a program, project or activity;
(3) increases funds or personnel for any program, project or activity for which funds have been denied or restricted by this Act;
(4) proposes to use funds directed for a specific activity by either the House or the Senate Committees on Appropriations for a different purpose;
(5) augments existing programs, projects or activities in excess of $2,000,000 or 50 percent, whichever is less, unless prior approval is received from the House and Senate Committees on Appropriations;
(6) reduces existing programs, projects or activities in excess of $2,000,000 or 50 percent, whichever is less, unless prior approval is received from the House and Senate Committees on Appropriations; or
(7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or
department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the Statement of Managers accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations.


(c) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided, That the report shall include:

1. a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;
2. a delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and
3. an identification of items of special congressional interest: Provided further, That the amount appropriated for salaries and expenses of the Corps of Engineers shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

(d) None of the funds received as a non-federal share for project costs by any agency funded in title I of this Act shall be available for reprogramming.

SEC. 102. Beginning in fiscal year 2006 and thereafter, agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the River and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208, section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended, Public Law 99–662; section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303; and any other specific project authority, shall be limited to total credits and reimbursements for all applicable projects not to exceed $100,000,000 in each fiscal year.

SEC. 103. In order to protect and preserve the integrity of the water supply against further degradation, none of the funds made available under this Act and any other Act hereafter may be used by the Army Corps of Engineers to support activities related to any
proposed new landfill in the Muskingum Watershed if such landfill—

1. has not received a permit to construct from the State agency with responsibility for solid waste management in the watershed;
2. has not received waste for disposal during 2005; and
3. is not contiguous or adjacent to a portion of a landfill that has received waste for disposal in 2005 and each landfill is owned by the same person or entity.

SEC. 104. None of the funds appropriated in this or any other Act shall be used to demonstrate or implement any plans divesting or transferring any Civil Works missions, functions, or responsibilities of the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 105. ST. GEORGES BRIDGE, DELAWARE.—None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 106. Notwithstanding any other provision of law, the requirements regarding the use of continuing contracts under the authority of section 206 of the Water Resources Development Act of 1999 (33 U.S.C. 2331) shall apply only to projects funded under the Operation and Maintenance account and the Operation and Maintenance subaccount of the Flood Control, Mississippi River and Tributaries account.

SEC. 107. Within 75 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 108. None of the funds made available in title I of this Act may be used to award any continuing contract or to make modifications to any existing continuing contract that commits an amount for a project in excess of the amount appropriated for such project pursuant to this Act: Provided, That the amounts appropriated in this Act may be modified pursuant to the authorities provided in section 101 of this Act or through the application of unobligated balances for such project.

SEC. 109. Within 90 days of the date of enactment of this Act, the Assistant Secretary of the Army (Civil Works) shall transmit to Congress his report on any water resources matter on which the Chief of Engineers has reported.

SEC. 110. Section 123 of Public Law 108–137 (117 Stat. 1837) is amended by striking “in accordance with the Baltimore Metropolitan Water Resources-Gwynns Falls Watershed Feasibility Report” and all that follows and inserting the following language in lieu thereof: “in accordance with the Baltimore Metropolitan Water Resources Gwynns Falls Watershed Study—Draft Feasibility Report and Integrated Environmental Assessment prepared by the Corps of Engineers and the City of Baltimore, Maryland, dated April 2004. The non-Federal sponsor shall receive credit toward its share of project costs for work carried out by the non-Federal sponsor prior
to execution of a project cooperation agreement, if the Secretary determines that the work is integral to the project. The non-Federal sponsor may also receive credit for any work performed by the non-Federal sponsor pursuant to a project cooperation agreement. The non-Federal sponsor shall be reimbursed for any work performed by the non-Federal sponsor that is in excess of the non-Federal share of project costs.

SEC. 111. None of the funds in this Act may be expended by the Secretary of the Army to construct the Port Jersey element of the New York and New Jersey Harbor or to reimburse the local sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element.

SEC. 112. MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA.—Section 101(a)(31) of the Water Resources Development Act of 1996 (110 Stat. 3666), is amended by striking “$229,581,000” and inserting “$358,000,000”.

SEC. 113. TRUCKEE MEADOWS FLOOD CONTROL PROJECT, NEVADA.—The non-federal funds expended for purchase of lands, easements and rights-of-way, implementation of project monitoring and assessment, and construction and implementation of recreation, ecosystem restoration, and water quality improvement features, including the provision of 6700 acre-feet of water rights no later than the effective date of the Truckee River Operating Agreement for re-vegetation, reestablishment and maintenance of riverine and riparian habitat of the Lower Truckee River and Pyramid Lake, whether expended prior to or after the signing of the Project Cooperation Agreement (PCA), shall be fully credited to the non-federal sponsor’s share of costs for the project: Provided, That for the purposes of benefit-cost ratio calculations in the General Reevaluation Report (GRR), the Truckee Meadows Nevada Flood Control Project shall be defined as a single unit and non-separable.

SEC. 114. WATER REALLOCATION, LAKE CUMBERLAND, KENTUCKY. (a) IN GENERAL.—Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, chapter 795) and the Act of July 24, 1946 (60 Stat. 636, chapter 595).

(b) EXISTING REALLOCATIONS.—Subsection (a) shall not apply to any water reallocation for Lake Cumberland, Kentucky, that is carried out subject to an agreement or payment schedule in effect on the date of enactment of this Act.

SEC. 115. Section 529(b)(3) of Public Law 106–541 is amended by striking “$10,000,000” and inserting “$20,000,000” in lieu thereof.

SEC. 116. YAZOO BASIN, BIG SUNFLOWER RIVER, MISSISSIPPI.—The Yazoo Basin, Big Sunflower River, Mississippi, project authorized by the Flood Control Act of 1944, as amended and modified, is further modified to include the design and construction at full Federal expense of such measures as determined by the Chief of Engineers to be advisable for the control and reduction of sedimentation, erosion and headcutting in watersheds of the Yazoo Basin: Yazoo Headwater and Big Sunflower.
SEC. 117. LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE, MISSISSIPPI.—The Water Resources Development Act of 1992 (106 Stat. 4811) is amended by—

(1) in section 103(c)(2) by striking “property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge” and inserting “riverfront property”; and

(2) in section 103(c)(7)—

(A) by striking “There is” and inserting the following:

“(A) IN GENERAL.—There is”; and

(B) by striking “$2,000,000” and all that follows and inserting the following: “$15,000,000 to plan, design, and construct generally in accordance with the conceptual plan to be prepared by the Corps of Engineers.

“(B) FUNDING.—The planning, design, and construction of the Lower Mississippi River Museum and Riverfront Interpretive Site shall be carried out using funds appropriated as part of the Mississippi River Levees feature of the Mississippi River and Tributaries Project, authorized by the Act of May 15, 1928 (45 Stat. 534, chapter 569).”.

SEC. 118. Section 593(h) of Public Law 106–541 is amended by striking “$25,000,000” and inserting “$50,000,000” in lieu thereof.

SEC. 119. The project for navigation, Los Angeles Harbor, California, authorized by section 101(b)(5) of the Water Resources Development Act of 2000 (114 Stat. 2577) is modified to authorize the Chief of Engineers to carry out the project at a total cost of $222,000,000.

SEC. 120. Section 219(f) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835), as amended by section 502(b) of the Water Resources Development Act of 1999 (Public Law 106–53) and section 108(d) of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted by Public Law 106–554; 114 Stat. 2763A–220), is further amended by adding at the end the following:

“(72) ALPINE, CALIFORNIA.—$10,000,000 is authorized for a water transmission main, Alpine, CA.”.

SEC. 121. (a) The Secretary of the Army may carry out and fund projects to comply with the 2003 Biological Opinion described in section 205(b) of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–447; 118 Stat. 2949) as amended by subsection (b) and may award grants and enter into contracts, cooperative agreements, or interagency agreements with participants in the Endangered Species Act Collaborative Program Workgroup referenced in section 209(a) of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1850) in order to carry out such projects. Any project undertaken under this subsection shall require a non-Federal cost share of 25 percent, which may be provided through in-kind services or direct cash contributions and which shall be credited on a programmatic basis instead of on a project-by-project basis, with reconciliation of total project costs and total non-Federal cost share calculated on a three year incremental basis. Non-Federal cost share that exceeds that which is required in any calculated three year increment shall be credited to subsequent three year increments.
Sec. 122. Bluestone, West Virginia.—Section 547 of the Water Resources Development Act of 2000 (114 Stat. 2676) is amended—

(1) in subsection (b)(1)(A) by striking “4 years” and inserting “5 years”;
(2) in subsection (b)(1)(B)(iii) by striking “if all” and all that follows through “assurance project”;
(3) in subsection (b)(1)(C) by striking “and construction” and inserting “, construction, and operation and maintenance”;
(4) by adding at the end of subsection (b) the following:

“(3) OPERATION AND OWNERSHIP.—The Tri-Cities Power Authority shall be the owner and operator of the hydropower facilities referred to in subsection (a).”;

(5) in subsection (c)(1)—
(A) by striking “No” and inserting “Unless otherwise provided, no”; 
(B) by inserting “planning,” before “design”; and 
(C) by striking “prior to” and all that follows through “subsection (d)”;

(6) in subsection (c)(2) by striking “design” and inserting “planning, design,”;

(7) in subsection (d)—
(A) by striking paragraphs (1) and (2) and inserting the following:

“(1) APPROVAL.—The Secretary shall review the design and construction activities for all features of the hydroelectric project that pertain to and affect stability of the dam and control the release of water from Bluestone Dam to ensure that the quality of construction of those features meets all standards established for similar facilities constructed by the Secretary.”;

(B) by redesignating paragraph (3) as paragraph (2);
(C) by striking the period at the end of paragraph (2) (as so redesignated) and inserting “, except that hydroelectric power is no longer a project purpose of the facility so long as Tri-Cities Power Authority continues to exercise its responsibilities as the builder, owner, and operator of the hydropower facilities at Bluestone Dam. Water flow releases and flood control from the hydropower facilities shall be determined and directed by the Corps of Engineers.”;
and

(D) by adding at the end the following:

“(3) COORDINATION.—Construction of the hydroelectric generating facilities shall be coordinated with the dam safety assurance project currently in the design and construction phases.”;

(8) in subsection (e) by striking “in accordance” and all that follows through “58 Stat. 890)”;

(9) in subsection (f)—

(A) by striking “facility of the interconnected systems of reservoirs operated by the Secretary” each place it appears and inserting “facilities under construction under such agreements”;
and
(B) by striking “design” and inserting “planning, design”; 
(10) in subsection (f)(2)—
(A) by “Secretary” each place it appears and inserting “Tri-Cities Power Authority”; and
(B) by striking “facilities referred to in subsection (a)” and inserting “such facilities”;
(11) by striking paragraph (1) of subsection (g) and inserting the following:
“(1) to arrange for the transmission of power to the market or to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and”;
(12) in subsection (g)(2) by striking “such facilities” and all that follows through “the Secretary” and inserting “the generating facility”; and
(13) by adding at the end the following:
“(i) TRI-CITIES POWER AUTHORITY DEFINED.—In this section, the ‘Tri-Cities Power Authority’ refers to the entity established by the City of Hinton, West Virginia, the City of White Sulphur Springs, West Virginia, and the City of Philippi, West Virginia, pursuant to a document entitled ‘Second Amended and Restated Intergovernmental Agreement’ approved by the Attorney General of West Virginia on February 14, 2002.”.

SEC. 123. (a) IN GENERAL.—
(1) After the date of enactment of this Act, the Secretary of the Army shall carry out the project for wastewater infrastructure, DeSoto County, Mississippi, authorized by section 219(f)(30) of Public Law 102–580, as amended, in accordance with the provisions of this subsection.
(2) The non-Federal interest shall be primarily responsible for carrying out work on the project referred to in paragraph (1) that is not covered by the Project Cooperation Agreement executed on May 13, 2002 or any amendments thereto, including work associated with the design, construction, management, and administration of the project. The non-Federal interest may carry out work on the project subject to obtaining any permits required pursuant to Federal and State laws and subject to general supervision and administrative oversight by the Secretary of the Army.
(3) The Federal share of project costs incurred by the non-Federal interest in carrying out work on the project as provided for in paragraph (2) shall equal 75 percent of the total cost of the work and shall be in the form of grants or reimbursements, except that the total amount of Federal funds available for the project, including that portion of the project carried out as provided for in paragraph (2), may not exceed $55,000,000.

SEC. 124. The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of Public Law 102–580 and modified by Public
Law 108–7 (H.J. Res. 2) Consolidated Appropriations Resolution, 2003, section 107 is further modified to provide that the costs incurred for design and construction of the project channel crossings in the reach of the channels from Shelbourne Avenue proceeding north along the alignment of Durango Drive and continuing east along the Southern Beltway to Martin Avenue shall be added to the authorized cost of the project and such costs shall be cost shared and shall not be considered part of the non-Federal sponsor’s responsibility to provide lands, easements, and rights-of-way, and to perform relocations for the project.

SEC. 125. RESTORATION OF THE LAKE MICHIGAN WATERFRONT AND RELATED AREAS, LAKE AND PORTER COUNTIES, INDIANA.—The Secretary of the Army, acting through the Chief of Engineers is authorized and directed to carry out a continuing program for the restoration of the Lake Michigan Waterfront and Related Areas, Lake and Porter Counties, Indiana.

(1) Definitions.—
(A) Related areas are defined as adjacent or close sites that have an impact or influence on the waterfront areas or aquatic habitat.

(B) Restore is defined as—
(i) activities that improve a site’s ecosystem function, structure, and dynamic processes to a less degraded and more natural condition, and/or

(ii) the management of contaminants that allow the site to be safely used for ecological and/or economic purposes.

(2) Justification.—Projects can be justified by ecosystem benefits, clean-up of contaminated sites, public health, safety, economic benefits or any combination of these. Sites restored for economic purposes can be redeveloped by others. Restoration sites may include compatible recreation facilities that do not diminish the restoration purpose and do not increase the Federal cost share by more than 10 percent.

(3) Cost Sharing.—The construction of projects are cost shared at 65 percent Federal and 35 percent non-Federal except when there is a demonstration of innovative technology. The cost share is then 85 percent Federal and 15 percent non-Federal.

(4) Credit.—
(A) The Secretary shall credit the non-Federal interest for the value of any lands, easements, rights-of-way, relocations, excavated and/or dredged material disposal areas required for carrying out a project. When the cost of the provision of all lands, easements, rights-of-way, relocations, excavated and/or dredged material disposal areas exceeds the non-Federal share, as identified in paragraph (3), the non-Federal interest may waive any right under Federal cost-sharing policy to receive cash reimbursement for any such value in excess of the non-Federal share as identified in paragraph (3).

(B) The non-Federal interest may provide up to 100 percent of the non-Federal share required under paragraph (3) in the form of services, materials, supplies, or other in-kind contributions including monies paid pursuant to, or
the value of any in-kind service performed under, an administrative order on consent or jurisdictional consent decree but may not include any monies paid pursuant to, or the value of any in-kind service performed under, a unilateral administrative order or court order.

(C) The total of non-Federal credit for services, materials, supplies, or other in-kind contributions when combined with lands, easements, rights-of-way, relocations, excavated and/or dredged material disposal areas shall not exceed the non-Federal share identified in paragraph (3).

(5) OPERATION, MAINTENANCE, REPAIR, REPLACEMENT AND REHABILITATION.—Operation, maintenance, repair, replacement and rehabilitation is 100 percent non-Federal cost.

(6) HOLD HARMLESS.—Non-Federal interests hold and save harmless the United States free from claims or damages due to implementation of the project except for negligence of the government.

(7) AUTHORIZED APPROPRIATIONS.—There is authorized to be appropriated to carry out this program $20,000,000 for each fiscal year.

SEC. 126. CHESAPEAKE BAY OYSTER RESTORATION, MARYLAND AND VIRGINIA.—The second sentence of section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended by striking "$20,000,000" and inserting "$30,000,000".

SEC. 127. The project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of Public Law 99–662 (100 Stat. 4115) is modified to authorize the Secretary of the Army to complete the project in accordance with the post authorization change report dated August 2000 at a total cost of $198,000,000 with an estimated Federal cost of $148,500,000 and an estimated non-Federal cost of $49,500,000.

SEC. 128. AMERICAN RIVER WATERSHED, CALIFORNIA (FOLSOM DAM AND PERMANENT BRIDGE).—(a) COORDINATION OF FLOOD DAMAGE REDUCTION AND DAM SAFETY.—The Secretary of the Army and the Secretary of the Interior are directed to collaborate on authorized activities to maximize flood damage reduction improvements and address dam safety needs at Folsom Dam and Reservoir, California. The Secretaries shall expedite technical reviews for flood damage reduction and dam safety improvements. In developing improvements under this section, the Secretaries shall consider reasonable modifications to existing authorized activities, including a potential auxiliary spillway. In conducting such activities, the Secretaries are authorized to expend funds for coordinated technical reviews and joint planning, and preliminary design activities.

(b) SECRETARY'S ROLE.—Section 134 of Public Law 108–137 (117 Stat. 1842) is modified to read as follows:

"SEC. 134. BRIDGE AUTHORIZATION.

"There is authorized to be appropriated to the Secretary of the Army $30,000,000 for the construction of the permanent bridge described in section 128(a), above the $36,000,000 provided for in the recommended plan for bridge construction. The $30,000,000 shall not be subject to cost sharing requirements with non-Federal interests."

(c) CONFORMING CHANGE.—Section 128(a) of Public Law 108–137 (117 Stat. 1838) is modified by deleting "above the $36,000,000
provided for in the recommended plan for bridge construction,” and inserting in lieu thereof the following: “above the sum of the $36,000,000 provided for in the recommended plan for bridge construction and the amount authorized to be appropriated by section 134, as amended.”

(d) **MAXIMUM COST OF PROJECT.**—The costs cited in subsections (b) and (c) shall be adjusted to allow for increases pursuant to section 902 of Public Law 99–662 (100 Stat. 4183). For purposes of making adjustments pursuant to this subsection, the date of authorization of the bridge project shall be December 1, 2003.

(e) **EXPEDITED CONSTRUCTION.**—The Secretary, in coordination with the Secretary of the Interior and affected non-federal officials (including the City of Folsom, California), shall expedite construction of a new bridge and associated roadway authorized in Public Law 108–137. The Secretary, to the extent practicable, may construct such work in a manner that is compatible with the design and construction of authorized projects for flood damage reduction and dam safety. The Secretary and the Secretary of the Interior shall expedite actions under their respective jurisdictions to facilitate timely completion of construction.

(f) **REPORT TO CONGRESS.**—The Secretary of the Army, in consultation with the Secretary of the Interior and non-federal interests, shall report to Congress within ninety days of the date of enactment of this Act, and at four-month intervals thereafter, on the status and schedule of planning, design and construction activity.

**SEC. 129. JACKSONVILLE HARBOR, FLORIDA.**—(a) The project for navigation, Jacksonville Harbor, Florida, authorized by section 101(a)(17) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to extend the navigation features in accordance with the Report of the Chief of Engineers, dated July 22, 2003, at a total cost of $14,658,000, with an estimated Federal cost of $9,636,000 and an estimated non-Federal cost of $5,022,000.

(b) The non-Federal share of the costs of the General Reevaluation Reports on the Jacksonville Harbor which were begun prior to August 2004, shall be consistent with the non-Federal costs in implementing the overall construction project.

**SEC. 130. Section 594(g) of the Water Resources Development Act of 1999 (113 Stat. 383) is amended by striking “$60,000,000” and inserting “$240,000,000.”**

**SEC. 131. ONONDAGA LAKE, NEW YORK.**—Section 573 of the Water Resources Development Act of 1999 (113 Stat. 372) is amended—

1. in subsection (f) by striking “$10,000,000” and inserting “$240,000,000”;
2. by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and
3. by inserting after subsection (e) the following:

“(f) **NONPROFIT ENTITIES.**—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.”

**SEC. 132. WHITE RIVER BASIN, ARKANSAS.**—(a) **MINIMUM FLOWS.**—
(1) IN GENERAL.—The Secretary is authorized and directed to implement alternatives BS–3 and NF–7, as described in the White River Minimum Flows Reallocation Study Report, Arkansas and Missouri, dated July 2004.

(2) COST SHARING AND ALLOCATION.—Reallocation of storage and planning, design and construction of White River Minimum Flows project facilities shall be considered fish and wildlife enhancement that provides national benefits and shall be a Federal expense in accordance with section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)). The non-Federal interests shall provide relocations or modifications to public and private lakeside facilities at Bull Shoals Lake and Norfork Lake to allow reasonable continued use of the facilities with the storage reallocation as determined by the Secretary in consultation with the non-Federal interests. Operations and maintenance costs of the White River Minimum Flows project facilities shall be 100 percent Federal. All Federal costs for the White River Minimum Flows project shall be considered non-reimbursable.

(3) IMPACTS ON NON-FEDERAL PROJECT.—The Administrator of Southwestern Power Administration, in consultation with the project licensee and the relevant state public utility commissions, shall determine any impacts on electric energy and capacity generated at Federal Energy Regulatory Commission Project No. 2221 caused by the storage reallocation at Bull Shoals Lake, based on data and recommendations provided by the relevant state public utility commissions. The licensee of Project No. 2221 shall be fully compensated by the Corps of Engineers for those impacts on the basis of the present value of the estimated future lifetime replacement costs of the electrical energy and capacity at the time of implementation of the White River Minimum Flows project. Such costs shall be included in the costs of implementing the White River Minimum Flows project and allocated in accordance with subsection (a)(2) above.

(4) OFFSET.—In carrying out this subsection, losses to the Federal hydropower purpose of the Bull Shoals and Norfork Projects shall be offset by a reduction in the costs allocated to the Federal hydropower purpose. Such reduction shall be determined by the Administrator of the Southwestern Power Administration on the basis of the present value of the estimated future lifetime replacement cost of the electrical energy and capacity at the time of implementation of the White River Minimum Flows project.

(b) FISH HATCHERY.—In constructing, operating, and maintaining the fish hatchery at Beaver Lake, Arkansas, authorized by section 105 of the Water Resources Development Act of 1976 (90 Stat. 2921), losses to the Federal hydropower purpose of the Beaver Lake Project shall be offset by a reduction in the costs allocated to the Federal hydropower purpose. Such reduction shall be determined by the Administrator of the Southwestern Power Administration based on the present value of the estimated future lifetime replacement cost of the electrical energy and capacity at the time operation of the hatchery begins.
(c) **REPEAL.**—Section 374 of the Water Resources Development Act of 1999 (113 Stat. 321) and section 304 of the Water Resources Development Act of 2000 (Public Law 106–541) are repealed.

**SEC. 133. CALCASIEU SHIP CHANNEL, LOUISIANA.**—(a) **IN GENERAL.**—At such time as Pujo Heirs and Westland Corporation convey all right, title, and interest in and to the real property described in paragraph (b)(1) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the real property described in paragraph (b)(2) to Pujo Heirs and Westland Corporation.

(b) **LAND DESCRIPTION.**—The parcels of land referred to in paragraph (a) are the following:

1. **NON-FEDERAL INTEREST IN LAND.**—An easement for placement of dredged materials over a contiguous equivalent area to the real property described in subparagraph (2). The parcels on which such an easement may be exchanged is all of the area within the diked or confined boundaries of the Corps of Engineers Dredge Material Placement Area M comprising Tract 128E, Tract 129E, Tract 131E, Tract 41A, Tract 42, Tract 132E, Tract 130E, Tract 134E, Tract 133E–3, Tract 140E, or some combination thereof.

2. **FEDERAL INTEREST IN LAND.**—An easement for placement of dredged materials over an area in Cameron Parish, Louisiana, known as portions of Government Tract Numbers 139E–2 and 48 (both tracts on the west shore of the Calcasieu Ship Channel), and other tracts known as Corps of Engineers Dredge Material Placement Area O.

(c) **CONDITIONS.**—The exchange of real property under paragraph (a) shall be subject to the following conditions:

1. **DEEDS.**—
   A. **NON-FEDERAL LAND.**—The conveyance of the real property described in paragraph (b)(1) to the Secretary shall be by a warranty deed acceptable to the Secretary.
   B. **FEDERAL LAND.**—The conveyance of the real property described in paragraph (b)(2) to Pujo Heirs and Westland Corporation shall be by a quitclaim deed.

2. **TIME LIMIT FOR EXCHANGE.**—The land exchange under paragraph (a) shall be completed not later than six months after the date of enactment of this Act.

3. **INCREMENTAL COSTS.**—As determined by the Secretary, incremental costs to the Lake Charles Harbor and Terminal District associated with the preparation of the area and the placement of dredge material in the new disposal easement area, paragraph (b)(1), including, site preparation costs, associated testing, permitting, mitigation and diking costs associated with such new disposal easement over the costs that would have been incurred in the placement of dredge material in the old disposal easement area, paragraph (b)(2) (comprising all of Corps of Engineers Dredge Material Placement Area O) up to the disposal capacity equivalent of the property described in paragraph (b)(2), shall be made available by the Owners. Owners shall make appropriated guarantees, as agreed to by the Secretary, that funds will be available as needed to cover such incremental costs. The Lake Charles Harbor and Terminal District, as local sponsor for the Calcasieu Ship Channel Project,
shall not be assessed or caused to incur any costs arising out of, associated with or as a consequence of the land exchange authorized under paragraph (a).

(d) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the real property conveyed to Pujo Heirs and Westland Corporation by the Secretary under paragraph (a) exceeds the appraised fair market value, as determined by the Secretary, of the real property conveyed to the United States by Pujo Heirs and Westland Corporation under paragraph (a), Pujo Heirs and Westland Corporation shall make a payment to the United States equal to the excess in cash or a cash equivalent that is satisfactory to the Secretary.

SEC. 134. PROJECT MODIFICATION.—(a) IN GENERAL.—The project for flood damage reduction, environmental restoration, recreation, Johnson Creek, Arlington, Texas, authorized by section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat. 280–281) is modified—

(1) to deauthorize the ecosystem restoration portion of the project that consists of approximately 90 acres of land located between Randol Mill and the Union Pacific East/West line; and

(2) to authorize the Secretary of the Army to design and construct an ecosystem restoration project on lands identified in subsection (c) that will provide the same or greater level of national ecosystem restoration benefits as the portion of the project described in paragraph (1).

(b) CREDIT TOWARD FEDERAL SHARE.—The Secretary of the Army shall credit toward the Federal share of the cost of the modified project the costs incurred by the Secretary to carry out the project as originally authorized under section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat. 280). The non-Federal interest shall not be responsible for reimbursing the Secretary for any amount credited under this subsection.

(c) COMPARABLE PROPERTY.—Not later than 6 months after the date of enactment of this Act, the City of Arlington, Texas, shall identify lands, acceptable to the Secretary of the Army, amounting to not less than 90 acres within the City, where an ecosystem restoration project may be constructed to provide the same or greater level of National ecosystem restoration benefits as the land described in subsection (a)(1).

SEC. 135. Funds made available in Public Law 105–62 and Public Law 105–245 for Hudson River, Athens, New York, shall be available for projects in the Catskill/Delaware watersheds in Delaware and Greene Counties, New York, under the authority of the New York City Watershed Environmental Assistance Program.

SEC. 136. None of the funds contained in title I of this Act shall be available to permanently reassign or to temporarily reassign in excess of 180 days personnel from the Charleston, South Carolina district office: Provided, That this limitation shall not apply to voluntary change of station.

SEC. 137. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to design and construct until hereafter completed, the recreation and access features designated as Phase II of the Louisville Waterfront Park, Kentucky, as described in the Louisville Waterfront Park, Phases II and III, Detailed Project Report, by the Louisville District of the Corps of
The project shall be cost shared 50 percent Federal and 50 percent non-Federal. The cost of project work undertaken by the non-Federal interests, including but not limited to prior planning, design, and construction, shall be credited toward the non-Federal share of project design and construction costs.

SEC. 138. AKUTAN, ALASKA.—(a) IN GENERAL.—The Secretary of the Army is authorized to carry out the project for navigation, Akutan, Alaska, substantially in accordance with the plans, and subject to the conditions, described in the Report of the Chief of Engineers dated December 20, 2004, at a total cost of $19,700,000.

(b) TREATMENT OF CERTAIN DREDGING.—The headlands dredging for the mooring basin shall be considered a general navigation feature for purposes of estimating the non-Federal share of the cost of the project.

SEC. 139. (a) IN GENERAL.—The project for the beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776) shall be known as and designated as the "Paul S. Sarbanes Ecosystem Restoration Project at Poplar Island".

(b) REFERENCE.—Any reference in a law, map, regulation, document, paper or other record of the United States (including reference by the Corps of Engineers) to the project referred to in subsection (a) shall be deemed to be a reference to the "Paul S. Sarbanes Ecosystem Restoration Project at Poplar Island".

(c) EFFECTIVE DATE.—The project designation in this section shall become effective on January 4, 2007.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $32,614,000, to remain available until expended, of which $946,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,736,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and
other agreements with, State and local governments, Indian tribes, and others, $883,514,000, to remain available until expended, of which $59,544,000 shall be available for transfer to the Upper Colorado River Basin Fund and $21,998,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That $500,000 of the funds provided herein shall be used on a non-reimbursable basis to fund the collection of technical and environmental data to be used to evaluate potential rehabilitation of the St. Mary Storage Unit facilities, Milk River Project, Montana, and that Reclamation shall enter into cooperative agreements with the State of Montana or the Blackfeet Tribe to carry out such work if the Secretary determines such agreements would be cost-effective and efficient.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $52,219,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $37,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry
out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program: Provided further, That $500,000 shall be transferred to the Army Corps of Engineers to carry out the report on levee stability reconstruction projects and priorities authorized under section 103(f)(3) of Public Law 108–361.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $57,917,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, of which 11 are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or non-reimbursable and collected until fully repaid pursuant to the “Cleanup Program-Alternative Repayment Plan” and the “SJVDP-Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 202. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said
purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 203. (a) Section 1(a) of the Lower Colorado Water Supply Act (Public Law 99–655) is amended by adding at the end the following: "The Secretary is authorized to enter into an agreement or agreements with the city of Needles or the Imperial Irrigation District for the design and construction of the remaining stages of the Lower Colorado Water Supply Project on or after November 1, 2004, and the Secretary shall ensure that any such agreement or agreements include provisions setting forth: (1) the responsibilities of the parties to the agreement for design and construction; (2) the locations of the remaining wells, discharge pipelines, and power transmission lines; (3) the remaining design capacity of up to 5,000 acre-feet per year which is the authorized capacity less the design capacity of the first stage constructed; (4) the procedures and requirements for approval and acceptance by the Secretary of the remaining stages, including approval of the quality of construction, measures to protect the public health and safety, and procedures for protection of such stages; (5) the rights, responsibilities, and liabilities of each party to the agreement; and (6) the term of the agreement."

(b) Section 2(b) of the Lower Colorado Water Supply Act (Public Law 99–655) is amended by adding at the end the following: "Subject to the demand of such users along or adjacent to the Colorado River for Project water, the Secretary is further authorized to contract with additional persons or entities who hold Boulder Canyon Project Act section 5 contracts for municipal and industrial uses within the State of California for the use or benefit of Project water under such terms as the Secretary determines will benefit the interest of Project users along the Colorado River."

SEC. 204. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 205. The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants, cooperative agreements, and other agreements with irrigation or water districts and States to fund up to 50 percent of the cost of planning, designing, and constructing improvements that will conserve water, increase water use efficiency, or enhance water management through measurement or automation, at existing water supply projects within the States identified in the Act of June 17, 1902, as amended, and supplemented: Provided, That when such improvements are to federally owned facilities, such funds may be provided in advance on a non-reimbursable basis to an entity operating affected transferred works or may be deemed non-reimbursable for non-transferred works: Provided further, That the calculation of the non-Federal contribution shall provide for consideration of the value of any in-kind contributions, but shall not include funds received from other Federal agencies: Provided further, That the cost of operating and maintaining such improvements shall be the responsibility of the non-Federal entity: Provided further, That
this section shall not supercede any existing project-specific funding authority: Provided further, That the Secretary is also authorized to enter into grants or cooperative agreements with universities or non-profit research institutions to fund water use efficiency research.


(1) in paragraph (a) by striking “2005” and inserting in lieu thereof “2006”; and

(2) in paragraph (b) by striking “2005” and inserting in lieu thereof “2006”.

SEC. 207. Section 17(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 as amended (Public Law 100–585, 102 Stat. 2973; Public Law 106–554, 114 Stat. 2763A–266) is amended by striking “within 7 years” and all that follows through “following the date of enactment of this section” and inserting “for each of fiscal years 2006 through 2012”.

SEC. 208. (a)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary shall provide not more than $70,000,000 to the University of Nevada—

(A) to acquire from willing sellers land, water appurtenant to the land, and related interests in the Walker River Basin, Nevada; and

(B) to establish and administer an agricultural and natural resources research center, the mission of which shall be to undertake research, restoration, and educational activities in the Walker River Basin relating to—

(i) innovative agricultural water conservation;

(ii) cooperative programs for environmental restoration;

(iii) fish and wildlife habitat restoration; and

(iv) wild horse and burro research and adoption marketing.

(2) In acquiring interests under paragraph (1)(A), the University of Nevada shall make acquisitions that the University determines are the most beneficial to—

(A) the establishment and operation of the agricultural and natural resources research center authorized under paragraph (1)(B); and

(B) environmental restoration in the Walker River Basin.

(b)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary shall provide not more than $10,000,000 for a water lease and purchase program for the Walker River Paiute Tribe.

(2) Water acquired under paragraph (1) shall be—

(A) acquired only from willing sellers;

(B) designed to maximize water conveyances to Walker Lake; and

(C) located only within the Walker River Paiute Indian Reservation.

(c) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211...
(1) $10,000,000 for tamarisk eradication, riparian area restoration, and channel restoration efforts within the Walker River Basin that are designed to enhance water delivery to Walker Lake, with priority given to activities that are expected to result in the greatest increased water flows to Walker Lake; and

(2) $5,000,000 to the United States Fish and Wildlife Service, the Walker River Paiute Tribe, and the Nevada Division of Wildlife to undertake activities, to be coordinated by the Director of the United States Fish and Wildlife Service, to complete the design and implementation of the Western Inland Trout Initiative and Fishery Improvements in the State of Nevada with an emphasis on the Walker River Basin.

(d) For each day after June 30, 2006, on which the Bureau of Reclamation fails to comply with subsections (a), (b), and (c), the total amount made available for salaries and expenses of the Bureau of Reclamation shall be reduced by $100,000 per day.

SEC. 209. (a) The Secretary of the Interior is authorized to complete a special report to update the analysis of costs and associated benefits of the Auburn-Folsom South Unit, Central Valley Project, California authorized under Federal reclamation laws and the Act of September 2, 1965, P.L. 89–161, 79 Stat. 615 in order to—

(1) identify those project features that are still relevant;
(2) identify changes in benefit values from previous analyses and update to current levels;
(3) identify design standard changes from the 1978 Reclamation design which require updated project engineering;
(4) assess risks and uncertainties associated with the 1978 Reclamation design;
(5) update design and reconnaissance-level cost estimate for features identified under paragraph (1); and
(6) perform other analyses that the Secretary deems appropriate to assist in the determination of whether a full feasibility study is warranted.

(b) There are authorized to be appropriated $1,000,000 to carry out this section. The cost of completing this update shall be non-reimbursable.

TITLE III
DEPARTMENT OF ENERGY
ENERGY PROGRAMS
ENERGY SUPPLY AND CONSERVATION

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply and energy conservation activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,830,936,000, to remain available until expended.
CLEAN COAL TECHNOLOGY
(DEFERRAL AND RESCISSION)

Of the funds made available under this heading for obligation in prior years, $257,000,000 shall not be available until October 1, 2006: Provided, That funds made available in previous appropriations Acts shall be made available for any ongoing project regardless of the separate request for proposal under which the project was selected: Provided further, That $20,000,000 of uncommitted balances is rescinded.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $597,994,000, to remain available until expended, of which $18,000,000 is to continue a multi-year project coordinated with the private sector for FutureGen, without regard to the terms and conditions applicable to clean coal technological projects: Provided, That the initial planning and research stages of the FutureGen project shall include a matching requirement from non-Federal sources of at least 20 percent of the costs: Provided further, That any demonstration component of such project shall require a matching requirement from non-Federal sources of at least 50 percent of the costs of the component: Provided further, That of the amounts provided, $50,000,000 is available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: Provided further, That no project may be selected for which sufficient funding is not available to provide for the total project: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in 42 U.S.C. 5903d as well as those contained under the heading "Clean Coal Technology" in prior appropriations: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project se-
lected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account: Provided further, That for fiscal year 2006 salaries for Federal employees performing research and development activities at the National Energy Technology Laboratory can continue to be funded from program accounts: Provided further, That the Secretary of Energy is authorized to accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State, or private agencies or concerns: Provided further, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under the Fossil Energy Research and Development account may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, $21,500,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $48,000,000, for payment to the State of California for the State Teachers’ Retirement Fund, of which $46,000,000 will be derived from the Elk Hills School Lands Fund.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), including the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, $166,000,000, to remain available until expended.
ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $86,176,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed six passenger motor vehicles, of which five shall be for replacement only, $353,219,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, $562,228,000, to be derived from the Fund, to remain available until expended, of which $20,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed forty-seven passenger motor vehicles for replacement only, including not to exceed one ambulance and two buses, $3,632,718,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended (the “Act”), including the acquisition of real property or facility construction or expansion, $150,000,000, to remain available until expended, of which $100,000,000 shall be derived from the Nuclear Waste Fund: Provided, That of the funds made available in this Act for Nuclear Waste Disposal, $2,000,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act: Provided further, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended, not less than $500,000 shall be provided to Nye County, Nevada, for on-
site oversight activities under section 117(d) of that Act: Provided further, That $7,500,000 shall be provided to affected units of local government, as defined in the Act, to conduct appropriate activities and participate in licensing activities: Provided further, That 7.5 percent of the funds provided shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada units of local government: Provided further, That notwithstanding the provisions of Chapters 65 and 75 of Title 31, the Department shall have no monitoring, auditing or other oversight rights or responsibilities over amounts provided to affected units of local government under this heading: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the Act and this Act: Provided further, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Act, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: Provided further, That no funds provided in this Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy, or to withhold payment of any such funds.

**DEPARTMENTAL ADMINISTRATION**

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $35,000, $252,817,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $123,000,000 in fiscal year 2006 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201
of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2006, and any related appropriated receipt account balances remaining from prior years’ miscellaneous revenues, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $129,817,000: Provided further, That not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report, in unclassified form but with a classified appendix if necessary, on the Department of Energy’s plan to bring security for Building 3019 at the Oak Ridge National Laboratory, Oak Ridge, Tennessee, into full compliance with the Department’s Design Basis Threat Policy: Provided further, That the report shall include—

(1) a detailed description of any element of the Department’s Design Basis Threat Policy that is not to be fully addressed throughout the remaining lifetime of Building 3019;

(2) a detailed description of the security implementation plan, including security personnel, perimeter detection capability, response capabilities, use of security technology, and methods of meeting physical standoff requirements;

(3) a schedule with specific dates describing the milestones to achieve compliance with the Department’s Design Basis Threat Policy;

(4) a security management plan signed by the Secretary of Energy specifying the program secretarial offices responsible for implementing and funding the security program, including any incremental funding requirements to upgrade security levels for the period during the material handling and processing activities leading to complete disposition of the stored inventory of special nuclear material; and

(5) the justification for failing to fully comply with the Design Basis Threat Policy, if the Secretary does not intend to implement a security program at Building 3019 that fully complies with the Department’s Design Basis Threat requirements for new, continuing operations.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $42,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for
plant or facility acquisition, construction, or expansion; and the
purchase of not to exceed 40 passenger motor vehicles, for replace-
ment only, including not to exceed two buses; $6,433,936,000, to re-
main available until expended: Provided, That $81,350,000 is au-
thorized to be appropriated for Project 01–D–124 HEU materials fa-
cility, Y–12 Plant, Oak Ridge, Tennessee: Provided further, That
$7,000,000 is authorized to be appropriated for Project 05–D–140
Project engineering and design (PED), various locations.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase,
construction, and acquisition of plant and capital equipment and
other incidental expenses necessary for atomic energy defense, de-
fense nuclear nonproliferation activities, in carrying out the pur-
poses of the Department of Energy Organization Act (42 U.S.C.
7101 et seq.), including the acquisition or condemnation of any real
property or any facility or for plant or facility acquisition, construc-
tion, or expansion, $1,631,151,000, to remain available until ex-
pended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors
activities to carry out the Department of Energy Organization Act
(42 U.S.C. 7101 et seq.), including the acquisition (by purchase, con-
demnation, construction, or otherwise) of real property, plant, and
capital equipment, facilities, and facility expansion, $789,500,000,
to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the
National Nuclear Security Administration, including official recep-
tion and representation expenses not to exceed $12,000,
$341,869,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase,
construction, and acquisition of plant and capital equipment and
other expenses necessary for atomic energy defense environmental
cleanup activities in carrying out the purposes of the Department of
Energy Organization Act (42 U.S.C. 7101 et seq.), including the ac-
quisition or condemnation of any real property or any facility or for
plant or facility acquisition, construction, or expansion,
$6,192,371,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase,
construction, and acquisition of plant and capital equipment and
other expenses, necessary for atomic energy defense, other defense
activities, and classified activities, in carrying out the purposes of
the Department of Energy Organization Act (42 U.S.C. 7101 et seq.),
including the acquisition or condemnation of any real property or
any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed ten passenger motor vehicles for replacement only, including not to exceed two buses; $641,998,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $350,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2006, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $5,600,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302, up to $32,713,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power administration, $30,166,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302, up to $3,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.
CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $233,992,000, to remain available until expended, of which $229,596,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, $6,700,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That of the amount herein appropriated, $6,000,000 shall be available until expended on a nonreimbursable basis to the Western Area Power Administration for Topock-Davis-Mead Transmission Line Upgrades: Provided further, That notwithstanding the provision of 31 U.S.C. 3302, up to $279,000,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,692,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $220,400,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $220,400,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2006 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $0.
SEC. 301. (a)(1) None of the funds in this or any other appropriations Act for fiscal year 2006 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract unless the Secretary of Energy has published in the Federal Register and submitted to the Committees on Appropriations of the House of Representatives and the Senate a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires.

(2) Paragraph (1) does not apply to an extension for up to 2 years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity of service between contracts, or to complete a contract that will not be renewed.

(b) In this section:

(1) The term "noncompetitive management and operating contract" means a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory.

(2) The term "competitive procedures" has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

(c) For all management and operating contracts other than those listed in subsection (b)(1), none of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver. At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Committees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act
for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term “user facility” includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

SEC. 309. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purpose of this section, the material categories of transuranic waste from the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residue; (3) wet residues; (4) direct repackage residues; and (5) scrub alloy as referenced in the “Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site”.
SEC. 310. RENO HYDROGEN FUEL PROJECT FUNDING.—(a) The non-Federal share of project costs shall be 20 percent.
(b) The cost of project vehicles, related facilities, and other activities funded from the Federal Transit Administration Sections 5307, 5308, 5309, and 5314 program, including the non-Federal share for the FTA funds, is an eligible component of the non-Federal share for this project.
(c) Contribution of the non-Federal share of project costs for all grants made for this project may be deferred until the entire project is completed.
(d) All operations and maintenance costs associated with vehicles, equipment, and facilities utilized for this project are eligible project costs.
(e) This section applies to project appropriations beginning in fiscal year 2004.

SEC. 311. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—Of the funds made available by the Department of Energy for activities at government-owned, contractor-operator operated laboratories funded in this Act or subsequent Energy and Water Development Appropriations Acts, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory-directed research and development: Provided, That the Secretary may also authorize a specific amount not to exceed 3 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site-directed research and development: Provided further, That notwithstanding Department of Energy order 413.2A, dated January 8, 2001, beginning in fiscal year 2006 and thereafter, all DOE laboratories may be eligible for laboratory directed research and development funding.

SEC. 312. Of amounts appropriated to the Secretary of Energy for the Rocky Flats Environmental Technology Site for fiscal year 2006, the Secretary may provide, subject to authorization, up to $10,000,000 for the purchase of mineral rights at the Rocky Flats Environmental Technology Site.

SEC. 313. Section 4306 of the Atomic Energy Defense Act (50 U.S.C. 2566) is amended—

(1) in subsection (a)—
(A) in paragraph (2)(A), by striking “2009” each place it appears and inserting “2012”; and
(B) in paragraph (3)—
(i) in subparagraph (B)(ii), by striking “2009” and inserting, “2012”; and
(ii) in subparagraph (C), by striking “2009” and inserting “2012”;
(2) in subsection (b)—
(A) in paragraph (1)—
(i) by striking “(a)(2)” and inserting “(g)”; and
(ii) by striking “2009” and inserting “2012”;
(B) in paragraph (4), by striking “2009” each place it appears and inserting “2012”; and
(C) in paragraph (5), by striking “2009” and inserting “2012”;
(3) in subsection (c)—
(A) in the matter preceding paragraph (1), by striking, “2009” and inserting “2012”;
(B) in paragraph (1), by striking “2011” and inserting “2014”; and
(C) in paragraph (2), by striking “2017” each place it appears and inserting “2020”;
(4) in subsection (d)—
(A) in paragraph (1)—
(i) by striking “2011” and inserting “2014”;
(ii) by striking “from funds available to the Secretary” and inserting “subject to the availability of appropriations”; and
(iii) by striking “2016” and inserting “2019”; and
(B) in paragraph (2)(A), by striking “2017” each place it appears and inserting “2020”;
(5) in subsection (e), by striking “2020” and inserting “2023”;
(6) by redesignating subsection (g) as subsection (h); and
(7) by inserting after subsection (f) the following:
“(g) BASELINE.—Not later than December 31, 2006, the Secretary shall submit to Congress a report on the construction and operation of the MOX facility that includes a schedule for revising the requirements of this section during fiscal year 2007 to conform with the schedule established by the Secretary for the MOX facility, which shall be based on estimated funding levels for the fiscal year.”.

SEC. 314. SALES OF URANIUM.—(a) IN GENERAL.—Notwithstanding any other provision of Federal law, including section 3112 of the USEC Privatization Act (42 U.S.C. 2297h–2) and section 3302 of Title 31, United States Code, the Secretary of Energy is authorized to barter, transfer or sell uranium (including natural uranium concentrates, natural uranium hexafluoride, or in any form or assay) and to use any proceeds, without fiscal year limitation, to remediate uranium inventories held by the Secretary.

(b) ADDITIONAL REQUIREMENTS.—Any barter, transfer or sale of uranium under subsection (a) shall to the extent possible, be competitive and comply with all applicable Federal procurement laws (including regulations); and shall not exceed 10 percent of the total annual fuel requirements of all licensed nuclear power plants located in the United States for uranium concentrates, uranium conversion, or uranium enrichment.

SEC. 315. Section 130 of Division H (Miscellaneous Appropriations and Offsets) of the Consolidated Appropriations Act, 2004, Public Law 108–199, is hereby amended by striking “is provided for the Coralville, Iowa, project” and all that follows and inserting; “is provided for the Iowa Environmental and Education project to be located in Iowa. No further funds may be disbursed by the Department of Energy until a one hundred percent non-Federal cash and in-kind match of the appropriated Federal funds has been secured for the project by the non-Federal project sponsor: Provided, That the match shall exclude land donations: Provided further, That if the match is not secured by the non-Federal project sponsor by December 1, 2007, the remaining Federal funds shall cease to be available for the Iowa Environmental and Education project.”.
TITLE IV
INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $65,472,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $22,032,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, $12,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $50,000,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), purchase of promotional items for use in the recruitment of individuals for employment, $734,376,000, to remain available until expended: Provided, That of the amount appropriated herein, $46,118,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $617,182,000 in fiscal year 2006 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall
be reduced by the amount of revenues received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at not more than $117,194,000: Provided further, That section 6101 of the Omnibus Budget Reconciliation Act of 1990 is amended by inserting before the period in subsection (c)(2)(B)(v) the words “and fiscal year 2006”.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $8,316,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $7,485,000 in fiscal year 2006 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at not more than $831,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,608,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

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

And the Senate agree to the same.

DAVID L. HOBSON,
RODNEY P. FRELINGHUYSEN,
TOM LATHAM,
ZACH WAMP,
JO ANN EMERSON,
JOHN DOOLITTLE,
MICHAEL K. SIMPSON,
DENNIS R. REHBERG,
JERRY LEWIS,
PETER J. VISCLOSKY,
Chet Edwards,
Ed Pastor,
James E. Clyburn,
Marion Berry,
David R. Obey,
Managers on the Part of the House.

Pete V. Domenici,
Thad Cochran,
Mitch McConnell,
Robert F. Bennett,
Conrad Burns,
Larry E. Craig,
Christopher S. Bond,
Kay Bailey Hutchison,
Wayne Allard,
Harry Reid,
Robert C. Byrd,
Patty Murray,
Byron L. Dorgan,
Dianne Feinstein,
Tim Johnson,
Mary L. Landrieu,
Daniel K. Inouye,
Managers on the Part of the Senate.
JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes, submit the following joint statement to the House and Senate in explanation of the action agreed upon by the managers and recommend in the accompanying conference report.

The language and allocations set forth in House Report 109–86 and Senate Report 109–84 should be complied with unless specifically addressed to the contrary in the conference report and statement of managers. Report language included by the House which is not contradicted by the report of the Senate or the conference, and Senate report language which is not contradicted by the report of the House or the conference is approved by the committee of conference. The statement of managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House report and Senate report address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House report and Senate report are not inconsistent and are to be interpreted accordingly. In cases in which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

Senate amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

TITLE I—DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

The summary tables included in this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Corps of Engineers. Additional items of the conference agreement are discussed below.

WATER RESOURCE NEEDS IN THE WAKE OF HURRICANES KATRINA AND RITA

The conferees' funding recommendations in this statement of managers have been shaped by the occurrence of Hurricanes Katrina and Rita, their profound effects on the Gulf Coast of the United States, and what these storms revealed about our country's
vulnerability to natural disasters. Accordingly, total funding levels for Energy and Water Development Appropriations for fiscal year 2006 are $749,000,000 above the levels requested by the Administration, and the conferees have designated almost all of this increase for strengthening the water infrastructure of our nation. Dam safety, flood protection, and maintenance of vital navigation systems have been given priority.

The situation on the Gulf Coast in the wake of the 2005 hurricanes requires balance among competing forces. There is an urgent need for rapid restoration of flood control measures before the next storm season. The US Army Corps of Engineers has testified that it can accomplish these repairs by June 2006. However, extensive flooding occurred in the region despite the existence of flood control measures designed to withstand Category 3 hurricanes. Fully understanding what caused the flooding will require time, and the design and implementation of an improved protection system will take years. This means that some interim protection will be in place soon and better protection will be provided later.

This Act provides considerable support for on-going improvements to flood control projects along the Gulf Coast, particularly in Louisiana and Mississippi. The hurricanes have altered the underlying justifications for these projects and brought into question existing approaches and designs. The physical situation on the ground has changed, the nature and value of the communities and infrastructure to be protected have changed, and the engineering requirements for providing given levels of flood protection have changed. While the Corps of Engineers proceeds to reestablish pre-existing flood control works using funds provided on an emergency basis, a revised plan for providing an improved flood control system for the future is needed. Accordingly, the conferees direct the Secretary of the Army, acting through the Chief of Engineers, to provide the House and Senate Committees on Appropriations with a report detailing an integrated approach to flood control, navigation, and environmental restoration for the Gulf Coast region of Louisiana and Mississippi within 120 days of enactment. This report should present the overall approach for future spending and identify specific changes to on-going projects as well as proposals for future work. Hopefully, this vision can be in place to guide appropriations for next year and inform the five-year funding plan that is to accompany the Administration’s fiscal year 2007 budget request.

The conferees expect additional resources will be provided in subsequent supplemental appropriations bills to respond to the aftermath of Hurricane Katrina and shall be considered in the broader context of flood reduction for and reconstruction of the City of New Orleans as hurricane data analysis is completed and as a consensus on how best to protect the City of New Orleans emerges.

The budget request from the Administration recommended funding various projects based on seven performance guidelines, based principally on the ratio of remaining-benefits-to-remaining-costs. The conferees have endeavored to identify the most critical flood damage reduction and navigation projects in the allocation of resources provided, but in the absence of the Corps of Engineers being able to provide to the Congress its professional engineering judgment on which priority infrastructure needs should be ad-
dressed this fiscal year, the conferees have largely provided the budget request for individual water resource projects.

**PROGRAM MANAGEMENT AND EXECUTION**

The conferees agree that improvements in the Corps' program management and execution are necessary and appropriate. The conferees expect the civilian and military leadership of the Corps of Engineers to manage the Corps of Engineers and the Civil Works program.

*Five-year comprehensive budget planning.*—The Corps is directed to submit to the House and Senate Committees on Appropriations concurrent with each annual budget hereafter an updated five-year development plan, as delineated in the House report.

*Emphasis on expenditures.*—The Corps is directed to adopt a fiscal management practice that fully honors Congressional direction and accepts a higher level of carryover funds in order to achieve greatly increased transparency into project costs and multiyear funding commitments.

*Congressional justification materials.*—The conferees direct the Corps to improve its annual congressional budget submission by expanding the information presented to the Congress each year and to present its budget estimate by mission area. That information shall include, but not be limited to, those items more fully discussed in the House report. Such information shall include a detailed analysis of activities and projects funded in the current year but for which no funds are requested in the budget estimate. It is incumbent upon the Administration and the Corps of Engineers to disclose fully how it plans to carry out the current year appropriation. Inclusion of such information in the budget justification materials in no way implies continuing support of such projects or activities by the Administration or the Corps of Engineers but is needed by Congress to determine if the Executive Branch is executing fully its appropriation by program, project and activity consistent with Congressional direction and intent. The conferees note that similar information is provided in other executive branch agencies’ budget submissions and fail to understand why such information is not provided by the Corps of Engineers or cleared by the Office of Management and Budget for transmittal to the Congress.

*Performance-based budgeting.*—The conferees acknowledge the efforts of the Administration to develop a methodology for focusing limited federal resources on water resource projects, but recognize that the remaining-costs-to-remaining-benefits ratio used by the Administration has its limitations. In addition, the conferees note the inability of the Corps of Engineers to produce at the request of Congress a list of the ten most critical water resources needs in the country that need to be addressed given the Nation’s experience with Hurricane Katrina. Accordingly, the Corps of Engineers is directed to contract with the National Academy of Public Administration to study and recommend factors, perhaps to include remaining-costs-to-remaining-benefits, which should be used in determining the allocation of limited resources for the construction of water resource projects.
Savings and slippage.—The conferees acknowledge the existence of traditional savings and slippage, which may accrue either from unfavorable construction schedules and/or seasons or from delays in a project’s delivery because of environmental issues, litigation or local financial limitations. Such funds may be available for reallocation, only on a project-by-project basis, within the reprogramming limitation contained in section 101 in title I of this Act.

In recent years the Congress has artificially increased the historical savings and slippage estimate, thereby increasing the across-the-board reduction. The conferees have discontinued this practice. The conference agreement eliminates the need for an across-the-board reduction resulting from project allocations in excess of the amount appropriated for such account. In addition, an across-the-board reduction for historical savings and slippage shall not be assessed. Savings and slippage shall be taken on a project-by-project basis, recognizing the unique characteristics of each project and its total annual funding requirements.

Reprogramming.—The conference agreement modifies section 101 of the House bill, which provides very specific instances and procedures by which the Corps may reprogram funds. The Senate bill contained no similar guidance. The guidance contained herein shall supercede all previous Congressional direction with respect to the reprogramming of appropriated funds and shall apply to all available balances in the Corps’ accounts. For the purposes of carrying out this section, a reprogramming of funds is defined as any reallocation of funds into or from a line item set forth in the statement of managers accompanying this Act. No distinctions are to be made by the Corps for transfers or movements of funds, such as restorations or revocations, as has been the past practice. Any funds proposed for reprogramming shall be deemed to be excess to project needs, and shall be considered on a project-by-project basis.

Consistent with the recommendations found in a recent GAO report entitled “Improved Planning and Financial Management Should Replace Reliance on Reprogramming Actions to Manage Project Funds,” the Corps is directed to develop immediately a financial planning and management system for the investigations, construction, and operation and maintenance appropriations that changes the way the Corps allocates funds from an annual basis to a quarterly basis that reflects actual schedule and project performance. This recommendation is most crucial to ensure increased certainty in execution of projects. Accordingly, the conferees expect that project funds shall be allocated to the field operating agencies by the headquarters office on a quarterly basis on the expected rate of execution for each quarter.

Not later than 60 days following the enactment of this Act, the Corps shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year. That report shall contain a table for each appropriation, showing among other items, each program, project and activity in each appropriation. For each day after the required date that the report has not been submitted to Congress, the amount appropriated for salaries and expenses of the Corps of Engineers shall be reduced.
by $100,000 per day for each day after the required date that the report has not been submitted to the Congress. In addition, the conferees direct the Corps to provide quarterly reports to the House and Senate Committees on Appropriations detailing all projects from which and to which funds were reprogrammed pursuant to the authorities provided in this Act. The report shall also include reasons for the transfer of funds. The thresholds contained in section 101 shall apply to cumulative totals on a project-by-project basis.

Further, the conferees direct that, when the Corps executes a reprogramming pursuant to the authorities of this Act, the Corps and the project sponsor shall treat each reprogramming as a one time transaction with no commitment or expectation to return funds to that project.

The conferees expect the reprogramming authorities provided in this Act will improve the fiscal management of the Corps’ program. The conferees expect the Corps of Engineers to adhere to the letter and spirit of these reprogramming authorities. To the extent that the Corps is unable to improve its financial planning and management systems by the adoption of these authorities, the conferees will consider further restrictions in the Corps’ reprogramming authorities in the context of the fiscal year 2007 Energy and Water Development Appropriations Act.

Continuing contracts.—The conference agreement modifies two provisions proposed by the House regarding continuing contracts. These provisions are discussed in greater detail under General Provisions.

INVESTIGATIONS

The conference agreement provides $164,000,000 for Investigations, instead of $100,000,000 as provided by the House and $180,000,000 as proposed by the Senate. The conference agreement deletes a provision proposed by the House, which incorporates by reference the projects and activities specified in the statement of managers accompanying this Act. The Senate bill contained no similar provision.

The conference agreement includes a provision relating to planning assistance to the State of Ohio. In addition, the conference agreement includes a provision providing $8,000,000 to conduct, at full federal expense, a comprehensive hurricane protection study.

The conference agreement deletes a provision proposed by the Senate relating to funding for a project in Laupahoehe Harbor, Hawaii. The House bill contained no similar provision.

The conference agreement for investigations is shown in the following table:
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**MAINE**

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**MARYLAND**

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## CORPS OF ENGINEERS - INVESTIGATIONS
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### VIRGINIA

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<td><strong>SUBTOTAL, INVESTIGATIONS</strong></td>
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<td><strong>COMBINED TOTAL, INVESTIGATIONS</strong></td>
<td><strong>95,000</strong></td>
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<td>164,000</td>
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</table>
Matilija Dam, California.—The Secretary shall credit the non-Federal share of the cost of the Matilija Dam ecosystem project the cost of design and construction work carried out by the non-Federal interest before the date of execution of a cooperation agreement for the project.

San Joaquin Valley Region, California.—The conferees have provided funding for studies of the San Joaquin Valley region in California (consisting of Stanislaus, Madera, Merced, Fresno, Kings, Tulare, and Kern Counties).

Whitewater River Basin, California.—The conference agreement includes $100,000 to continue the design phase of the project.

Minnesota River Basin, Minnesota and South Dakota.—Within the funds provided for Minnesota River Basin, Minnesota and South Dakota, $80,000 has been provided for Blue Earth River ecosystem restoration in Minnesota, South Dakota, Iowa and North Dakota.

Louisiana Coastal Area, Louisiana.—For Louisiana coastal area ecosystem restoration area, the conferees have provided a total of $10,000,000 to further studies in mitigating wetlands loss in coastal Louisiana.

Great Lakes Navigation Study, MI, IL, IN, MN, NY, OH, PA and WI.—The conferees have included $1,285,000 for continued work on the Great Lakes Navigation Study, the scope of which is to be in accordance with the bi-national agreement between the United States and Canada. The conferees understand that the study is near completion and encourage the study sponsors and the Corps to move forward as swiftly as is practicable without compromising the scope or quality of the work. With the funds provided for fiscal year 2006, the conferees expect that the Secretary, acting through the Corps of Engineers, will be able to budget for completion in fiscal year 2007.

Red River of the North Basin, Minnesota, North and South Dakota.—Within the funds provided for Red River of the North Basin, Minnesota and North and South Dakota, $60,000 has been provided for Crookston.

Truckee Meadows, Nevada.—Funds are provided to continue planning, engineering and design activities for this flood control project. The conferees expect the Corps to complete the necessary studies as soon as practicable.

Edisto, South Carolina.—The conference agreement includes funds to complete the reconnaissance phase of the project.

Norfolk Harbor and Channels, Craney Island, Virginia.—Funds are provided to complete the feasibility study for this project.

Little Kanawha, West Virginia.—The conference agreement includes funds to complete the feasibility study for this project.

Coastal field data collection.—The conference agreement provides $4,125,000 for coastal field data collection. Within the funds provided, the Corps is directed to undertake the following activities with the amounts allocated below:

| Coastal Data Information Program | $500,000 |
| Southern California Beach Processes Study | $650,000 |
| Pacific Island Land Typhoon Experiment (PILOT) | $650,000 |
| Surge and Wave Island Modeling Studies (SWIMS) | $750,000 |
Remaining items, flood plain management services.—The conference agreement includes $6,407,000 for flood plain management services, instead of $5,625,000 as proposed by the House and $8,935,000 as proposed by the Senate. Within the funds provided, the Corps is directed to undertake the following activities with the amounts allocated below:

- Hurricane evacuation studies, HI: $500,000
- Livingston Parish, LA geographic information system: $625,000
- Rancocas Creek, NJ: $200,000
- Jackson, TN geographic information system: $250,000

Remaining items, planning assistance to states.—The conference agreement provides $5,727,000 for planning assistance to states, instead of $4,650,000 as proposed by the House and $7,550,000 as proposed by the Senate. Within the funds provided, the Corps is directed to undertake the following activities with the amounts allocated below:

- Assabet River sediment remediation study, MA: $300,000
- Bartlesville, Oklahoma water study: $100,000
- Lake Rogers, Creedmoor, North Carolina water quality study: $30,000
- Pike River, Wisconsin hydraulic and hydrological study: $20,000
- La Mirada, California flood control and drainage study: $125,000
- Memphis, Tennessee riverfront development: $200,000
- Lafayette Wabash River waterfront development, IN: $50,000
- Delaware recreation supply and demand study: $75,000
- Delaware groundwater investigation: $75,000
- Hilo Bay, Hawaii water quality model: $125,000
- Rock Creek, Kansas basin stormwater project: $200,000
- New Mexico photogrammetric mapping: $500,000
- Mangum, OK Lake Phase V study: $50,000
- Waccamaw River, SC watershed modeling: $25,000
- Surfside Beach, SC stormwater drainage study: $25,000
- Stark County, OH watershed drainage basin: $1,000,000

New Mexico photogrammetric mapping.—The conferees have provided $500,000 for New Mexico photographic mapping to be conducted utilizing the Corps’ Center of Expertise for Photogrammetric Mapping in St. Louis, Missouri.

Remaining items, research and development.—The conference agreement includes $26,583,000 for research and development activities, instead of $19,643,000 as proposed by the House and $34,500,000 as proposed by the Senate. Within the funds provided, the Corps is directed to undertake the following activities with the amounts allocated below:

- Chesapeake Bay submerged aquatic vegetation research: $500,000
- National Cooperative Modeling Demonstration Program: $500,000
- Innovative technology demonstrations for urban flooding and channel restoration, New Mexico and Nevada: $1,750,000
- Southwest Urban Flood Damage Program Research, New Mexico: $375,000
- Collaborative Planning and Management Demonstration Program: $375,000
- Advanced polymer technologies compliance activities: $500,000

The conferees further direct the Corps to begin pilot testing of rapid deployment flood walls, within available funds, not later than 30 days after enactment of this Act.

CONSTRUCTION

The conference agreement provides $2,372,000,000 for Construction, instead of $1,900,000,000 as proposed by the House and $2,086,664,000 as proposed by the Senate. The conference agree-
ment includes a provision as proposed by the Senate that derives amounts to cover one-half of the costs of construction and rehabilitation of certain inland waterways projects from the Inland Waterways Trust Fund. The House bill contained a provision that specified the amount to be derived from the Inland Waterways Trust Fund.

The conference agreement deletes a provision proposed by the House, which would have incorporated by reference the projects and activities specified in the statement of managers accompanying this Act. The Senate bill contained no similar provision.

The conference agreement modifies several provisions proposed by the House that set aside specific funds for the various sections of the continuing authorities program. The Senate bill contained no similar provisions.

The conference agreement modifies several provisions relating to specific projects as proposed in the Senate bill. The House bill contained no similar provisions.

The conference agreement includes an appropriation of $35,000,000 for Modified Water Delivery for the Everglades National Park. The House bill contained an appropriation of $137,000,000 for the South Florida Ecosystem Everglades Restoration Program, which included several other projects and Modified Water Delivery. The Senate bill contained no similar appropriation. Funding for the Central and South Florida project, the Kissimmee River Restoration project, and the Everglades and South Florida Restoration project is provided as separate projects.

The conference agreement includes a provision providing funds to the City of Caliente, Nevada, to construct local flood control measures.

The conference agreement for construction is shown in the following table:
### CONSTRUCTION
(Amounts in thousands)

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<thead>
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<th></th>
<th>Budget Request</th>
<th>Conference</th>
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<tr>
<td>Ohio River Greenway Public Access, (Corridor Project)</td>
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<tr>
<td><strong>Iowa</strong></td>
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<tr>
<td>Des Moines Recreational River and Greenbelt,</td>
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<tr>
<td>Lock and Dam 11, Mississippi River, IA (Major Rehab)</td>
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<td>Lock and Dam 19, Mississippi River, IA (Major Rehab)</td>
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<td>Perry Creek, IA</td>
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<td>Arkansas City, KS</td>
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<td>Turkey Creek Basin, KS and MO</td>
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<td>Tuttle Creek Lake, KS (Dam Safety)</td>
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<td>Kentucky Lock &amp; Dam 10, Tennessee River, KY</td>
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<td>McAlpine Locks and Dam, Ohio River, KY &amp; IN</td>
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<td>Southern and Eastern Kentucky</td>
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<tr>
<td><strong>Louisiana</strong></td>
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<td>Ascension Parish Environmental Infrastructure, LA</td>
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<td>Comite River, LA</td>
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<td>East Baton Rouge Parish, (Flood Control), LA</td>
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<td>Iberia Parish, LA (Environmental Infrastructure)</td>
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<td>Inner Harbor Navigation Canal Lock, LA</td>
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<td>Lake Pontchartrain and Vicinity, LA (Hurricane Protect)</td>
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<td>Lamarre to Golden Meadow, LA (Hurricane Protection)</td>
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<td>Livingston Parish, LA (Env. Infra.)</td>
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<td>Mississippi River Ship Channel, LA</td>
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<td>New Orleans to Venice, LA (Hurricane Protection)</td>
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<td>Ouachita River Levees, LA</td>
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<td>(AMOUNTS IN THOUSANDS)</td>
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<td>Barnegat to Little Egg Harbor Inlet, NJ</td>
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<td>Cape May Inlet to Lower Township, NJ</td>
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<td>Delaware Bay Coastline, DE &amp; NJ, Reeds Beach to Pierce</td>
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<td>Delaware River Main Channel, NJ, PA and DE (Deepening)</td>
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<td>Great Egg Harbor to Pinck Beach, NJ</td>
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<td>Hudson-Raritan Estuary, Hackensack Meadowlands, NJ</td>
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<td>Joseph G. Minish Passaic River Waterfront Park, NJ</td>
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<td>Molly Ann Brook</td>
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<td>Passaic River Preservation on Natural Storage Areas, NJ</td>
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<td>Raritan Bay and Sandy Hook Bay, NJ</td>
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<td>Raritan River Basin, Green Brook Sub-Basin, NJ</td>
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<td>Sandy Hook to Barnegat Inlet, NJ</td>
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<td>Townsend's Inlet to Cape May Inlet, NJ</td>
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<td>Middle Rio Grande Flood Protection, Bernalillo to Belen</td>
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<td>Rio Grande Floodway, San Acacia to Bosque del Apache</td>
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<td>Atlantic Coast of Long Island, Long Beach Island, NY</td>
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<td>Fire Island Inlet to Montauk Point, NY</td>
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<td>Dare County Beaches, NC (Bodie Island)</td>
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<td>Buford Trenton Irrigation District Land Acquisition, ND</td>
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<td>Garrison Dam and Power Plant, ND (Major Rehab)</td>
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<td>OKLAHOMA</td>
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<td>ELM FORK, RED RIVER, OK (CHLORIDE CONTROL)</td>
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<td>LAWTON WASTEWATER INFRASTRUCTURE REHABILITATION, OK</td>
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<td>LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR</td>
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<td>THREE RIVERS WET WEATHER DEMONSTRATION PROGRAM, PA</td>
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<td>DALLAS FLOODWAY EXTENSION (DFE), TX</td>
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<tr>
<td></td>
<td>JOHNSON CREEK, UPPER KINGDOM, ARLINGTON, TX</td>
<td>---</td>
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<tr>
<td></td>
<td>NORTH PADRE ISLAND, PACKER CHANNEL, TX</td>
<td>---</td>
</tr>
</tbody>
</table>
## Construction
### (Amounts in Thousands)

<table>
<thead>
<tr>
<th>State</th>
<th>Project Description</th>
<th>Budget Request</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>RED RIVER BASIN</td>
<td>CHLORIDE CONTROL PROJECT, WICHITA RIVER</td>
<td>---</td>
<td>1,125</td>
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<tr>
<td>SAN ANTONIO CHANNEL</td>
<td>IMPROVEMENT, TX</td>
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<td>2,730</td>
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<tr>
<td>SIMS BAYOU, HOUSTON,</td>
<td>TX</td>
<td>18,000</td>
<td>18,000</td>
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<tr>
<td>WHITNEY LAKE POWERHOUSE, TX (MAJOR REHABILITATION)</td>
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<td>3,413</td>
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<tr>
<td>UTAH</td>
<td>RURAL UTAH, UT</td>
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<tr>
<td>VERMONT</td>
<td>LAKE CHAMPLAIN WATERSHED, VT AND NY</td>
<td>---</td>
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<tr>
<td>VIRGINIA</td>
<td>RICHMOND COMBINED SEWER OVERFLOW (CSO)</td>
<td>---</td>
<td>750</td>
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<tr>
<td></td>
<td>EMBREY DAM, RAPPARANNOCK RIVER, VA</td>
<td>---</td>
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<td></td>
<td>JAMES RIVER, VA</td>
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<td>975</td>
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<td>JOHN H KERR DAM AND RESERVOIR, VA &amp; NC (MAJOR REHAB)</td>
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<td>LAKE MERRIMAC, LITTLE CALF PASTURE RIVER (GOSEN), VA</td>
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<td></td>
<td>NORFOLK HARBOUR AND CHANNELS (DEEPENING), VA</td>
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<td></td>
<td>ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA</td>
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<td></td>
<td>SANDHURST, VA</td>
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<tr>
<td></td>
<td>VIRGINIA BEACH, VA (HURRICANE PROTECTION)</td>
<td>4,000</td>
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<tr>
<td>WASHINGTON</td>
<td>CHIEF JOSEPH DAM GAS ABATEMENT, WA</td>
<td>---</td>
<td>8,000</td>
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<tr>
<td></td>
<td>COLUMBIA RIVER FISH MITIGATION, WA, OR &amp; ID</td>
<td>102,000</td>
<td>85,000</td>
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<tr>
<td></td>
<td>DUNHAM GREEN RIVER BASIN, WA (ECOSYSTEM RECONSTRUCTION)</td>
<td>---</td>
<td>1,875</td>
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<tr>
<td></td>
<td>HOWARD HANSON DAM ECO SYSTEM RESTORATION, WA</td>
<td>14,100</td>
<td>14,100</td>
</tr>
<tr>
<td></td>
<td>LOWER SNAKE RIVER FISH &amp; WILDLIFE COMPENSATION, WA, OR &amp; ID</td>
<td>900</td>
<td>675</td>
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<tr>
<td></td>
<td>MT ST HELENS SEDIMENT CONTROL, WA</td>
<td>360</td>
<td>495</td>
</tr>
<tr>
<td></td>
<td>MUD MOUNTAIN DAM, WA (DAM SAFETY)</td>
<td>4,400</td>
<td>4,400</td>
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<tr>
<td></td>
<td>PUGET SOUND AND ADJACENT WATERS RESTORATION, WA</td>
<td>---</td>
<td>1,500</td>
</tr>
<tr>
<td></td>
<td>SHADALWATER BAY SHORELINE EROSION, WA</td>
<td>---</td>
<td>1,500</td>
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<tr>
<td>WEST VIRGINIA</td>
<td>BLUESTONE LAKE, WV (DAM SAFETY)</td>
<td>21,500</td>
<td>21,500</td>
</tr>
<tr>
<td></td>
<td>CENTRAL WEST VIRGINIA ENVIRONMENTAL INFRASTRUCTURE, WV</td>
<td>---</td>
<td>563</td>
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<tr>
<td></td>
<td>GREENBRIER RIVER BASIN, WV (MARLINTON)</td>
<td>---</td>
<td>2,000</td>
</tr>
<tr>
<td></td>
<td>ISLAND CREEK AT LOGAN, WV</td>
<td>---</td>
<td>305</td>
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<tr>
<td></td>
<td>LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, WV, V</td>
<td>---</td>
<td>31,100</td>
</tr>
<tr>
<td></td>
<td>LOWER MUD RIVER, WV</td>
<td>---</td>
<td>1,250</td>
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<td></td>
<td>MARLY LOCK, KANAWHA RIVER, WV</td>
<td>68,830</td>
<td>73,500</td>
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<tr>
<td></td>
<td>ROBERT C BYRD LOCKS AND DAM, OHIO RIVER, WV &amp; OH</td>
<td>914</td>
<td>914</td>
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<tr>
<td></td>
<td>SOUTHERN WEST VIRGINIA ENVIRONMENTAL INFRASTRUCTURE</td>
<td>---</td>
<td>750</td>
</tr>
<tr>
<td></td>
<td>WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL, WV &amp; PA</td>
<td>---</td>
<td>750</td>
</tr>
<tr>
<td></td>
<td>WINFIELD LOCKS AND DAM, KANAWHA RIVER, WV</td>
<td>2,400</td>
<td>2,400</td>
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<tr>
<td>WISCONSIN</td>
<td>NORTHERN WISCONSIN ENVIRONMENTAL ASSISTANCE PROGRAM, WI</td>
<td>---</td>
<td>8,000</td>
</tr>
</tbody>
</table>

### Miscellaneous
- **ABANDON MINE RESTORATION**: ---, 1,000
- **AQUATIC ECOSYSTEM RESTORATION (SECTION 206)**: 15,000, 30,000
- **AQUATIC PLANT CONTROL PROGRAM**: 3,000, 4,000
- **BENEFICIAL USES OF DREDGED MATERIAL (SEC 204, SEC 207, SE)**: 3,000, 5,000
- **DAM SAFETY AND SEEPAGE/STABILITY CORRECTION PROGRAM**: 11,000, 15,000
- **DREDGED MATERIAL DISPOSAL FACILITIES PROGRAM**: 12,000, 8,800
- **EMERGENCY STREAMBANK AND SHORELINE PROTECTION (SECTION 408)**: 4,000, 15,000
- **EMPLOYEES COMPENSATION**: 21,000, 21,000
- **ESTUARY RESTORATION PROGRAM (PL 106-457)**: 5,000, 1,000
<table>
<thead>
<tr>
<th>CONSTRUCTION</th>
<th>BUDGET REQUEST</th>
<th>CONFERENCE</th>
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<tbody>
<tr>
<td>(AMOUNTS IN THOUSANDS)</td>
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<tr>
<td>FLOOD CONTROL PROJECTS (SECTION 205)</td>
<td>13,000</td>
<td>40,000</td>
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<tr>
<td>INLAND WATERWAYS USERS BOARD - BOARD EXPENSE</td>
<td>40</td>
<td>40</td>
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<td>INLAND WATERWAYS USERS BOARD - CORPS EXPENSE</td>
<td>170</td>
<td>170</td>
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<tr>
<td>MITIGATION OF SHORE DAMAGES (SECTION 111)</td>
<td>1,500</td>
<td>500</td>
</tr>
<tr>
<td>NAVIGATION PROJECTS (SECTION 107)</td>
<td>---</td>
<td>12,000</td>
</tr>
<tr>
<td>PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONMENT</td>
<td>15,000</td>
<td>30,000</td>
</tr>
<tr>
<td>SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION</td>
<td>---</td>
<td>2,850</td>
</tr>
<tr>
<td>SHORE PROTECTION PROJECTS (SECTION 103)</td>
<td>500</td>
<td>7,000</td>
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<tr>
<td>SNAGGING AND CLEARING PROJECTS (SECTION 208)</td>
<td>400</td>
<td>300</td>
</tr>
<tr>
<td>SUSPENSION FUND</td>
<td>80,000</td>
<td>---</td>
</tr>
<tr>
<td>TRIBAL PARTNERSHIP</td>
<td>---</td>
<td>600</td>
</tr>
<tr>
<td>REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE</td>
<td>---</td>
<td>81,441</td>
</tr>
<tr>
<td>TOTAL, CONSTRUCTION</td>
<td>1,637,000</td>
<td>2,372,000</td>
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</tbody>
</table>
American River watershed.—The conference agreement includes a total of $28,960,000 for American River watershed projects. These funds are to be available as follows:

- **Common features** ................................................................. $4,405,000
- **Folsom Dam modifications** .................................................... 9,555,000
- **(Permanent dam below Folsom Dam)** ......................... (10,000,000)
- **Folsom Dam mini-raise** ..................................................... 15,000,000

Santa Ana River mainstem, California.—A total of $61,650,000 is provided for the Santa Ana River mainstem in California. Funds are to be distributed as delineated in the House report.

Central and South Florida.—Within the funds provided, work shall continue on the Upper St. Johns River project.

Rural Idaho environmental infrastructure, Idaho.—The conference agreement includes $5,000,000 for rural Idaho environmental infrastructure. Within the funds provided, the Corps is directed to give consideration to projects at Emmett, Burley, Rupert, Bonners Ferry, Donnelly, Eastern Idaho Regional Water Authority, Driggs and Smelterville. Other communities that meet the program criteria may be considered as funding allows.

Olmstead Locks and Dam, Ohio River, Illinois and Kentucky.—Neither funds provided for Olmstead Locks and Dam project nor funds available within this account are available to reimburse the Claims and Judgment Fund.

Upper Mississippi River restoration, IL, IA, MN, MO and WI.—The conference agreement includes $20,000,000 for Upper Mississippi River restoration, which shall be available only to continue ongoing projects and shall not be available to initiate any new projects.

Missouri fish and wildlife mitigation, IA, KS, MO, MT, NE, ND, and SD.—The conference agreement includes funds for only those specifically authorized Missouri fish and wildlife and mitigation activities, namely along the lower Missouri River. The conferees agree that the Administration should submit a legislative proposal for habitat recovery for the upper reaches of the river for consideration by the appropriate authorizing committees before funds are expended on these additional mitigation activities.

Louisville Waterfront Park, Kentucky.—The Corps of Engineers is directed to use funds appropriated in Public Law 107–66, Public Law 108–7 and Public Law 108–137, to continue with design and construction of Phase II of the Louisville Waterfront Park, specifically the Big Four Bridge and Spiral.

J. Bennett Johnston Waterway, Louisiana.—The conferees have provided $13,000,000 for navigation channel refinement features, land purchases and development for mitigation of project impacts, and construction of project recreation features and appurtenant features.

Chesapeake Bay environmental program, MD, PA, and VA.—Within the funds provided, $273,000 is included to continue the environmental studies concerning non-native oysters.

Rural Montana.—Within the funds provided, the Corps is directed to give consideration to the projects at Livingston, Missoula (Grant Creek), Meagher County, Stevensville, Helena, Wisdom, Bigfork, Sheridan, Butte and Drummond. Other communities that meet the program criteria should be considered as funding allows.
**Fire Island Inlet to Montauk Point, New York.**—The conference agreement includes $1,075,000 for the reformulation study.

**New York and New Jersey Harbor, New York and New Jersey.**—Within the funds provided for New York and New Jersey Harbor, New York and New Jersey, the conferees direct the Corps to use up to $2,000,000 to plan for and enter into an agreement with a state or non-Federal sponsor to develop a dredged material processing facility that would accomplish the objectives of reducing the cost of dredged material management in the port, preparing dredged material for beneficial uses, and implementing innovative dredged material management technologies.

**Rural Nevada.**—Within the funds provided, the Corps is directed to give consideration to projects of Douglas County, Battle Mountain, North Lemmon Valley, Spanish Valley Phase II, Huffaker Hills Water Conservation, Lawton-Verdi, Boulder City, Lyon County, Gerlach, Searchlight, Incline Village, Esmeralda County, Churchill County, West Wendover, Yearlington, Virgin Valley Water District, Lovelock, Lander County, Round Hill Phase II and Carson City. Other communities that meet the program criteria should be considered as funding allows.

**Tropicana and Flamingo Washes, Nevada.**—Within the funds provided, $3,000,000 is provided for work performed in accordance with Section 211 of Public Law 104–303.

**Wrightsville Beach, North Carolina.**—Funds are provided for beach restoration efforts resulting from natural erosion and navigation activities.

**Ohio environmental infrastructure.**—The bill provides $13,000,000 for Ohio environmental infrastructure for fiscal year 2006. These funds, together with $3,849,000 from Clark County (Ohio) and Lower Mad River Valley Sewer Infrastructure and Storm Water Management projects remaining unobligated from fiscal year 2004, shall be distributed as follows:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benton Ridge wastewater treatment</td>
<td>$500,000</td>
</tr>
<tr>
<td>Brookfield Center South sanitary sewer</td>
<td>250,000</td>
</tr>
<tr>
<td>Cambridge sewer system east of I–77</td>
<td>425,000</td>
</tr>
<tr>
<td>Cuyahoga River environmental restoration</td>
<td>500,000</td>
</tr>
<tr>
<td>Elyria water treatment plant</td>
<td>200,000</td>
</tr>
<tr>
<td>Franklin County, Village of New Albany environmental restoration</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Fulton County Elmira/Burlington wastewater collection and treatment</td>
<td>300,000</td>
</tr>
<tr>
<td>Gallia County water and sewer</td>
<td>300,000</td>
</tr>
<tr>
<td>Higginsport sanitary sewer</td>
<td>750,000</td>
</tr>
<tr>
<td>Lake County Madison Township Chapel Road Interceptor sewer</td>
<td>505,000</td>
</tr>
<tr>
<td>Licking County, Village of Hanover wastewater collection</td>
<td>325,000</td>
</tr>
<tr>
<td>Marysville water treatment facility upgrades</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Norwalk wastewater treatment plant</td>
<td>300,000</td>
</tr>
<tr>
<td>Rushsylvania wastewater treatment</td>
<td>500,000</td>
</tr>
<tr>
<td>Springfield Hospital water and sewer project</td>
<td>3,025,000</td>
</tr>
<tr>
<td>Springfield Nextedge Technology Park water and sewer</td>
<td>750,000</td>
</tr>
<tr>
<td>Southern Franklin County and Northern Pickaway County sewer line expansion</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Toledo wastewater treatment plant</td>
<td>250,000</td>
</tr>
<tr>
<td>Trotwood storm drain and stream relocation</td>
<td>750,000</td>
</tr>
<tr>
<td>University of Dayton, Brown and Stewart Streets water and sewer</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Village of Ottawa regional waterline</td>
<td>300,000</td>
</tr>
<tr>
<td>Yellow Springs McGregor Center for Business and Education Park,</td>
<td>450,000</td>
</tr>
<tr>
<td>water and sewer</td>
<td>150,000</td>
</tr>
<tr>
<td>Springfield AirPark water project</td>
<td>1,500,000</td>
</tr>
</tbody>
</table>
Clark County Park I-675 water and sewer project ........................................ 324,000
Summit County, City of Hudson, Seasons Road sanitary sewer pump station ................................................................. 495,000

Southeastern Pennsylvania infrastructure program, Pennsylvania.—Within the funds provided for Southeastern Pennsylvania infrastructure program, the conferees have provided $300,000 for Cobbs Creek Park and $300,000 for Tacony Creek.

Cheyenne River Sioux Tribe, Lower Brule Sioux, South Dakota.—Within the funds provided, the conferees direct that not more than $1,000,000 shall be provided for administrative expenses, and that the Corps is to distribute the remaining funds as directed by Title IV of the Water Resources Act of 1999 to the State of South Dakota, the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.

Columbia River fish mitigation, WA, OR and ID.—The conferees have chosen not to combine the various, separately authorized components of the project into a single line item and believe it is prudent to maintain visibility and transparency in the various project elements throughout budget execution.

Mt. St. Helens, Washington.—Additional funds have been provided to initiate a general reevaluation report to determine if ecosystem restoration actions are prudent in the Cowlitz and Toutle watersheds for species that have been listed as being of economic importance and threatened or endangered.

Mud Mountain, Washington.—Out of the funds provided, the Corps is directed to use up to $600,000 to study fish passage.

Levisa and Tug Forks and Upper Cumberland River, WV, VA and KY.—The conference agreement includes $31,100,000 for Levisa and Tug Forks and Upper Cumberland River, WV, VA and KY. Within the amounts provided, $16,000,000 shall be for elements of the project in the Commonwealth of Kentucky, $5,600,000 shall be for elements within the State of West Virginia and $9,500,000 shall be for Virginia elements.

Robert C. Byrd Locks and Dam, Ohio River, West Virginia and Ohio.—The conference agreement includes funds to continue Jenkins preservation and contract management but excludes funds for planning, engineering and design.

Aquatic Plant Control Program.—The conference agreement includes $4,000,000 for this program. Within the funds provided, the conferees have provided $100,000 for Lake Gaston, North Carolina, and $400,000 for Lake Champlain, Vermont.

Beneficial Uses of Dredged Material.—Within the funds provided, $3,000,000 is for Morehead City, North Carolina, and $200,000 for Dauphin Island, Alabama.

Dam Safety and Seepage/Stability Corrective Program.—The conference agreement includes $15,000,000, of which $4,000,000 is to complete the Waterbury dam repairs in Vermont, and $600,000 is for Dover Dam in Ohio.

Shore Line Erosion Control Development and Demonstration Program.—Within the funds provided, $1,725,000 shall be available for the alternative sand test beach and breakwater project in Florida and $1,250,000 for the Sacred Falls demonstration project in Hawaii.
Estuary Restoration Program.—The conference agreement includes $1,000,000 for the estuary restoration program. The Corps is directed to provide the House and Senate Committees on Appropriations a spending plan for the program in fiscal year 2005 and 2006 prior to the expenditure of funds.

Tribal partnership.—Within the funds provided, $300,000 shall be for efforts in New Mexico and $300,000 shall be for cultural resource restoration on historic Washoe lands.

CONTINUING AUTHORITIES PROGRAM

The Act contains several provisions specifying the amount of funds made available for each of the continuing authorities programs (CAP), as proposed by the House. The Senate bill contained no similar provisions.

The conference agreement includes the following amounts for each of the specific program authorities of the continuing authorities program:

<table>
<thead>
<tr>
<th>Section</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>107</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>103</td>
<td>7,000,000</td>
</tr>
<tr>
<td>205</td>
<td>40,000,000</td>
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<tr>
<td>14</td>
<td>15,000,000</td>
</tr>
<tr>
<td>1135</td>
<td>30,000,000</td>
</tr>
<tr>
<td>206</td>
<td>30,000,000</td>
</tr>
<tr>
<td>204</td>
<td>5,000,000</td>
</tr>
<tr>
<td>208</td>
<td>300,000</td>
</tr>
<tr>
<td>111</td>
<td>500,000</td>
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</table>

In an effort to reduce the current backlog of CAP projects, the conferees have endeavored to provide sufficient appropriations to continue various Corps-initiated CAP projects while also allocating funds for Congressionally-directed projects. For example, the conference agreement includes appropriations for sections 1135 and 206 in excess of the annual authorized level so as to reduce the significant unfunded backlog of projects. These appropriations levels are a one-time event; neither the Corps nor its stakeholders should expect funding at these levels to continue and should plan their programs and projects accordingly.

The conferees agree that significant management reform of the CAP program is necessary. Therefore, within 60 days of enactment of this Act, and annually thereafter concurrent with the budget submission, the Corps is directed to submit to the House and Senate Committees on Appropriations a program management plan detailing the specific actions the Corps will take to prioritize projects and to manage the program in the future. This management plan shall include at least a five-year time horizon consistent with the Five-Year Comprehensive Budget Plan and may, after the initial submission, be incorporated into the larger planning effort. Additionally, the Corps shall provide to the House and Senate Committees on Appropriations, concurrent with the annual budget submission, a status report delineating all ongoing projects, identifying on a project-by-project basis the annual out-year budgetary requirements to complete each project.

In developing its management plan and in an effort to reduce the backlog of projects, the Corps is directed to prioritize projects in the following manner: first, funding should be available for construction projects for which an executed project cooperation agree-
ment is in place; second, funding should be available for projects with executed feasibility cost sharing agreements. The conferees direct the Corps to place a moratorium on the execution of any new project cooperation agreements or feasibility cost sharing agreements in fiscal year 2006. Work may continue on any phase of a particular project as funding and priority allows, but no project shall advance to the next stage during fiscal year 2006 unless such project can be completed within the funds specified or can advance into the design phase in fiscal year 2006.

The Corps is directed not to initiate any new project or re-start a project within any CAP program in fiscal year 2006 unless such project is specifically named in an Energy and Water Development Appropriations Act or its accompanying statement of managers from fiscal year 2001 through 2006. Within 60 days of enactment of this Act, the Corps shall submit to the House and Senate Committees on Appropriations a report detailing those CAP projects that have not been named in an Energy and Water Development Appropriations Act from fiscal year 2001 through 2006 or for which no funds have been expended in fiscal years 2001 through 2005.

The conferees further direct the Corps to implement guidelines to require feasibility study cost sharing from non-Federal sources for all CAP authorities, to be effective October 1, 2006. The conferees note that this is the current practice in all but the environmental authorities.

The following table includes the name of the project, the CAP authority under which the project is authorized and the amount of funding included in the conference agreement:
CONTINUING AUTHORITIES PROGRAMS
(In thousands of dollars)

**SMALL NAVIGATION PROJECTS**
(SECTION 107)

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blytheville Harbor, AR</td>
<td>500</td>
</tr>
<tr>
<td>Oyster Point Marina Breakwater Reconfiguration, CA</td>
<td>2100</td>
</tr>
<tr>
<td>Kahoolawe Small Boat Basin, HI</td>
<td>250</td>
</tr>
<tr>
<td>North Kohala Navigation Improvements, HI</td>
<td>150</td>
</tr>
<tr>
<td>Port Fuchon, LA</td>
<td>88</td>
</tr>
<tr>
<td>Westport River and Harbor, MA</td>
<td>70</td>
</tr>
<tr>
<td>Naticoke Harbor, MD</td>
<td>250</td>
</tr>
<tr>
<td>St. Jerome Creek, MD</td>
<td>200</td>
</tr>
<tr>
<td>Mackinac Isle, harbor breakwater, MI</td>
<td>50</td>
</tr>
<tr>
<td>Northwestern Michigan College, Traverse City, MI</td>
<td>55</td>
</tr>
<tr>
<td>Ontonagon Harbor Channel extension, Ontonagon, MI</td>
<td>184</td>
</tr>
<tr>
<td>Knife River Harbor, MN</td>
<td>54</td>
</tr>
<tr>
<td>Yazoo Diversion Canal, MS</td>
<td>2900</td>
</tr>
<tr>
<td>Hampton Harbor, NH</td>
<td>55</td>
</tr>
<tr>
<td>Olcott Harbor, NY</td>
<td>70</td>
</tr>
<tr>
<td>Charlestown Breachway and Ningret Pond, RI</td>
<td>90</td>
</tr>
<tr>
<td>Northwest Tennessee Regional Harbor, TN</td>
<td>490</td>
</tr>
<tr>
<td>Wisconsin Lakeshore State Park Breakwater, WI</td>
<td>2000</td>
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</tbody>
</table>

**SMALL BEACH EROSION CONTROL PROJECTS**
(SECTION 103)

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unalakleet Seawall, AK</td>
<td>600</td>
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<tr>
<td>Solana Beach, CA (Fletcher Cove)</td>
<td>15</td>
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<tr>
<td>North Shore of Indiana River Inlet, DE</td>
<td>600</td>
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<tr>
<td>Whiting, IN</td>
<td>100</td>
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<tr>
<td>Pleasure Island, MD</td>
<td>500</td>
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<tr>
<td>St. Mary's River, MD</td>
<td>630</td>
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<tr>
<td>Philadelphia shipyard, PA</td>
<td>200</td>
</tr>
<tr>
<td>Morris Island Lighthouse, SC</td>
<td>2234</td>
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</table>

**SMALL FLOOD CONTROL PROJECTS**
(SECTION 205)

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fort Yukon, AK</td>
<td>200</td>
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<tr>
<td>Salcha, AK</td>
<td>400</td>
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<tr>
<td>Huntsville Big Spring Branch debris removal, AL</td>
<td>100</td>
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<tr>
<td>Huntsville Dallas Branch bypass, Huntsville, AL</td>
<td>200</td>
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<tr>
<td>Wynne, AR</td>
<td>75</td>
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<tr>
<td>City of 29 Palms Pinto Cove flood control channel, CA</td>
<td>1000</td>
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<tr>
<td>Cosgrove Creek, CA</td>
<td>150</td>
</tr>
<tr>
<td>Florinar Storm Drain, Whittier, CA</td>
<td>95</td>
</tr>
<tr>
<td>Heacock and Cactus Channels, CA</td>
<td>550</td>
</tr>
<tr>
<td>New Hogan Lake Reoperation, CA</td>
<td>300</td>
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<tr>
<td>Burnt Mountain flood control improvements, CA</td>
<td>736</td>
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</tbody>
</table>
## CONTINUING AUTHORITIES PROGRAMS

(Expressed in thousands of dollars)

### SMALL FLOOD CONTROL PROJECTS

 SECTION 205

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oak Creek, Florence, CO (Oak Creek Reservoir)</td>
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<tr>
<td>Van Bribber Creek, CO</td>
<td>318</td>
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<tr>
<td>Harbor Brook, Meriden, CT</td>
<td>75</td>
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<tr>
<td>Salmon River, CT</td>
<td>460</td>
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<tr>
<td>Little Mill Creek, New Castle County, DE</td>
<td>2000</td>
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<tr>
<td>Kulissoo Stream Flood Damage Reduction, HI</td>
<td>250</td>
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<tr>
<td>Palai Stream Flood Damage Reduction, HI</td>
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<tr>
<td>Waiakea Stream Flood Damage Reduction Project, HI</td>
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<tr>
<td>Waialee Stream Flood Damage Reduction Project, HI</td>
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<tr>
<td>Cedar River (Time Check Area), Cedar Rapids, IA</td>
<td>300</td>
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<tr>
<td>Denison, IA</td>
<td>1400</td>
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<tr>
<td>East Peoria flood control project, IL</td>
<td>3600</td>
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<tr>
<td>Fort Wayne, St. Marys and Maumee Rivers, IN</td>
<td>200</td>
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<tr>
<td>Eureka Creek Local Flood Protection Project, KS</td>
<td>240</td>
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<tr>
<td>Whitewater and Walnut Rivers, Augusta, KS</td>
<td>2500</td>
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<tr>
<td>Braithwaite Park, LA</td>
<td>440</td>
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<tr>
<td>Jean Lafitte, Fisher School Basin, Jefferson Parish, LA</td>
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<td>Oakville to LaReuaute, LA</td>
<td>90</td>
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<tr>
<td>Red Chute Bayou, Bossier Parish, LA</td>
<td>425</td>
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<tr>
<td>Town of Carneco, Lafayette, LA</td>
<td>155</td>
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<tr>
<td>Elkton, MD</td>
<td>30</td>
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<tr>
<td>Montevideo, MN</td>
<td>658</td>
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<tr>
<td>Blacksnake Creek, St. Joseph, MO</td>
<td>240</td>
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<tr>
<td>Libbourn Outlet Ditch, MO</td>
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<td>Little River Diversion, Duxitown, MO</td>
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<tr>
<td>Livingston Yellowstone river flood plain study, MT</td>
<td>135</td>
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<td>Swannanoa River Watershed, NC</td>
<td>100</td>
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<tr>
<td>Wilson, NC (Hornby Swamp Flood Control)</td>
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<td>Fargo Redwood Addition, ND</td>
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<td>Jackson Brook, NJ</td>
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<td>Upper Passaic River, Long Hill Township, NJ</td>
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<td>Hather, NM</td>
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<td>Little Puerco River, Gallup, NM</td>
<td>100</td>
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<tr>
<td>Little Puerco Wash, Gallup, NM</td>
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<tr>
<td>Battle Mountain, NV</td>
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<tr>
<td>North Spanish Springs, NV</td>
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<tr>
<td>Fulmer Creek, NY</td>
<td>862</td>
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<td>Moyer Creek, NY</td>
<td>760</td>
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<tr>
<td>Hailey Creek, OK</td>
<td>100</td>
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<td>Cedar Run Flood Control Project, PA</td>
<td>193</td>
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<td>Little Mill Creek, Gravel Road, PA</td>
<td>200</td>
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<tr>
<td>Lower Lycoming Creek, Lycoming County, PA</td>
<td>340</td>
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<tr>
<td>Mentoursville flood damage reduction, PA</td>
<td>360</td>
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<tr>
<td>Beaver Creek, Bristol, TN and VA</td>
<td>200</td>
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<tr>
<td>Sandy Creek, TN</td>
<td>50</td>
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<tr>
<td>Little Brazos River, TX</td>
<td>325</td>
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<tr>
<td>Little Fossil Creek, Haltom City, TX</td>
<td>270</td>
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<tr>
<td>Passumpsic River, Lyndonville, VT</td>
<td>42</td>
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</tbody>
</table>
CONTINUING AUTHORITIES PROGRAMS
(In thousands of dollars)

STREAMBANK AND SHORELINE PROTECTION
FOR PUBLIC FACILITIES (SECTION 14)

- Deering Shoreline Protection, AK: 60
- Kwethluk, AK: 55
- 27th street bridge, Glenwood Springs, CO: 30
- Powers Boulevard, Colorado Springs, CO: 34
- Iowa River, Sac and Fox Tribe, IA: 30
- Raccoon River, Panora County, IA: 12
- Indiana University, South Bend, IN: 765
- Ohio River, South First Street, Rockport, IN: 715
- Thorne Dr., Fort Wayne, IN: 50
- Bayou Macon, Poverty Point, LA: 470
- Patuxent River, Patuxent Beach Road, MD: 34
- Marquette shoreline protection, MI: 140
- St. Joseph shoreline protection, MI: 175
- Big Bend Cemetery, MN: 250
- Fox River, Highway 61 bridge protection, MO: 120
- Rush Creek Bank Stabilization Project, MO: 776
- Eubanks Creek, Jackson, MS: 275
- Elizabeth River, Valleyview Road, Hillside, NJ: 25
- Malapardis Brook Mountain, Pleasant Avenue, Hanover, NJ: 175
- I-49 Bridge, Rio Puerco, NM: 859
- Lake Ontario, Albion water treatment plant, NY: 259
- Newton Creek, Newton Avenue, Bainbridge, Chenango County, NY: 197
- Tonawanda Creek, Minnich Road, NY: 800
- Ottawa River Shoreland Avenue, Toledo, OH: 660
- St. John’s Landfill Dike Stabilization, OR: 51
- Nesbittock Creek, PA: 55
- Lee Drive, Lenoir City, TN: 60
- Mt. Moriah Culvert, TN: 305
- Wastewater plant, Intake Channel, Seguin TX: 390
- Kenosha Harbor Retaining Wall, WI: 281

PROJECT MODIFICATIONS FOR THE IMPROVEMENT
OF THE ENVIRONMENT (SECTION 1135)

- Ditch 28, AR: 130
- Millwood Lake, Grassy Lake, AR: 100
- Rillito River riparian and wetland development, AZ: 157
- Bull Creek Channel Ecosystem Restoration, CA: 2000
- Tujunga Wash Environmental Restoration, CA: 431
- Chatfield Downstream, South Platte River, CO: 139
- Kingman Island, DC: 500
- Oyster Revitalization in the Delaware Bay, DE and NJ: 2000
- Lake Jesup, FL: 533
- Ocklawaha River prairie restoration, FL: 250
- Kanaha Pond Wildlife Sanctuary Restoration Project, HI: 200
- Kaunakakai Stream Environmental Restoration, HI: 200
- Kawainui Marsh Environmental Restoration Project, HI: 10
CONTINUING AUTHORES PROGRAMS
(In thousands of dollars)

PROJECT MODIFICATIONS FOR THE IMPROVEMENT
OF THE ENVIRONMENT (SECTION 1135)

Pelekane Bay Ecosystem Restoration Project, HI 400
Rathbun Lake, South Fork wetland restoration, IA 550
Shelbyville, IL 10
Spunky Bottoms, Brown County, IL 350
Sand Creek, KS 3000
Bayou DeSard, LA 250
Bayou Macon, LA 187
Frazier/Whitehorse Oxbow Lake Weir, LA 167
Lake St. Joseph, Tensas Parish, LA 130
Hoosic River, Adams, MA 500
Hart Miller Island, MD 200
Duck Creek, Stoddard County, MO 125
Kansas City Riverfront, Kansas City, Jackson County, MO 998
Prison Farm shorefront habitat, ND 250
Lower Decatur Bend Environmental Improvement, NE 194
Albuquerque Biological Park Wetland Restoration Project, NM 35
Ecosystem Revitalization at Route 66, NM 500
Las Cruces Dam Environmental Restoration, Dona Ana County, NM 300
Pecos River, Chaves County, NM 279
Reparas Wetland Restoration, Pueblo of Santa Ana Reservation, NM 200
Lower Truckee River, McCarran Ranch, NV 85
Joe Creek ecosystem restoration, OK 100
Fairmount Dam Fishladder Project, PA 750
Alton's Cove, RI 300
Boyds Marsh Salt Marsh Portsmouth, RI 500
Big Cypress Bayou Fish and Wildlife Habitat, TX 530
O.C. Fisher Lake, TX 250
City of Richland, WA 400
Mapes Creek Habitat Enhancement Project, WA 270
Smith Island Union Slough Restoration Project, WA 400
Village of Oyster, VA 165

AQUATIC ECOSYSTEM RESTORATION PROJECTS
(SECTION 206)

Eklatna, AK 300
Northway, AK 350
Chattahoochee Fall Line ecosystem restoration project, AL and GA 250
English Creek Aquatic Restoration, CA 380
Salt River restoration project, CA 450
St. Helena-Napa River restoration, CA 600
Sweetwater Reservoir Ecosystem Rest, CA 90
York Creek Dam Removal, CA 350
Arkansas River Fisheries Habitat Restoration, Pueblo, CO 315
Goose Creek, CO 200
Kingfisher Point, CO 191
Lower Boulder Creek, CO 240
North Fork Gunnison River, CO 476
**CONTINUING AUTHORITIES PROGRAMS**
(In thousands of dollars)

<table>
<thead>
<tr>
<th>Aquatic Ecosystem Restoration Projects</th>
<th>Cost</th>
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<tbody>
<tr>
<td>Tamarisk eradication, CO</td>
<td>400</td>
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<tr>
<td>Mill River restoration, Stannford, CT</td>
<td>153</td>
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<tr>
<td>Big Fish Weir Creek, FL</td>
<td>150</td>
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<tr>
<td>Rose Bay, FL</td>
<td>250</td>
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<tr>
<td>Tsalap Apopka Littoral Shelf Restoration, FL</td>
<td>300</td>
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<tr>
<td>Little River Watershed Aquatic Habitat Restoration, GA</td>
<td>100</td>
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<tr>
<td>Mountain Park Dam, Rocky Creek, GA</td>
<td>250</td>
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<tr>
<td>Mokuhina/Mokuula ecosystem restoration, HI</td>
<td>220</td>
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<tr>
<td>Clear Lake Watershed/Clear Lake, Ventura Marsh, IA</td>
<td>165</td>
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<tr>
<td>Storm Lake, IA</td>
<td>100</td>
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<tr>
<td>Indian Creek, Caldwell, ID</td>
<td>479</td>
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<tr>
<td>Paradise Creek ecosystem restoration project, ID</td>
<td>195</td>
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<td>Salmon River, Chubb, ID</td>
<td>311</td>
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<tr>
<td>Eniquon Preserve, IL</td>
<td>313</td>
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<tr>
<td>Eugene Field, IL</td>
<td>25</td>
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<tr>
<td>Hofmann Dam, Cook County, IL</td>
<td>235</td>
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<tr>
<td>Kaskakee River aquatic ecosystem restoration, IL</td>
<td>100</td>
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<tr>
<td>Lockport prairie reserve, IL</td>
<td>300</td>
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<tr>
<td>Orland wetlands, IL</td>
<td>225</td>
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<td>Squaw Creek aquatic ecosystem restoration, IL</td>
<td>160</td>
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<tr>
<td>Cedar Lake, IN</td>
<td>200</td>
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<tr>
<td>Wolf Lake, IN</td>
<td>300</td>
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<tr>
<td>Arkansas City ecosystem restoration, KS</td>
<td>180</td>
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<tr>
<td>University Lakes, Baton Rouge, LA</td>
<td>200</td>
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<tr>
<td>University Lakes, East Baton Rouge Parish, LA</td>
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<tr>
<td>Bird Island habitat restoration, MA</td>
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<tr>
<td>Malden River Ecosystem Restoration Project, MA</td>
<td>89</td>
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<tr>
<td>Milford Pond Restoration Project, Milford, MA</td>
<td>80</td>
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<tr>
<td>Treats Pond, Cohasset, MA</td>
<td>200</td>
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<tr>
<td>Blackwater Refuge, MD</td>
<td>245</td>
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<tr>
<td>Greenbury Point, MD</td>
<td>185</td>
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<tr>
<td>Paint Branch fish passage, MD</td>
<td>156</td>
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<tr>
<td>Tidal Middle Branch, MD</td>
<td>250</td>
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<tr>
<td>Western Branch, Paxtuent River, MD</td>
<td>1158</td>
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<tr>
<td>Painter Creek, MN</td>
<td>300</td>
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<tr>
<td>Confluence Point State Park, MO</td>
<td>100</td>
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<tr>
<td>Concord stream bank restoration, NC</td>
<td>150</td>
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<tr>
<td>Western Cary Stream Restoration Cary, NC</td>
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<tr>
<td>Heron Haven wetland restoration project, NE</td>
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<tr>
<td>Grover's Mill Pond, NJ</td>
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<tr>
<td>Bottomless Lakes state park, Roswell, NM</td>
<td>350</td>
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<tr>
<td>Jemez River aquatic and riparian habitat restoration, Zia Pueblo, NM</td>
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<td>Las Cruces wetland restoration, NM</td>
<td>300</td>
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<tr>
<td>Carson River, NV</td>
<td>75</td>
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<tr>
<td>Incline, Third and Rosewood creeks, NV</td>
<td>90</td>
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<tr>
<td>Echo Bay, New Rochelle, NY</td>
<td>450</td>
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<tr>
<td>North Hempstead, NY</td>
<td>500</td>
</tr>
<tr>
<td>Soundview Park, Bronx, NY</td>
<td>400</td>
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</tbody>
</table>
CONTINUING AUTHORITIES PROGRAMS
(In thousands of dollars)

AQUATIC ECOSYSTEM RESTORATION PROJECTS
(SECTION 206)

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>South Park Lake restoration, NY</td>
<td>275</td>
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<tr>
<td>Columbus 5th Avenue dam removal, Olentangy River, OH</td>
<td>360</td>
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<tr>
<td>Arrowhead Creek, OR</td>
<td>250</td>
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<tr>
<td>Camp Creek - Zumwalt Prairie, OR</td>
<td>118</td>
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<tr>
<td>Springwater/Johnson Creek, Portland, OR</td>
<td>220</td>
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<tr>
<td>Canonsburg Lake, PA</td>
<td>250</td>
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<tr>
<td>North Park Lake, PA</td>
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<tr>
<td>Sheraton Park and Chartiers Creek, PA</td>
<td>300</td>
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<tr>
<td>Upper Tioga River Watershed, PA</td>
<td>430</td>
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<tr>
<td>Brush Neck Cove, Warwick, RI</td>
<td>150</td>
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<tr>
<td>Narrow, Narragansett, RI</td>
<td>150</td>
</tr>
<tr>
<td>Ninigret and Cross Mills Ponds, Charlestown, RI</td>
<td>750</td>
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<tr>
<td>Ten Mile River, East Providence, RI</td>
<td>250</td>
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<tr>
<td>Winnipaug Pond, Westerly, RI</td>
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<tr>
<td>Lynches River/Lake City Project, SC</td>
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<td>Pocotaligo Swamp Restoration, SC</td>
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<tr>
<td>Wilson Branch, SC</td>
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<td>Burgess Falls, TN</td>
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<td>Stephenville Wetland, TX</td>
<td>165</td>
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<tr>
<td>Lake Anna, VA</td>
<td>175</td>
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<td>Potash Brook, South Burlington, VT</td>
<td>350</td>
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<tr>
<td>Carpenter Creek, WA</td>
<td>300</td>
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<tr>
<td>Issaquah salmon hatchery, WA</td>
<td>300</td>
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<tr>
<td>Port of Sunnyside wetland, WA</td>
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BENEFICIAL USE OF DREDGED MATERIAL
(SECTIONS 204, 207, 933)

<table>
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<th>Project Description</th>
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<tr>
<td>Dauphin Island Restoration Project, AL</td>
<td>439</td>
</tr>
<tr>
<td>Jamaica Bay, Marsh Islands, NY</td>
<td>1000</td>
</tr>
<tr>
<td>Morehead City Harbor, NC</td>
<td>3000</td>
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CLEARING AND SNAGGING
(SECTION 208)

<table>
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<th>Project Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Great Pierce Meadows, Essex and Morris Counties, NJ</td>
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</table>
Reno flood warning system.—Within the funds provided for section 205, the Corps shall close out the Reno flood warning system.

Santa Venetia flood control, California.—Within the funds provided for section 205, the Corps shall close out the Santa Venetia flood control project.

Stevenson Creek estuary, Florida, section 206.—The Corps is directed to return funds reprogrammed from Stevenson Creek estuary, Florida forthwith.

Within the funds provided for sections of the continuing authorities programs, the Corps is directed to give priority consideration to the following projects:

Section 107:
- Gustavis Harbor, AK
- Nanwalek, AK
- Woods Hole Great Harbor, MA

Section 205:
- City of Las Vegas, NV
- Gila River, Grants and Hidalgo Counties, NM
- Elsmere, DE
- West Virginia Statewide Flood Warning System, WV
- Winnebago River Levee Improvement, IA
- Keshena Creek, Nunda, NY
- Limestone Creek, Fayetteville, NY
- South Suburban Areas of Chicago, IL
- Upper Delaware River Watershed Flood Mitigation, NY

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

The conference agreement provides $400,000,000 for Flood Control, Mississippi River and Tributaries instead of $290,000,000 as proposed by the House and $433,336,000 as proposed by the Senate.

The conference agreement deletes a provision proposed by the House, which would have incorporated by reference the projects and activities specified in the statement of managers accompanying this Act. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the Senate relating to various activities of the Yazoo Basin backwater pumping plant in Mississippi. The House bill contained no similar provision.

The conference agreement deletes a provision proposed by the Senate relating to the pump supply contract for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi. The House bill contained no similar provision.

The conference agreement for projects to reduce flood control in the lower Mississippi River alluvial valley below Cape Giradeau, Missouri is shown in the following table:
### Flood Control - Mississippi River and Tributaries

**Amounts in thousands**

<table>
<thead>
<tr>
<th>Investigation</th>
<th>Request</th>
<th>Conference</th>
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<tr>
<td><strong>Investigations</strong></td>
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<tr>
<td>Bayou Med., AR</td>
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<td>Southeast Arkansas, AR</td>
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<tr>
<td>Alexandria to the Gulf, LA</td>
<td></td>
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<tr>
<td>Atchafalaya Basin Floodway System Land Study, LA</td>
<td>100</td>
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<tr>
<td>Donaldson to the Gulf, LA</td>
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<tr>
<td>Morganza to the Gulf, LA</td>
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<td>4,000</td>
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<td>Spring Bayou, LA</td>
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<td>450</td>
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<tr>
<td>Tensas River Basin</td>
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<td>225</td>
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<tr>
<td>Coldwater River Basin below Arkabutla Lake, MS</td>
<td>500</td>
<td>475</td>
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<tr>
<td>Millington and Vicinity, TN</td>
<td>112</td>
<td>108</td>
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<tr>
<td>Memphis Metro Area, Storm Water Mgmt Study, TN &amp; MS</td>
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<td>150</td>
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<tr>
<td>Collection and Study of Basic Data</td>
<td>720</td>
<td>680</td>
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<tr>
<td><strong>Subtotal, Investigations</strong></td>
<td>1,882</td>
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## Flood Control - Mississippi River and Tributaries (Amounts in Thousands)

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CONSTRUCTION

Mississippi River Levees, AR, IL, KY, LA, MS, MO and TN.—Additional funds have been provided to continue construction of the St. Johns-New Madrid Levee Closure/Box Culvert, Missouri as well as other levee items and for the Lower Mississippi River Interpretive Center.

Yazoo Basin, Backwater Pumping Plant, Mississippi.—Within the funds provided, $150,000 is provided for the Teddy Roosevelt Environmental Education Center.

Yazoo Basin, Big Sunflower River, Mississippi.—The conferees recognize the need to prevent erosion, reduce sedimentation and head-cutting in watersheds of the Yazoo Basin for purposes of improving water quality, fisheries and reducing maintenance. The conferees have provided $4,000,000 for continued construction of the project. Within these funds, not more than $1,500,000 shall be used for these water quality and sediment reduction measures and $500,000 shall be used for establishment of water quality reference indicators for use as appropriate on Yazoo Basin Projects.

MAINTENANCE

Mississippi River Levees AR, IL, KY, LA, MS, MO and TN.—Additional funds have been provided for delivery of levee gravel in AR, LA, MS and MO as determined by need.

Additional funding has been provided for deferred maintenance at the four Mississippi Lakes.

OPERATION AND MAINTENANCE

The conference agreement provides $1,989,000,000 for operation and maintenance, instead of $2,000,000,000 as proposed by the House and $2,100,000,000 as proposed by the Senate.

The conference agreement deletes a provision proposed by the House, which would have incorporated by reference the projects and activities specified in the statement of managers accompanying this Act. The Senate bill contained no similar provision.

The conference agreement includes several provisions proposed by the Senate relating to certain projects. The House bill contained no similar provisions.

The conference agreement for operation and maintenance is shown in the following table:
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**California**

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## Operation and Maintenance

(AMOUNTS IN THOUSANDS)

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## Operation and Maintenance

(Amounts in Thousands)

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<td>Waterway from Intracoastal Waterway to Bayou Dular, LA.</td>
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### Maine

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<td>Kennebec River, ME.</td>
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### Maryland

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### Operation and Maintenance

**Amounts in Thousands**

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#### Michigan

- **Alpena Harbor, MI.**  --- 261
- **Arcadia Harbor, MI.**  --- 72
- **Caseville Harbor, MI.**  --- 115
- **Cedar River Harbor, MI.**  --- 495
- **Channels in Lake St. Clair, MI.**  183
- **Charlevoix Harbor, MI.**  89
- **Detroit River, MI.**  4,347
- **Frankfort Harbor, MI.**  37
- **Grand Haven Harbor, MI.**  1,879
- **Grand Marais Harbor, MI.**  14
- **Harbor Beach Harbor, MI.**  --- 450
- **Holland Harbor, MI.**  1,354
- **Inspection of Completed Works, MI.**  144
- **KeWEENAW WATERTOWN, MI.**  370
- **Lac La Belle, MI.**  92
- **Leland Harbor, MI.**  --- 79
- **Little Lake Harbor, MI.**  --- 187
- **Ludington Harbor, MI.**  500
- **Menominee Harbor, MI.**  --- 450
- **Monroe Harbor, MI.**  580
- **Muskegon Harbor, MI.**  525
- **New Buffalo Harbor, MI.**  --- 71
- **Ontonagon Harbor, MI.**  --- 360
- **Pentwater, MI.**  --- 90
- **Project Condition Surveys, MI.**  176
- **Rouge River, MI.**  1,161
- **Saginaw River, MI.**  2,427
- **Sibley Harbor, MI.**  334
- **St. Clair River, MI.**  920
- **St. Joseph Harbor, MI.**  470
- **St. Marys River, MI.**  17,134
- **Surveillance of Northern Boundary Waters, MI.**  2,314

#### Minnesota

- **Big Stone Lake Whitestone River, MN & SD.**  164
- **Cultho Superior Harbor, MN & WI.**  5,281
- **Inspection of Completed Works, MN.**  129
- **Lac Qui Parle Lakes, Minnesota River, MN.**  303
- **Mississippi River St. Croix River and St. Croix Portion (MVP Portion).**  58,073
- **Onawell Lake, MN.**  261
- **Project Condition Surveys, MN.**  67
- **Red Lake Reservoir, MN.**  320
- **Reservoir Plan Operating Evaluation, MN.**  --- 360
- **Reservoirs at Headwaters of Mississippi River, MN.**  2,263
- **Surveillance of Northern Boundary Waters, MN.**  310
- **Warroad Harbor, MN.**  --- 225

#### Mississippi

- **Clairborne County Port, MS.**  --- 56
- **East Fork, Tombigbee River, MS.**  102
- **Gulfport Harbor, MS.**  2,500
## OPERATION AND MAINTENANCE
(Amounts in Thousands)

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### NEW HAMPSHIRE

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## Operation and Maintenance
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## OPERATION AND MAINTENANCE
(Amounts in Thousands)

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<td>James River Channel, VA</td>
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<td>John H Kerr Lake, VA &amp; NC</td>
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<td>North Fork of Pough River Lake, VA</td>
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<td>Rudee Inlet, VA</td>
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<td>Tangier Channel, VA</td>
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<tr>
<td><strong>Washington</strong></td>
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<tr>
<td>Chief Joseph Dam, WA</td>
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<tr>
<td>Columbia River at Baker Bay, WA (Port of Ilwaco)</td>
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<td>Columbia River Between Chinook and the Head of Sand, WA</td>
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<td>Everett Harbor and Snohomish River, WA</td>
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<td>Grays Harbor and Chehalis River, WA</td>
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<td>Little Goose Lock and Dam, WA</td>
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<td>Lower Granite Lock and Dam, WA</td>
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<td>Mill Creek Lake, WA</td>
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<td>Mt St Helens Sediment Control, WA</td>
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<td>Mud Mountain Dam, WA</td>
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<td>Nooksack, WA</td>
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<tr>
<td>Olympia Harbor, WA</td>
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<tr>
<td>Project Condition Surveys, WA</td>
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## Operation and Maintenance
(Amounts in Thousands)

<table>
<thead>
<tr>
<th>Project Description</th>
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<tbody>
<tr>
<td><strong>Puget Sound and Tributary Waters, WA.</strong></td>
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<tr>
<td><strong>Quillayute River, WA.</strong></td>
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<tr>
<td><strong>Scheduling Reservoir Operations, WA.</strong></td>
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<td><strong>Seattle Harbor, WA.</strong></td>
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<td>500</td>
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<tr>
<td><strong>Stillaguamish River, WA.</strong></td>
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<tr>
<td><strong>Surveillance of Northern Boundary Waters, WA.</strong></td>
<td>66</td>
<td>58</td>
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<tr>
<td><strong>Tacoma, Puyallup River, WA.</strong></td>
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<td><strong>The Dalles Lock and Dam, WA &amp; OR.</strong></td>
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<td><strong>Willapa River and Harbor, WA.</strong></td>
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### Idaho

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<th>Project Description</th>
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<td>Bluestone Lake, WV.</td>
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<td>Burnsville Lake, WV.</td>
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<td>East Lynn Lake, WV.</td>
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<td>Elk River Harbor, WV.</td>
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<td>Elk River, NV.</td>
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<td>Kanabeca River Locks and Dams, WV.</td>
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<td>Ohio River Locks and Dams, WV, KY &amp; OH.</td>
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<td>Ohio River Open Channel Work, WV, KY &amp; OH.</td>
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<td>Sutton Lake, WV.</td>
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<td>Tygart Lake, WV.</td>
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### Wisconsin

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<td>Ashland Harbor, WI.</td>
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<td>Fox Lake, WI.</td>
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<td>Fox River, WI.</td>
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<td>Kenosha Harbor, WI.</td>
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<td>Manitowoc Harbor, WI.</td>
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<td>Milwaukee Harbor, WI.</td>
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<td>Port Washington Harbor, WI.</td>
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<td>Project Condition Surveys, WI.</td>
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<td>Sturgeon Bay Harbor and Lake Michigan Ship Canal, WI.</td>
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<td>Surveillance of Northern Boundary Waters, WI.</td>
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<td>Two Rivers Harbor, WI.</td>
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<th>Project Description</th>
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<td>Inspection of Completed Works, WY.</td>
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<td>Jackson Hole Levees, WY.</td>
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<td>Scheduling Reservoir Operations, WY.</td>
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### Miscellaneous

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<tr>
<th>Project Description</th>
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<tbody>
<tr>
<td>Aquatic Nuisance Control Research.</td>
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<td>Coastal Inlet Research Program.</td>
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<td>Cultural Resources (NASPRA/CMAP).</td>
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<td>1,252</td>
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<tr>
<td>Dredge Wheeler Ready Reserve.</td>
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<td>Dredging Data and Lock Performance Monitoring System.</td>
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<td>Dredging Operations and Environmental Research (DOER).</td>
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<tr>
<td>Dredging Operations Technical Support Program (DOTS).</td>
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<td>Earthquake Hazards Reduction Program.</td>
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<td>Facility Protection.</td>
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<td>Harbor Maintenance Fee Data Collection.</td>
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<td>Inland Waterway Navigation Charts.</td>
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<td>National Dam Safety Program</td>
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<td>National Lewis and Clark Commemoration Coordination</td>
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<td>Protect, Clear and Straighten Channels (Sec 3)</td>
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<td>Reliability Models Program for Major Rehabilitation</td>
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<td>Removal of Sunken Vessels</td>
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<tr>
<td>Reserve for Key Emergency Maintenance/Repairs</td>
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<td>Water Operations Technical Support (WOTS)</td>
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<td>Waterborne Commerce Statistics</td>
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<td>Reduction for Anticipated Savings and Slippage</td>
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<tr>
<td>Total, Operation and Maintenance</td>
<td>1,979,000</td>
<td>1,989,000</td>
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</table>
Emergency maintenance, restoration and repairs.—The conference agreement does not include a reserve fund for emergency maintenance, restoration and repairs. Further, the conferees direct the Corps to discontinue the practice of taxing all operation and maintenance projects each year to create an emergency reserve fund, from which funds have been expended by the Corps without knowledge or approval from the House and Senate Committees on Appropriations. Beginning in fiscal year 2006, the conferees expect the Corps to allocate funds by project on a quarterly basis across all its accounts (as discussed earlier in this statement). This action will enable the Corps to address any identified unforeseen requirements, consistent with the reprogramming guidelines contained in this Act. In addition, the Corps shall provide to the House and Senate Committees on Appropriations within 30 days of enactment of this Act the definition of qualifying emergencies and guidelines to reprogram funds for emergency maintenance, restoration and repairs.

Alamo Dam and Lake, Arizona.—An additional $450,000 has been included to substantiate the effectiveness of the Alamo Dam re-operation and to develop and implement an associated adaptive management strategy.

Dry Creek (Warm Springs) Dam, California.—The conference agreement includes additional funding to complete a major rehabilitation report necessary for installation of a pipeline to supply cool water for rearing threatened coho salmon now housed in temporary facilities at Warm Springs Dam.

Cherry Creek, Chatfield and Trinidad Lakes, Colorado.—The conference agreement includes an additional $1,380,000 for continued repairs at these three lakes. This action is not intended to alter the Corps’ lease and property accountability policies. It is the conferees’ understanding that the State of Colorado has agreed to cost share this project on a 50/50 basis, and that the Secretary is not to assume, nor share in the future, the operation and maintenance of these recreation facilities. Of the funds provided, the Corps is directed to conduct a reallocation study for the Chatfield Reservoir project.

Intracoastal Waterway, Delaware River to Chesapeake Bay, DE and MD.—Additional funds are included for maintenance costs for the SR–1 Bridge.

Miami River, Florida.—The Corps is directed to complete its analysis of the Miami River maintenance project and to submit the final report to the House and Senate Committees on Appropriations not later than 30 days after enactment of this Act.

Apalachiacola, Chattahoochee and Flint Rivers, GA, AL and FL.—The conferees understand that the State of Florida has denied the Corps a State Water Quality Certification; therefore, no funds are provided for dredging this waterway in Florida.

Lake Shelbyville, Illinois.—Additional funds have been provided for deferred maintenance at public use facilities.

Saylorville Lake, Iowa.—Additional funds have been provided to maintain the project’s basic level of service.

Barren River Lake, Kentucky.—Additional funds have been provided for repair and upgrade of public use facilities.
Mississippi River Gulf Outlet.—The conferees are aware of current discussions among the Port of New Orleans, St. Bernard Parish Administration officials and other key stakeholders to confect a closure plan for the Mississippi River Gulf Outlet (MRGO) to deep draft navigation and to provide coastal restoration and enhanced hurricane and flood protection to the residents of St. Bernard and Orleans Parishes. This agreement may require a shallower depth than is presently authorized. The conferees support this initiative and urge the parties to reach an agreement as soon as possible.

Duluth-Superior Harbor, Minnesota and Wisconsin.—Within the funds provided for Duluth-Superior Harbor, $300,000 shall be available for a freshwater corrosion study.

Albuquerque levees, New Mexico.—The conference agreement includes funds to assess impacts and to make immediate repairs to levees.

Conchas Lake, New Mexico.—Additional funds have been provided for rehabilitation of public use facilities.

Upper Rio Grande Water Operations Model, New Mexico.—Within the funds provided, $500,000 is for New Mexico photographic mapping to be conducted utilizing the Corps’ Center of Expertise for Photogrammetric Mapping in St. Louis.

Garrison Dam and Lake Sakakawea, North Dakota.—Within the funds provided, $250,000 shall be available for the removal of noxious weeds, and $100,000 shall be for mosquito control.

Columbia and Lower Willamette River below Vancouver, Washington and Portland, Oregon.—The conference agreement includes $750,000 for continued work at the Astoria Boat Basin.

Fern Ridge Dam, Oregon.—The conference agreement includes funds to operate and maintain Fern Ridge Dam. The conferees are aware that no additional funds are required for emergency repairs at the dam as such expenses have been fully covered in fiscal year 2005.

Kinzua Dam and Allegheny Reservoir, Pennsylvania.—Within the funds provided, $300,000 shall be available for recreational improvements to include visitor center and fishing access improvements.

Ohio River, Pittsburgh to Huntington, Pennsylvania, West Virginia and Ohio.—Within the funds provided, the Corps is directed to utilize $2,500,000 in cooperation with OperationRespond, a non-profit organization, to implement a demonstration project developing and testing software and message/alert systems for use by emergency responders as they prepare for and respond to commercial transportation incidents on the Nation’s waterways. This project is to be coordinated with the U.S. Coast Guard, commercial transportation carriers, ports, emergency responders and other stakeholders along this segment of the Ohio River.

Oahe Dam, Lake Oahe, South Dakota and North Dakota.—The conferees urge the Corps to take all necessary steps to relocate the Cheyenne River Sioux Tribe’s water intake on the Missouri River to ensure continued operation of the water system and an uninterrupted water supply for the Reservation.
Whitney Lake, Texas.—Within the funds provided, not less than $900,000 shall be for Ham Creek Park and not less than $300,000 shall be available for Kimball Park Bend.

Mud Mountain, Washington.—Within the funds provided, up to $903,000 is available to satisfy Federal fish passage obligations for the term of the cooperative agreement with Puget Sound Energy.

The Dalles Lock and Dam, Washington and Oregon.—Funds are provided for Lewis and Clark activities at Celilo Park.

Chinook, Head of Sand Island and Baker Bay, Washington.—The conferees note the proximity of Corps navigation facilities on the Columbia River between Chinook and the Head of Sand Island, Washington, and at Baker Bay, Washington, and encourage the Corps of Engineers to seek ways to achieve cost savings and efficiency, such as by utilizing appropriate contracting methods while having these two projects be considered together when seeking bids and awarding contracts.

Remaining items, regional sediment management support program.—Within the funds provided, the amounts are to be allocated as follows:

- Fletcher Cove, Solona Beach, California .............................................. $300,000
- Southeast Coast of Oahu, Hawaii .................................................. 400,000
- Littoral Drift Restoration Program, Benson Beach, WA ....................... 1,584,000
- Lido Key, Sarasota, and vicinity and central and southern Brevard County to Dade .......................................................... 325,000
- South Jetty and Clatsop Spit, Oregon ............................................... 300,000
- Coastal zone mapping and imaging laser, University of Southern Mississippi ............................................................ 4,500,000

Removal of sunken vessels.—The conference agreement includes $775,000 for the removal of sunken vessels, of which $275,000 shall be for the removal of the State of Pennsylvania from the Christina River at Wilmington, Delaware.

Centrally-funded activities.—The conferees agree that centralized management of project funds is efficient and is allowed under current guidelines for certain activities. These activities include, but are not limited to: the program development system known as the Automated Budget System; the National Recreation Reservation System; the provision of uniforms for those required to wear them; the Volunteer Clearinghouse; the Water Safety program; the transition from government owned/contractor-operated to private ownership and operation of the National Coastal Mapping Program; and the Sign Standards Program. Significant cost savings can be realized from funding these activities centrally by withholding the necessary amounts from the affected projects' appropriations prior to allocation. It is critical that cost efficient management strategies, such as the above, be employed by the Corps in accomplishing its mission at least cost, when such strategies support the appropriated program. The conferees direct the Corps of Engineers to disclose the costs of these activities in its budget justifications.

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement provides no appropriation for Flood Control and Coastal Emergencies, as proposed by the House, instead of $43,000,000 as proposed by the Senate. The conferees note
the significant appropriations made to the Corps in fiscal years 2005 and 2006 to respond to Hurricane Katrina and other natural disasters, which are available to maintain its readiness posture.

**REGULATORY PROGRAM**

The conference agreement provides $160,000,000 for the Regulatory Program as proposed by the House instead of $150,000,000 as proposed by the Senate.

The conferees are concerned with the growing backlog and the delay in approving various permits, particularly in the Jacksonville, Florida and Sacramento, California offices. Accordingly, the conferees expect that not less than ten percent of the increase over these offices’ fiscal year 2005 district-specific allocation be directed to each of these offices from the funds provided above the fiscal year 2005 level.

The conferees encourage the Army Corps of Engineers to conduct a balanced and comprehensive review of the Champlin’s Marina Application #CENAE-R–2003–00648 for the Great Salt Pond, Block Island, Rhode Island. This review should include all relevant information pertaining to navigation, safety, competing uses and cumulative impact on the Great Salt Pond, including consideration of the Corps-permitted mooring field as delineated in Army Corps Permit No. 1987–00012 issued to the Town of New Shoreham in July, 1998.

**REVOLVING FUND**

The conferees agree that costs of the CFO audit may be funded from the revolving fund. However, given the delay in award and the unknown out-year costs associated with the CFO study, the conferees direct the Corps to provide the House and Senate Committees on Appropriations, not later than 60 days after enactment of this Act, a complete scope, cost allocation and out-year funding requirements of the CFO study. Such analysis shall also include comparative information on other Federal agencies’ costs of similar CFO studies. The Corps is further directed not make an award for the CFO study until the House and Senate Committees on Appropriations have approved the scope and cost of the proposed CFO study.

The conference agreement includes a provision that prohibits the expenditure of funds from the plant replacement and improvement program to rehabilitate or to abate lead and asbestos from the Dredge McFarland. The House bill included a similar provision that reduced funds included in title I of the Act. No similar provision was included in the Senate bill. The conferees are frustrated that a final report required by the conference agreement accompanying the Energy and Water Development Appropriations Act of 2004 detailing the recommendations on investment decisions on the Corps’ dredge fleet has yet to be delivered to Congress. Accordingly, the Corps is directed to submit the report to Congress not later than 30 days after enactment of this Act, after which the appropriate authorizing committees should determine the appropriate Federal dredge fleet.
FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

The conference agreement provides $140,000,000 for the Formerly Utilized Sites Remedial Action Program as proposed by both the House and Senate. The conferees direct the Corps during fiscal year 2006 to prepare design specifications for the Shallow Land Disposal Area, Parks Township, Pennsylvania, and to complete investigations and initiate cleanup expeditiously for the former Sylvan nuclear fuel site in Hicksville, New York, and for the Luckey, Ohio, site.

GENERAL EXPENSES

The conference agreement includes $154,000,000 for general expenses, instead of $152,021,000 as proposed by the House and $165,000,000 as proposed by the Senate. In addition, the conference agreement assumes that $8,000,000 in unobligated balances carried forward into fiscal year 2006, namely to fund the CFO study, shall be applied to fund personnel and other administrative activities, so that total appropriations available in fiscal year 2006 equal the budget estimate. The conference agreement stipulates that the total cost of the CFO study be funded from the revolving fund.

The amounts available for general expenses in fiscal year 2006 shall be available as follows:

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<th>Major subordinate command</th>
<th>FY 06 allocation</th>
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</tr>
<tr>
<td>Mississippi River Valley Division</td>
<td>9,589</td>
</tr>
<tr>
<td>North Atlantic Division</td>
<td>9,071</td>
</tr>
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<td>Northwestern Division</td>
<td>8,866</td>
</tr>
<tr>
<td>Pacific Ocean Division</td>
<td>3,177</td>
</tr>
<tr>
<td>South Atlantic Division</td>
<td>9,264</td>
</tr>
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<td>South Pacific Division</td>
<td>9,900</td>
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<td>Northwestern Division</td>
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<td>Headquarters</td>
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The conference agreement includes the following adjustments to the budget estimate:

Civil Works program accounts:
- Decrease in implementing competitive sourcing: $2,000,000
- Decrease in e-government initiatives: $500,000
- Undistributed reduction: $2,000,000
- Other activities: $4,500,000
The conference agreement includes a provision making $4,500,000 available for analyses on water resource management on a watershed or regional scale as proposed by the House.

The conferees urge the Chief Information Officer of the Corps to study a program to modernize and fully integrate the Corps’ water management system and supervisory control data acquisition program to reduce costs of the on-going improvements, maintenance, and technical support and to provide improved data sharing and management decision making.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

The conference agreement includes $4,000,000 for the Office of the Assistant Secretary of the Army for Civil Works as proposed by the House. The Senate bill contained no similar appropriation. The conferees agree with the direction of the House with respect to indirect costs and the budgeting thereof. The conferees further note that funding for this office is within the jurisdiction of Energy and Water Development Subcommittees of both the House and Senate Committees on Appropriations, and none other.

ADMINISTRATIVE PROVISION

The conference agreement includes a provision proposed by both the House and Senate relating to reception and representation expenses and the replacement and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

The conference agreement modifies a provision proposed by the House relating to reprogramming. The Senate bill contained no similar provision. Reprogrammings are discussed in greater detail earlier in this statement of managers.

The conference agreement includes a provision proposed by the Senate relating to credits and reimbursements. The House bill contained no similar provision.

The conference agreement modifies a provision proposed by the House relating to the Muskingum Watershed in Ohio. The Senate bill contained no similar provision.

The conference agreement includes a provision as proposed by the Senate relating to Civil Works functions. The House bill contained no similar provision.

The conference agreement includes a provision as proposed by the Senate relating to St. George’s Bridge, Delaware. The House bill contained no similar provision.

The conference agreement deletes language proposed by the House relating to continuing contracts and includes a provision that limits the availability of funds for certain continuing contracts authorized by section 206 of the Water Resources Development Act of 1999 (33 U.S.C. 2331). The Rivers and Harbors Appropriations Act of 1922 (33 U.S.C. 621) provides authority for the Corps of Engineers to use continuing contracts for “public work on canals, rivers, and harbors adopted by Congress.” Section 206 of the Water
Resources Development Act of 1999 (33 U.S.C. 2331) requires the use of a continuing contract for a certain set of water resources projects, i.e., those for which initiation of construction has occurred (defined as the date of enactment of an Act that appropriates funds for the project in one of three appropriations accounts: Construction, General; Operation and Maintenance, General; and Flood Control, Mississippi River and Tributaries). The conference agreement narrows the applicability of Section 206 of the Water Resources Development Act of 1999, so that the Corps is only required to use continuing contracts for projects that are funded under the Operation and Maintenance account and the Operation and Maintenance subaccount of the Flood Control, Mississippi River and Tributaries account. The permissive authority established in Rivers and Harbors Appropriations Act of 1922 remains unaltered, so the Corps may use, but is not required to use, continuing contracts.

The Assistant Secretary of the Army for Civil Works may approve the use of continuing contracts in limited circumstances. The Assistant Secretary for Civil Works shall:

1. Provide within 60 days of enactment of this Act to the House and Senate Committees on Appropriations a report identifying all existing continuing contracts and the amounts, by fiscal year, of the out-year funding requirements; and
2. Provide a quarterly update to the report identified above in item (1).

In the execution of any new continuing contract or modifications to an existing continuing contract, the Corps shall not commit an amount in excess of the amounts appropriated for such project in this Act or otherwise available for the project, as provided in sections 101 and 105 of this Act. The conference agreement affirms the management reforms undertaken by the Corps and the directions of the House relating to management and execution of continuing contracts.

The conference agreement includes a provision as proposed by the Senate relating to Chief of Engineers reports. The House bill contained no similar provision.

The conference agreement modifies a provision as proposed by the House relating to continuing contracts. The Senate bill contained no similar provision.

The conference agreement includes a provision as proposed by the Senate relating to transmittal of certain reports of the Chief of Engineers. The House bill contained no similar provision.

The conference agreement modifies a provision proposed by the Senate relating to Baltimore Metropolitan Water Resources-Gwynns Falls Watershed. The House bill contained no similar provision.

The conference agreement includes a provision relating to New York and New Jersey Harbor as proposed by the House. The Senate bill contained no similar provision.

The conference agreement includes a provision relating to Marmet Lock, Kanawha River, West Virginia, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement includes a provision relating to Truckee Meadows Flood Control Project, Nevada.
The conference agreement includes a provision relating to Lake Cumberland, Kentucky, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement includes a provision relating to Lower Las Vegas Wash, Nevada, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement includes a provision relating to Yazoo Basin, Big Sunflower River, Mississippi, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement includes a provision relating to Lower Mississippi River Museum and Interpretive Site, Mississippi, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement includes a provision relating to Lower Mississippi River Museum and Interpretive Site, Mississippi, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement includes a provision relating to Lower Mississippi River Museum and Interpretive Site, Mississippi, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement modifies a provision proposed by the Senate relating to a biological opinion in New Mexico. The House bill contained no similar provision.

The conference report includes a provision relating to Bluestone, West Virginia, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement includes a provision relating to a wastewater infrastructure project in DeSoto County, Mississippi.

The conference agreement includes a provision relating to a flood control project in Las Vegas Wash and Tributaries, Nevada.

The conference agreement includes a provision relating to Lake Michigan Waterfront and related areas, Lake and Porter Counties, Indiana.

The conference agreement includes a provision relating to Chesapeake Bay oyster restoration.

The conference agreement includes a provision relating to a flood control project at Little Calumet River, Indiana.

The conference agreement includes a provision relating to the American River watershed in California. This section adds new language to previously authorized flood damage reduction work at Folsom Dam and encourages the joint efforts currently being pursued by the Corps of Engineers, Bureau of Reclamation, the State of California, and the Sacramento Flood Control Agency (SAFCA) to address both flood damage reduction and dam safety needs at Folsom Dam, California. It also clarifies language in the fiscal year 2004 Energy & Water Development Appropriations Act regarding the new bridge below Folsom Dam. This bridge is an integral and necessary component of any flood damage or dam safety work that is to be accomplished at the dam. The Corps of Engineers has primary federal responsibility for the bridge but the Bureau of Reclamation, which operates Folsom Dam, also plays an integral role. The two agencies must work cooperatively to implement the work
in a timely manner. Subsection (a) directs the Corps of Engineers and Bureau of Reclamation to coordinate technical reviews, joint planning, and preliminary design work for flood damage reduction improvements and dam safety needs at Folsom Dam and Reservoir. Subsections (b) and (c) clarify congressional intent by designating the Corps as the federal agency responsible for implementing the bridge and specifying that any additional funding requirement associated with converting the bridge from a temporary structure to a permanent one is to be a federal responsibility. This is in recognition of the fact that the road currently on top of Folsom Dam, which has been open for public use for most of the time since the dam was constructed, will ultimately be closed permanently for security reasons. Subsection (d) allows “902” cost increase provisions to apply to bridge costs just as it does for any other Corps project. This normal and customary application of existing law, when applied to the original costs cited in the fiscal year 2004 Act and updated to current conditions, will increase amounts available for estimates of both temporary and permanent bridge costs. Subsection (e) directs the Corps and the Bureau to proceed with expedited construction of the bridge and associated roadways, and encourages the Corps to make efforts to implement and project in a manner that is compatible with future improvements for flood control. The conferees understand that related efforts are underway to address potential structural changes to Folsom Dam to address flood control and dam safety concerns; however, these related efforts should not needlessly delay timely construction of the bridge/roadway project. If modifications to the completed bridge/roadway project are deemed necessary to accomplish flood control and dam safety objectives, Congress will authorize modifications to the project that may be necessary. The conferees direct both the Corps and the Bureau to work expeditiously to complete reviews, approvals and other administrative actions that may be necessary to expedite this work, including providing necessary easements and rights-of-way. A reporting requirement is included in subsection (f).

The conference agreement includes a provision relating to Jacksonville Harbor, Florida.

The conference agreement includes a provision relating to environmental infrastructure in the State of Ohio.

The conference agreement includes a provision relating to Oneida Lake, New York.

The conference agreement includes a provision relating to White River Basin, Arkansas.

The conference agreement includes a provision relating to the Calcasieu ship channel, Louisiana.

The conference agreement includes a provision relating to a flood damage reduction project at Johnson Creek, Texas.

The conference agreement includes a provision relating to previously appropriate funds for Hudson River, Athens, New York.

The conference agreement includes a provision relating to the Corps of Engineers district office in Charleston, South Carolina.

The conference agreement includes a provision relating to the Louisville, Kentucky Waterfront Park.

The conference agreement includes a provision relating to a navigation project in Akutan, Alaska.
The conference agreement includes a provision relating to Poplar Island, Maryland.

The conference agreement deletes a provision relating to a disposal barrier in Vermont and New York.

The conference agreement deletes several provisions relating to the Missouri and Middle Mississippi Rivers Enhancement Project.

The conference agreement deletes a provision proposed by the Senate relating to Lower Mud River, Milton, West Virginia. The House bill contained no similar provision.

The conference agreement deletes a provision proposed by the Senate relating to regulatory permitting.

TITLE II—DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

The conference agreement includes a total of $32,614,000 as proposed by both the House and the Senate. Within the funds appropriated, the conference agreement includes $31,668,000 for Central Utah project construction; $946,000 for fish, wildlife, and recreation mitigation and conservation; and $1,736,000 for program oversight and administration.

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

The conference agreement includes an appropriation of $883,514,000 for water and related resources, instead of $832,000,000 as proposed by the House and $899,569,000 as proposed by the Senate. The conference agreement deletes provisions proposed by the Senate relating to the Snyderville Basin Water Supply Study Special Report in the State of Utah. The House bill contained no similar provision.

The conference agreement for water and related resources is shown in the following table:
<table>
<thead>
<tr>
<th>WATER AND RELATED RESOURCES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(AMOUNTS IN THOUSANDS)</td>
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### WATER AND RELATED RESOURCES

**ARIZONA**

- **AK CHIN WATER RIGHTS SETTLEMENT ACT PROJECT**
  - Budget: 7,200
  - Request: 6,890

- **CENTRAL ARIZONA PROJECT, COLORADO RIVER BASIN**
  - Budget: 22,128
  - Request: 22,228

- **COLORADO RIVER FRONT WORK AND LEVEE SYSTEM**
  - Budget: 2,455
  - Request: 7,200

- **FORT MCDOWELL SETTLEMENT ACT**
  - Budget: 400
  - Request: 383

- **NORTHERN ARIZONA INVESTIGATIONS PROGRAM**
  - Budget: 250
  - Request: 239

- **PHOENIX METROPOLITAN WATER REUSE PROJECT**
  - Budget: 200
  - Request: 250

- **SALT RIVER PROJECT**
  - Budget: 300
  - Request: 287

- **SAN CARLOS APACHE TRIBE WATER SETTLEMENT ACT**
  - Budget: 100
  - Request: 100

- **SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT PROJECT**
  - Budget: 4,725
  - Request: 4,522

- **SOUTH/CENTRAL ARIZONA INVESTIGATIONS PROGRAM**
  - Budget: 795
  - Request: 1,154

- **TRES RIOS WETLANDS DEMONSTRATION**
  - Budget: 300
  - Request: 287

- **YUMA AREA PROJECTS**
  - Budget: 1,722
  - Request: 20,378

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**CALIFORNIA**

- **CACHUMA PROJECT**
  - Budget: 946
  - Request: 834

- **CALIFORNIA INVESTIGATIONS PROGRAM**
  - Budget: 988
  - Request: 555

- **CALLEGUAS MUNICIPAL WATER DISTRICT RECYCLING PLANT**
  - Budget: 1,350
  - Request: 2,153

- **CENTRAL VALLEY PROJECT**
  - **AMERICAN RIVER DIVISION**
    - Budget: 2,060
    - Request: 3,060

  - **AUBURN-FOLSOM SOUTH UNIT**
    - Budget: 5,968
    - Request: 6,774
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### WATER AND RELATED RESOURCES

**AMOUNTS IN THOUSANDS**

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### COLORADO

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## Water and Related Resources (Amounts in Thousands)

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### WATER AND RELATED RESOURCES

**(AMOUNTS IN THOUSANDS)**

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<td>WATER AND RELATED RESOURCES (AMOUNTS IN THOUSANDS)</td>
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<td>CONFERENCE</td>
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<td>UNDISTRIBUTED REDUCTION BASED ON ANTICIPATED DELAYS</td>
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<td><strong>Total, Water and Related Resources (combined)</strong></td>
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<td>---</td>
<td>883,514</td>
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Central Arizona project, Arizona.—The conference agreement includes additional funds to continue a biological assessment or other appropriate evaluation of environmental impact from the potential diversions of flow from the Gila River consistent with the terms of the consumptive use and forbearance agreement ratified by Congress in the Arizona Water Settlements Act in order to receive a biological opinion or other appropriate determination by December 2008.

Colorado Front Work and Levee System, Arizona.—The conferees have provided additional funds for continued work on the regulating reservoirs on the All American Canal and for initiation of appropriate studies to determine if additional capacity can be economically realized behind Laguna Dam if sediment is removed. The conferees understand that these projects have the potential of saving as much as 300,000 acre-feet of Colorado River System water that would otherwise be over-delivered to Mexico. Because of the potential for such water savings (essentially Nevada’s entire annual share of Colorado River Water), the conferees strongly recommend that Reclamation proceed aggressively with this work and to reflect the urgency of completing these projects in future budget requests. Because the regulating reservoir and Laguna Dam sediment removal provide needed improvements in river control, management and river system efficiencies, all of which are Federal responsibilities, the conferees believe that they should be undertaken at full Federal expense.

Within the funds provided, the conference agreement includes $4,750,000 to continue planning and design of regulating reservoirs near the All American Canal.

South/central Arizona investigations program.—Within the funds provided, $109,000 is available to complete the final report of phase II of the central Arizona salinity study and $250,000 for the West Salt River Management Study.

Yuma area projects, Arizona and California.—The conference agreement includes $22,019,000 for the Yuma area projects in Arizona and California. Within the funds provided, $500,000 is available for renovation and refurbishment of the City of Needles, California Bureau Bay Reclamation Project site.

Cachuma Project, California.—$500,000 is provided for the Lake Cachuma Water and Sewerage Plant.

Central Valley Project, California.—Auburn/Folsom South Unit, California.—The Auburn-Folsom South Unit was authorized for construction by Congress by the Act of September 2, 1965, P.L. 89–161, 79 Stat. 615. No construction on Auburn Dam has occurred since August of 1975. The costs and associated benefits of the Auburn-Folsom South Unit were last calculated in 1962. To determine whether a full feasibility study is warranted, these values must be updated to current levels. The conference agreement includes $1,000,000 for the Bureau of Reclamation to complete a special report to update the analysis of costs and associated benefits of the Auburn-Folsom South Unit of the Central Valley Project. The report is due to the committees of jurisdiction by August 30, 2006.

American River Division.—Within the funds provided, $1,000,000 shall be available for the El Dorado Temperature Control Device.
Friant Division.—$200,000 has been provided for appraisal level studies of the Madera Irrigation District Water Supply Enhancement and $200,000 is provided for the Semitropic Groundwater Storage Project.

Miscellaneous project programs.—Additional funds above the budget request are provided to complete phase II of the Kaweah River Delta Corridor Enhancement Study ($63,000) and $2,000,000 is provided for the Sacramento Valley Water Management Program, which shall be made available for a cooperative agreement or agreements with the Northern California Water Association or its member agencies for the completion of the necessary environmental documents, and development and implementation of projects in support of the Sacramento Valley Water Management Plan, including those projects that will integrate the Lower Tuscan Groundwater Formation into the Sacramento Valley surface water system through conjunctive water management.

Sacramento River Division.—Additional funds above the budget request are provided to complete the Glen Colusa Irrigation District Fish Screen Improvement Project.

Trinity River Division.—The conference agreement provides $500,000 above the budget request for the Fishery Restoration program. These funds are to be used in concert with the $2,000,000 provided in the Central Valley Project Restoration Program to meet Federal trust responsibilities to protect the fishery resources of the Hoopa Valley Tribe. The Commissioner is urged to continue to support a Co-Management Agreement between the Hoopa Valley Tribe and the Bureau of Reclamation.

In addition, the conferees have provided $500,000 for the acquisition and/or modification of floodplain structures necessary for release of 11,000 cubic feet per second in an extremely wet water year.

Salton Sea research project.—The conference agreement includes $4,828,000 for the Salton Sea research project, including $1,500,000 to continue environmental restoration efforts at the Alamo and New Rivers, and for other authorized pilot projects. The Bureau is encouraged to work jointly with the Salton Sea Authority and assist the Authority in running its own pilot projects.

Southern California investigations program.—The conference agreement includes $766,000 for the Southern California investigations program. Within the funds provided, $100,000 has been included to assist the Western Municipal Water District in general planning and associated environmental compliance activities related to the Riverside-Corona Feeder project; $300,000 to assist the Lake Arrowhead Community Services District to develop a groundwater management plan; and $100,000 to assist the City of Apple Valley, California to develop an appraisal study of the water reclamation portion of the City of Apple Valley's sewage treatment and reclamation project.

Lahontan Basin Project, Nevada.—The conferees have learned that dam safety issues have arisen concerning Tahoe Dam. As this dam provides more than 70 percent of the water supply for the area, it is imperative that safety remediation activities be undertaken as soon as possible. The conferees understand that preliminary investigations are underway and will be continued with budg-
etted funds in fiscal year 2006. The conferees expect Reclamation to ask for the appropriate funding level in the fiscal year 2007 budget to address safety issues.

_Middle Rio Grande Project, New Mexico._—The conferees support the reorganization of the Endangered Species Act Collaborative Program resulting in the Army Corps of Engineers, in collaboration with the Fish and Wildlife Service, taking responsibility to provide the administrative support for the program and the Army Corps of Engineers taking responsibility to meet the Reasonable and Prudent Alternative of the 2003 Biological Opinion required by section 205 of Public Law 108–447 (118 Stat. 2949) other than the water acquisition and management functions set out in the Reasonable and Prudent Alternative. Additionally, the Army Corps of Engineers will assume responsibility for providing a detailed spending plan for fiscal year 2006 funds to the House and Senate Appropriations Committees for approval; complete the baseline Long-Term Plan and complete the Programmatic Environmental Impact Statement before the end of fiscal year 2006. The Bureau of Reclamation retains responsibility to meet the Reasonable and Prudent Alternative regarding water acquisition and management, including acquisition of water to meet the flow requirements articulated in the 2003 Biological Opinion and development of a long-term plan to meet these flow requirements. The conferees expect the Bureau of Reclamation to facilitate a smooth transition of administrative functions for the program to the Army Corps of Engineers and the Fish and Wildlife Service within three months of the beginning of fiscal year 2006. Of the total $28,076,000 provided for the Middle Rio Grande Project, the conferees have provided $12,900,000 for the collaborative program. Of these funds, the Bureau of Reclamation is provided $5,000,000 for water acquisition and associated administrative support within the Bureau; the Bureau is to transfer $7,500,000 to the Army Corps of Engineers to fund population management, habitat restoration, water management studies, fish passage and river connectivity, minnow management, water quality, science and monitoring, biological opinion monitoring, and program management to meet the 2003 Biological Opinion Reasonable and Prudent Alternatives; and to provide $400,000 to the Fish and Wildlife Service for program management support. The cost-share requirements of the program remain 75 percent Federal/25 percent non-Federal for all activities except water acquisition and program administration. Non-Federal cost share may be provided through in-kind services and participation on the administration team. The conferees have provided $1,000,000 above the request for the further refinement of the Upper Rio Grande Water Operations Model in collaboration with the Army Corps of Engineers, Sandia National Laboratories and the other partners. Additionally, $2,000,000 is provided for completion of construction and initial operation of the off-channel sanctuary authorized under section 6014 of Public Law 109–13.

_Deschutes ecosystem restoration project, Oregon._—The conferees have provided $1,000,000 to continue this project.

_Northern Utah investigations program, Utah._—Additional funds are for the Rural Water Technology Alliance.
Washington investigations program, Washington.—Within the funds provided, $118,000 is for the Odessa Sub Area study, and $50,000 is for the West Canal study.

Colorado River Basin Salinity Control Project, Title I.—The conferees note that weather modification is but one way to augment and maximize flows in the river, and direct the Department of the Interior and the Bureau to begin processes to produce augmentation strategies.

The conferees understand that Reclamation has initiated a public process to solicit information about potential methods to recover or replace agricultural return flows from the Wellton-Mohawk Irrigation and Drainage District that bypass the Colorado River and are discharged to the Cienega de Santa Clara in Mexico (bypass flows). The U.S. has bypassed highly saline agricultural return flows to the Cienega to help meet Colorado River water quality obligations to Mexico. However, the bypass flows are not included in the 1.5 million acre-feet of water that the U.S. is required to deliver annually to Mexico. Consequently, system storage from the Colorado River has been used to make up for the bypass flow. The current drought and projected long-term water demands have heightened concern about this demand on the river system. The Yuma Desalting Plant was originally constructed to recover part of the bypass flows and return them to the river. Various other methods for recovering or replacing the flows have been proposed including options that address potential impacts to the wetlands in the Cienega de Santa Clara. The conferees believe that this public process is a positive step in attempting to address this complex hydrologic problem and encourage Reclamation to continue this stakeholder process. Recognizing that the Yuma Desalting Plant may be one part of the solution to the return flow issue, the conferees believe that it is prudent to reiterate the direction from previous Acts that sufficient resources be dedicated to the Yuma Desalting Plant so that one-third operational capacity may be achieved by the end of calendar year 2006.

El Paso, Water Reclamation and Reuse, Texas.—The conference agreement includes $103,000 to complete the project as currently authorized.

Native American Affairs program.—Additional funds provided above the budget request are for continued work on the AAMODT settlement.

Research and development, desalination research and development program.—The conferees urge the Bureau of Reclamation to place a higher priority on desalination activities in future budgets given the importance of sustainable water supplies to the West and to other regions of the country. The conference agreement provides $7,000,000 for the completion of construction of the Tularosa Basin Desalination Facility, New Mexico, and initial operation. Upon completion of the facility, the Bureau is directed to select an organization to operate the facility under Bureau direction. In this selection, the Bureau should give priority to local educational institutions with expertise, do not need to relocate and have on-going water research activities.

Title XVI, Water Reclamation and Reuse.—The conference agreement includes $3,729,000 for this program, of which
$2,500,000 shall be for the WaterReuse Foundation. These funds shall be available to support the Foundation's research priorities.

**Departmental irrigation program.**—The conference agreement provides $1,818,000 for this program, of which $150,000 shall be for the Uncompahgre selenium control project and $1,668,000 for irrigation modernization activities for Elephant Butte Irrigation District.

**Water 2025.**—The conferees have included $1,000,000 to provide for continued efficiency and water improvements related to the Middle Rio Grande Conservancy District and $1,000,000 for work related to water efficiency and supply supplementation in the Pecos consistent with the partnership between the Carlsbad Irrigation District and the New Mexico Interstate Stream Commission. A critical component of reducing tension among multiple water users is collaborative planning and joint operations. Within the funds provided, $2,000,000 is for the Desert Research Institute to address water quality and environmental issues in ways that will bring industry and regulators to mutually acceptable answers. Funding of $1,000,000 for the alliance with the International Center for Water Resources Management at Central State University, OH, is also provided herein.

**Building and site security.**—The conference agreement includes $40,000,000 for building and site security activities, as proposed by the House, instead of $50,000,000 as proposed by the Senate. The amount provided recognizes that the Bureau of Reclamation is expected to receive approximately $10,000,000 in reimbursements for additional security guards and patrols, which are considered project O&M costs. The conferees agree, however, that all project beneficiaries that benefit from an enhanced security posture at the Bureau's facilities should pay a share of the security costs. Accordingly, the Bureau is directed to provide to the House and Senate Committees on Appropriations, not later than 60 days after the enactment of this Act, a delineation of planned reimbursable security costs by project pro-rated by all project purposes.

**Water conservation field service program.**—Within the amounts provided, $1,000,000 shall be allocated for the Many Farms Irrigation Water Conservation project; $300,000 shall be allocated for urban water conservation projects identified through the Metropolitan Water District of Southern California Innovative Conservation Program; and $100,000 shall be allocated to initiate a study to identify concurrent and overlapping government programs aimed at improving water resource efficiency.

**Central Valley Project Restoration Fund**

The conference agreement provides $52,219,000 for the Central Valley Project Restoration Fund as proposed by both the House and the Senate.

**California Bay—Delta Restoration**

(including transfer of funds)

The conference agreement includes $37,000,000 for the CalFed Delta Restoration program, as proposed by the Senate, instead of $35,000,000 as proposed by the House.
The funds provided are intended to support the following activities, as delineated below:

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<th>Activity</th>
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<td>Environmental water account</td>
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<tr>
<td>CALFED 180 Day Study</td>
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<td>Storage program</td>
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<td>San Joaquin River basin</td>
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<td>Los Vaqueros</td>
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<td>Shasta enlargement</td>
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<td>Sites</td>
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<td>Conveyance</td>
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<td>San Luis Reservoir Low Point</td>
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<td>Planning and management activities</td>
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<td>Water use efficiency</td>
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<td>Westside regional drainage program</td>
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<td>Butte County Groundwater Model</td>
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<td>Inland Empire Utilities Agency regional water recycling project</td>
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<td>Ecosystem restoration</td>
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<td>Sacramento River small diversion fish screen program</td>
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<td>Water Quality: Contra Costa Water District alternative intake project</td>
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<td>Science program: Interagency ecological program</td>
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<td>Total, California Bay-Delta Restoration</td>
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**CALFED 180 Day Study**—The conference agreement includes $500,000, to be transferred to the Corps of Engineers, which shall be available to complete a report describing the Federal levee stability reconstruction projects and priorities that will be carried out through 2010. The conferees expect the Corps to budget appropriately for these activities in future budget submissions.

**POLICY AND ADMINISTRATION**

The conference agreement includes $57,917,000 for policy and administration as proposed by both the House and the Senate.

**ADMINISTRATIVE PROVISION**

The conference agreement includes a provision limiting the purchase of not to exceed 14 passenger vehicles, as proposed by both the House and the Senate.

**GENERAL PROVISIONS**

**DEPARTMENT OF THE INTERIOR**

The conference agreement includes a provision regarding the San Luis Unit and Kesterson Reservoir in California, as proposed by both the House and the Senate.

The conference agreement includes a provision prohibiting the use of funds for any water acquisition or lease in the Middle Rio Grande or Carlsbad Projects in New Mexico unless the acquisition is in compliance with existing state law and administered under state priority allocation. This provision was contained in both the House and Senate bills.

The conference agreement includes a provision proposed by the House relating to agreements with the City of Needles, California or the Imperial Irrigation District for the design and construction of stages of the Lower Colorado Water Supply Project. No similar provision was contained in the Senate bill.
The conference agreement includes a provision as proposed by the Senate related to drought emergency assistance. No similar provision was contained in the House bill.

The conference agreement modifies a provision proposed in the Senate bill relating to Water 2025. The House bill contained no similar provision.

The conference agreement deletes a provision related to the Rio Grande Collaborative Water Operations Team.

The conference agreement modifies a provision proposed by the Senate relating to the Desalination Act. The House bill contained no similar provision.

The conference agreement includes a provision as proposed by the Senate relating to Animas-La Plata. The House bill contained no similar provision.

The conference agreement includes a provision related to Desert Terminus Lakes. The House bill contained no similar provision.

The conference agreement includes a provision relating to a special report to update the analysis of costs and associated benefits of the Auburn-Folsom South Unit, Central Valley Project, California.

The conference agreement deletes a provision proposed by the Senate relating to Humbolt Project Title transfer.

The conference agreement deletes a provision proposed by the Senate relating to a feasibility study for Norman, Oklahoma.

The conference agreement deletes a provision relating to Animas-La Plata.

**TITLE III—DEPARTMENT OF ENERGY**

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Department of Energy. Additional items of conference agreement are discussed below. The allocations for specific projects and earmarks that were provided in the separate House and Senate reports are superceded by this conference report. Other programmatic guidance and reporting requirements identified in the separate House and Senate reports remain effective unless modified by the conference report.

The conferees are aware that the Energy Policy Act of 2005 (Public Law 109–58) imposed a number of new requirements on the Department. Unfortunately, these requirements were not included in the fiscal year 2006 budget request nor in the conference allocation. For urgent needs associated with the Energy Policy Act of 2005, the Department should submit a reprogramming request to the House and Senate Committees on Appropriations. The conferees expect the Department to budget fully for these new requirements in the fiscal year 2007 request.

**SPECIAL NUCLEAR MATERIAL CONSOLIDATION**

The conferees support the House language regarding the complex wide consolidation of special nuclear materials (SNM). The conferees are disappointed with the lack of urgency demonstrated by the Department when it comes to addressing the security and
cost liability of having significant quantities of special nuclear materials at multiple departmental facilities across the complex. Unfortunately, the Department has indicated that it will not be able to bring all of its facilities and operations into compliance with the latest Design Basis Threat until 2008. This delay is unacceptable. With the MOX project starting construction at the Savannah River Site, the Department should move forward aggressively to develop a complex wide plan to achieve the significant cost and security benefits of material consolidation. The conferees direct the Secretary of Energy to provide a report to the Committees on Appropriations on the nuclear material consolidation activities, including detailed cost, scope, and schedule of consolidation activities, and facilities targeted for deinventorying of SNM and sites and facilities available to support the consolidation mission. The report to the Committees is due by July 1, 2006.

CONGRESSIONAL DIRECTION

The conferees support the House language requiring the Secretary to submit to the House and Senate Committees on Appropriations, Subcommittee on Energy and Water, a quarterly report on the status of all projects, reports, fund transfers, and other actions directed in the separate House and Senate reports for fiscal year 2006 and in this conference agreement.

BUDGET REQUIREMENTS

The conferees agree with the House language regarding budget justification requirements and five-year budget planning.

SAFEGUARDS AND SECURITY IMPLEMENTATION

The conferees agree with the House report language regarding problems with the Design Basis Threat (DBT) for DOE sites. The conferees expect the Department to adopt a postulated threat, a DBT, and a DBT implementation strategy that is consistent with that used by other federal agencies.

AUGMENTING FEDERAL STAFF

The conferees continue to be concerned about the numbers of management and operating contractor employees assigned to the Washington metropolitan area. However, the conferees do not impose a numerical ceiling for fiscal year 2006, as has been the case in previous fiscal years. Instead, the conferees expect the Secretary and the responsible program offices to manage this issue closely and avoid excessive growth in the number of contractor personnel assigned to the Washington area. The conferees maintain the reporting requirements contained in the House report.

LABORATORY DIRECTED RESEARCH AND DEVELOPMENT (LDRD)

The conferees are concerned with the level of overhead charges applied to programs funded in this bill and urge the Department to continue to work to minimize the overhead burden on all program activities. In order to ensure an equitable allocation of overhead costs the Secretary should apply overhead charges to LDRD activities consistent with cost accounting practices applied to pro-
gram activities that are direct funded. The conference agreement increases the allowable percentage for LDRD, PDRD and SDRD activities to allow this accounting change without harming the underlying discretionary research activities. The change in accounting practices should be implemented with no net reduction in LDRD levels below 6 percent of the funds provided by the Department of Energy to such labs for national security activities and 2 percent for PDRD and SDRD activities at the appropriate plants and sites. Within 90 days after the date of enactment of this Act, the Secretary of Energy shall submit a report to the Committees on Appropriations detailing how the accounting change will be implemented without impacting the basic research and the change shall be implemented within 180 days of enactment.

EQUAL EMPLOYMENT OPPORTUNITY AT DOE LABORATORIES

Based on the recommendations of the GAO report (GAO–05–190) regarding equal employment opportunity within the Department of Energy, the conferees direct the Department of Energy to determine the causes of such disparities and take necessary corrective steps to address the problems identified.

REPROGRAMMING GUIDELINES

The conferees require the Department to inform the Appropriations Committees promptly and fully when a change in program execution and funding is required during the fiscal year. To assist the Department in this effort, the following guidance is provided for programs and activities funded in the Energy and Water Development Appropriations Act.

Definition.—A reprogramming includes the reallocation of funds from one activity to another within an appropriation, or any significant departure from a program, project, or activity described in the agency’s budget justification as presented to and approved by Congress. For construction projects, a reprogramming constitutes the reallocation of funds from one construction project identified in the justifications to another project or a significant change in the scope of an approved project.

Criteria for Reprogramming.—A reprogramming should be made only when an unforeseen situation arises, and then only if delay of the project or the activity until the next appropriations year would result in a detrimental impact to an agency program or priority. Reprogrammings may also be considered if the Department can show that significant cost savings can accrue by increasing funding for an activity. Mere convenience or preference should not be factors for consideration.

Reprogrammings should not be employed to initiate new programs or to change program, project, or activity allocations specifically denied, limited, or increased by Congress in the Act or this statement. In cases where unforeseen events or conditions are deemed to require such changes, proposals shall be submitted in advance to the Appropriations Committees and be fully explained and justified.

Reporting and Approval Procedures.—The conferees have not provided statutory language to define reprogramming guidelines, but expect the Department to follow the letter and spirit of the
guidance provided in this statement. Consistent with prior years, the conferees have not provided the Department with any internal reprogramming flexibility in fiscal year 2006, unless specifically identified in the conference report for particular programs, projects, or activities. Any reallocation of new or prior year budget authority or prior year deobligations must be submitted to the Appropriations Committees in writing and may not be implemented prior to approval by the Committees on Appropriations.

**ENERGY SUPPLY AND CONSERVATION**

The conference agreement provides $1,830,936,000 for Energy Supply and Conservation. The conferees direct that the Office of Electricity Delivery and Energy Reliability function as the principal DOE liaison with the Federal Energy Regulatory Commission.

*Congressionally directed projects.*—The conference agreement includes a list of Congressionally directed projects, within available funds, at the end of the Energy Supply and Conservation section. In the event the project totals exceed twenty percent of a sub-account, the Department has the discretion to fund these projects within other Energy Supply and Conservation subaccounts than those identified in the table. The conferees remind recipients that statutory cost sharing requirements may apply to these projects.

**ENERGY EFFICIENCY AND RENEWABLE ENERGY RESOURCES**

The conference agreement provides $1,185,700,000 for energy efficiency and renewable energy resources. The conferees provide $4,000,000 for the National Center on Energy Management and Building Technologies, and direct that this project shall be subject to the cost-sharing requirements of a research project rather than a demonstration project.

The conferees support DOE’s efforts to strengthen project management within the Office of Energy Efficiency and Renewable Energy (EERE) with the establishment of the Project Management Center (PMC). With the success of the PMC, the conferees see no need for third-party contracting agents, and discourage the Department from engaging in third-party arrangements for the award and distribution of federal funds.

*Hydrogen Technology.*—The conference agreement includes $157,199,000 for hydrogen technology, of which $76,100,000 is designated for fuel cell technologies. The conferees provide the budget request for distributed reforming and electricity development, and no funds for recapturing heat from PEM fuel cells within distributed energy systems. The conferees provide $14,900,000 for infrastructure and $24,000,000 for vehicles for the demonstration projects in the budget request.

*Biomass and Biorefinery Systems R&D.*—The conference agreement includes $91,634,000 for integrated research and development on biomass and biorefinery systems. The conferees provide $3,500,000 for the Consortium for Plant Biotechnology Research.

*Solar Energy.*—The conference agreement includes $83,953,000 for solar energy programs, which includes $11,000,000 for concentrating solar power.
Wind energy.—The conference agreement includes $39,249,000 for wind energy programs.

Geothermal Technology.—The conference agreement includes $23,299,000 for geothermal technology, to include continued funding at current year levels for GeoPowering the West.

Hydropower.—The conferees recommend $500,000 for hydropower research. The Department should complete integration studies and close out outstanding contracts in advanced hydropower technology.

Vehicle Technologies.—The conferees recommend $183,943,000, which includes an increase of $1,000,000 for Advanced Combustion R&D. Combustion and Emission Control. The conferees provide $19,000,000 for the Automotive Lightweight Materials program; $500,000 for the hydrogen natural gas vehicles cylinder safety, inspection and maintenance program; and $3,500,000 for the Off-Highway Program. The conference agreement provides $10,000,000 to Oak Ridge National Laboratory to be divided evenly between materials development and computational modeling to develop highway transportation technologies.

Building Technologies.—The conferees recommend $69,966,000, to include $10,256,000 for equipment standards and analysis, an increase of $7,000,000 for lighting R&D, and a $3,000,000 increase for thermal insulation and building materials. Within the $20,000,000 provided for lighting R&D, $5,000,000 is to support a National Center for solid state lighting research and development through the Office of Science, to be competed among the centers for nanotechnologies. The conferees provide $1,000,000 for Oil Heat Research for residential buildings. The conferees encourage the Department to support energy efficiency research for affordable, factory-built housing through the Manufactured Housing Research Alliance.

Report Requirement.—The conferees request a report on appliance efficiency standards as directed in the House report.

Industrial Technologies.—The conference agreement includes $57,429,000 for industrial technologies, to include an increase of $2,402,000 for Industries of the Future, and a decrease of $1,642,000 for combustion R&D.

Distributed Energy and Electricity Reliability Program.—The conferees direct the activities within this account be merged within the Office of Electricity Delivery and Energy Reliability (OE), and the conference agreement includes $60,666,000 within OE to support these activities.

Federal Energy Management Programs.—The conferees provide $19,166,000 for the Federal Energy Management Programs, including $2,019,000 for the Departmental Energy Management Program.

Facilities and Infrastructure.—The conferees provide $26,315,000 for renewable energy Facilities and Infrastructure. This amount includes $5,800,000 for operations and maintenance of the National Renewable Energy Laboratory (NREL) in Golden, Colorado; $10,515,000 to continue construction of the new Science and Technology facility at NREL (project 02–E–001); and $10,000,000 for the design and construction of the already approved research support facilities at the National Renewable Energy Laboratory.
The conferees direct that the design of the facilities should be bid competitively, and should demonstrate the use of state of the art renewable energy and energy efficiency technologies in the design of the buildings.

**Weatherization and Intergovernmental activities.**—The conferees provide $240,400,000 for weatherization assistance program grants, $4,600,000 for training and technical assistance, $36,000,000 for state energy program grants, $500,000 for state energy activities and $25,657,000 for gateway deployment. The conferees recommend that gateway deployment funds be distributed as follows: $3,807,000 for Rebuild America, $350,000 for energy efficiency information and outreach, $4,500,000 for building codes training and assistance, $5,000,000 for Clean Cities of which an additional $1,490,000 is provided above the budget request to expand E-85 fueling capacity, $6,000,000 for Energy Star, and $3,000,000 for inventions and innovations. The conferees include $3,910,000 for the international renewable energy program, $4,000,000 for tribal energy to include $1,000,000 for the Council of Renewable Energy Resource Tribes (CERT), and $5,000,000 for the Renewable Energy Production Incentive (REPI).

**Program Support.**—The conferees provide is $13,456,000 for Program Support, to include $3,500,000 to continue the efforts of the National Renewable Energy Laboratory to develop renewable energy resources uniquely suited to the Southwestern United States through its virtual site office in Nevada.

**Program Direction.**—The conferees provide $99,524,000 for Program Direction. The reduction of $2,000,000 from the request reflects the transfer of program direction funds to the Office of Electricity Delivery and Energy Reliability.

**Regional Offices.**—The conferees provide full funding for the six regional offices in fiscal year 2006. However, the conferees understand that the Administration is unlikely to request funding for the regional offices in the fiscal year 2007 budget request. In light of this, the conferees direct the regional offices be consolidated into the Project Management Center at the Golden Field Office and the National Energy Technology Laboratory not later than September 30, 2006.

**OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY**

The conferees provide $163,513,000 for Office of Electricity Delivery and Energy Reliability. The conferees direct that the activities within the Distributed Energy and Electricity Reliability Program, previously funded in the Energy Conservation account, be merged within the Office of Electricity Delivery and Energy Reliability. The conference agreement includes $60,666,000 for the transferred activities. Within available funds, the conference recommendation includes $2,000,000 for Thermal Energy Technologies; $2,000,000 for gas engine-driven heat pump development; $2,000,000 to complete the on-going Ammonia Absorption Technology Development for HVAC&R activity; $2,500,000 for a CHP engineering prototype and field test activity of ammonia absorption technology; continuation of desiccant research at a level of $1,500,000; and continuation of heat and mass transfer activities at a level of $2,000,000. The conference agreement includes
$5,000,000 to conduct electricity transmission, distribution and energy assurance research and development activities at the National Energy Technology Laboratory and $10,000,000, equally divided between Idaho and Sandia National Laboratories, to support activities at the SCADA test facilities. The conference agreement includes $3,000,000 for deployment testing and analysis of advanced energy storage systems for telecommunication applications in Kansas. Detailed subprogram allocations are shown in the table at the end of Title III.

Program Direction.—The conference agreement includes $13,447,000 for program direction.

NUCLEAR ENERGY PROGRAMS

The conference agreement provides a total of $557,574,000 for nuclear energy programs. The Office of Nuclear Energy, Science and Technology is the lead office with landlord responsibilities for the Idaho site. Because this site provides considerable support to defense activities and naval nuclear reactors, $123,873,000 of costs is allocated to Other Defense Activities and $13,500,000 is allocated to Naval Reactors. Both programs are in the 050 budget function.

University Reactor Fuel Assistance and Support.—The conference agreement includes $27,000,000. The conferees support the inclusion of the Institute of Nuclear Science and Engineering at Idaho National Laboratory in this program.

Nuclear Energy Research and Development.—The conference agreement provides $226,000,000 for nuclear energy research and development. The conference agreement provides $66,000,000 for Nuclear Power 2010.

For Generation IV Nuclear Energy Systems, the conferees provide $80,000,000, of which $40,000,000 is provided for the Next Generation Nuclear Power Plant program. Within available funds, $4,000,000 is provided for the development of multiple high temperature fuel fabrication techniques in support of the Generation IV Nuclear Energy Systems.

The conferees provide $10,000,000 over the request for the Advanced Fuel Cycle Initiative (AFCI). This funding will allow completion of the conceptual design in fiscal year 2006 and enable pre-engineering design to commence in fiscal year 2007. The conferees direct the Department to accelerate the development of a separations technology that can address the current inventories of commercial spent nuclear fuel and select the preferred technology no later than the end of fiscal year 2007. The conferees direct the Department to submit the spent nuclear fuel recycling
technology plan to the House and Senate Committees on Appropriations by March 1, 2006.

Reporting requirement.—The conferees direct the Department to submit to the House and Senate Committees on Appropriations a report on sodium bonded spent fuel, as outlined in the Senate report, no later than March 1, 2006.

Radiological Facilities Management.—The purpose of the Radiological Facilities Management program is to maintain the critical infrastructure necessary to support users from the defense, space, and medical communities on a reimbursable basis. The conference agreement provides $54,595,000 for this work. The conferees provide $39,700,000 for Space and Defense Infrastructure. This includes the requested amounts to operate radioisotope power systems at the Idaho National Laboratory (INL), maintain iridium capabilities at Oak Ridge National Laboratory, and maintain and operate the Pu-238 mission at Los Alamos. The conferees recognize the need to free up floor space in TA–55 for pit production, and direct the Department to develop a strategy to relocate expeditiously the mission for Pu-238 processing from Los Alamos to INL. The conferees provide an increase of $8,500,000 for INL to plan and build the capability to assume the Pu-238 mission, so there is no gap in capability during the mission transfer. The conferees direct the Department to provide a mid-year report by March 31, 2006, on the transfer strategy and associated costs.

The conferees provide $14,395,000 for Medical Isotopes Infrastructure, and $500,000 for Enrichment Facility Infrastructure. The conferees provide no funding for the Medical Isotope Production and Building 3019 Complex Shutdown project. The conferees direct the Department to terminate promptly the Medical Isotope Production and Building 3019 Complex Shutdown project. The responsibility for disposition of the U–233 is transferred to the Defense Environmental Management program per DOE’s recommendation, and the conferees have provided funds in the Defense Environmental Management appropriation for disposition of the material stored in Building 3019.

Idaho Facilities Management.—The conference agreement provides $113,862,000 for Idaho National Laboratory (INL) operations and infrastructure. Of this total, $82,600,000 is allotted to the 270 budget function and the balance, $31,262,000, is allotted to the 050 function and funded under Other Defense Activities and Naval Reactors. The conferees provide $102,907,000 for INL operations, $69,145,000 from function 270 Energy Supply, $17,762,000 from Other Defense Activities, and an increase of $13,500,000 from the Office of Naval Reactors to support the Idaho National Laboratory’s Advanced Test Reactor (ATR) life extension program. The conferees also provide an additional $2,500,000 for the utility corridor extension project at the Idaho National Laboratory. The conferees provide $10,955,000 for Idaho facilities construction. This includes the requested amounts for the Gas Test Loop in the Advanced Test Reactor.

Idaho Site-wide Safeguards and Security.—The conferees provide $75,008,000 for Idaho sitewide safeguards and security as an 050 Defense Activity under the Other Defense Activities account.
Program Direction.—The conference agreement includes $61,109,000 for program direction. Of this amount, $30,006,000 is funded in the Energy Supply appropriation under budget function 270, and $31,103,000 is funded in the Other Defense Activities appropriation under budget function 050.

ENVIRONMENT, SAFETY AND HEALTH

The conference agreement provides $28,000,000 for non-defense environment, safety and health activities. The conference agreement includes $20,900,000 for program direction, the same as the budget request.

LEGACY MANAGEMENT

The conference agreement provides $33,522,000 for the Energy Supply-related activities of the Office of Legacy Management.

### CONGRESSIONALLY DIRECTED ENERGY SUPPLY & CONSERVATION PROJECTS

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## CONGRESSIONALLY DIRECTED ENERGY SUPPLY & CONSERVATION PROJECTS—Continued

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CONGRESSIONALLY DIRECTED ENERGY SUPPLY & CONSERVATION PROJECTS—Continued

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<td>deep burn-up of nuclear fuel and other fuel cycle research to eliminate the need for</td>
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<td>multiple spent nuclear fuel repositories, to eliminate weapons useable materials from</td>
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<td>disposed spent fuel, and to maintain forever potential radiological releases from a</td>
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<td>repository below currently legislated limits (NV).</td>
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<td>Univ. of Nevada Reno Nuclear Transportation Hazard Research (NV) .........................</td>
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CLEAN COAL TECHNOLOGY

(DEFERRAL AND RESCISSION)

The conference agreement provides for the deferral of $257,000,000 in clean coal technology funding until fiscal year 2007. These balances are no longer needed to complete active projects in this program. These funds are to be used for costs associated with the FutureGen program in fiscal year 2007 and beyond, to develop a coal-fired, nearly emissions-free electricity and hydrogen generation plant. The conference agreement rescinds $20,000,000 of prior year uncommitted balances from excess contingency estimates in demonstration projects. This rescission was misapplied to Fossil Energy Research and Development in both the House and Senate reports, and is now correctly applied to Clean Coal Technology.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

The conference agreement provides $597,994,000 for fossil energy research and development. Bill language is included providing that Federal employees in fiscal year 2006 performing research and development activities at the National Energy Technology Laboratory can be funded from program accounts. The conferees direct the Department to budget for the salaries and expenses of federal employees in program direction accounts, and the fiscal year 2007 budget request should reflect this adjustment.

Clean coal power initiative.—The conference agreement provides $50,000,000, the amount of the budget request for the Clean Coal Power Initiative (CCPI). The $50,000,000 request from the Administration in fiscal year 2006 is woefully short of the $200,000,000 commitment made by the Administration. The conferees direct the Administration to fulfill the commitments made to CCPI. Funds remaining from the termination of the low emission boiler project are to be transferred to the Clean Coal Power Initiative.

FutureGen.—The conference agreement provides $18,000,000, the amount of the request for FutureGen. The conferees understand and recognize the value of the FutureGen project. However, the conferees are concerned about maintaining adequate funding for the core fossil energy research, development, and demonstration programs, especially with the new programmatic demands of the
Energy Policy Act of 2005. The conferees will continue to give full consideration to the FutureGen project, contingent upon the Administration maintaining adequate funding requests for other related fossil energy programs.

Fuels and Power Systems.—The conference agreement provides a total of $311,998,000 for Fuels and Power Systems. Within the funds provided, the conferees provide $25,400,000 for innovations at existing plants; $56,450,000 for advanced Integrated Gas Combined Cycle; $18,000,000 for advanced turbines; $67,000,000 for carbon sequestration (including $6,000,000 for Center for Zero Emissions Research and Technology of which $1,500,000 is for the Los Alamos National Laboratory); $29,000,000 for fuels; $62,000,000 for fuel cells including $8,000,000 for high temperature electrochemistry; and $53,154,000 for advanced research. The conferees provide $4,000,000, the amount of the budget request, for the Focus Area for the Computational Energy Science. The conferees provide $994,000 for the U.S./China Energy and Environmental Center. The conferees direct that any hydrogen research and development funded under Fossil Energy be focused on fossil fuels research and development. The conferees are aware of the work conducted by C1Chemistry, and encourage the Department to consider proposals for additional research by the consortium.

Natural Gas Technologies.—The conference agreement provides $33,000,000 for natural gas technologies, an increase of $23,000,000 over the budget request. The conferees provide $9,000,000 for advanced drilling, completion and stimulation, including Deep Trek; $4,000,000 to continue work aimed at expanding the recoverability of natural gas from low-permeability formations; $2,000,000 for stripper wells and technology transfer; $1,000,000 to improve the reliability and efficiency of gas storage systems; and $2,000,000 for liquid natural gas technologies. Within the funds provided, the conference agreement includes $12,000,000 for gas hydrates, and $3,000,000 to continue research to develop treatment technologies that will allow water from conventional gas wells or coal bed methane wells to be put to beneficial use or to be safely discharged to the surface.

Petroleum-Oil Technologies.—The conference agreement provides $32,000,000 for petroleum-oil technologies, an increase of $22,000,000 over the budget request. The conferees provide $4,000,000 for enhancing utilization of industrial carbon dioxide; $4,000,000 for drilling and completion enhancements that support microhole exploration; $4,000,000 for reservoir imaging; $3,000,000 for improved gas flooding recovery methods; $6,000,000 reservoir life extension; $10,000,000 for environmental protection; and, $1,000,000 for the Interstate Oil and Gas Compact Commission.

Program Direction.—The conference agreement includes $106,941,000, an increase of $8,000,000 above the budget request, for the National Energy Technology Laboratory to maintain the personnel that otherwise would have been lost as the result of the proposed gas and petroleum-oil program reductions in the budget request.

Plant and Capital Equipment.—The conference agreement includes $20,000,000 for plant and capital equipment, an increase of $20,000,000 above the budget request. Within these funds,
$18,000,000 is for the infrastructure improvement program at the National Energy Technology Laboratory and $2,000,000 is for general plant projects.

**Other programs.**—The conference agreement includes $9,600,000 for fossil energy environmental restoration; $1,799,000 for import/export authorization; $8,000,000 for advanced metallurgical research; $656,000 for special recruitment programs; and $6,000,000 for the Energy and Environmental Research Center under cooperative research and development.

**Prior year balances.**—The conference agreement recommends no reduction in prior year balances, instead of the $20,000,000 reduction as proposed by the House and by the Senate.

**Congressionally Directed Projects.**—The conferees’ recommendation includes the following Congressionally directed projects, within available funds. The conferees remind recipients that statutory cost sharing requirements may apply to these projects.

### CONGRESSIONALLY DIRECTED FUELS & POWER PROJECTS

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<th>Accounts</th>
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<td>Center for Advanced Separation Technologies (VA)</td>
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<td>GEDAC packaged Gas Engine-Driven Heat Pump (multi state)</td>
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<td>Advanced Metallurgical Process, Albany Research Center (OR)</td>
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<td>Energy and Environmental Research Center (EEER) (ND)</td>
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<td>Development of continuous solvent extraction processes for coal derived carbon products (IV).</td>
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<td>West Virginia Univ. study of long-term environmental and economic impacts of the development of coal liquefaction in China (IV).</td>
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<td>WVU Lightweight composite materials for heavy duty vehicles program (IV).</td>
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<td>Univ. of Wyoming Multi-Disciplinary Coal-bed Natural Gas Research Center (IV).</td>
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<td>Utah Center for Heavy Oil Research (UT)</td>
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<td>University of Mississippi Hydrocarbons (MS)</td>
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### NAVAL PETROLEUM AND OIL SHALE RESERVES

The conference agreement provides $21,500,000, the same as the Senate, and an increase of $3,000,000 over the House, to support the activities under the Naval Petroleum Reserve (NPR) Colorado, Utah, and Wyoming program.
Reporting requirements.—Within available funds, the conferees direct the Department to conduct a study on the environmental liabilities at the Rocky Mountain Oilfield Testing Center (RMOTC) in Wyoming. The study should include field work to determine the scope of the contamination and the life cycle cost to remediate the site. The report is due to the House and Senate Committees on Appropriations by May 1, 2006.

ELK HILLS SCHOOL LANDS FUND

The conferees provide $48,000,000, the same as the budget request, for the Elk Hills School Lands Fund. Combined with the fiscal year 2005 advance appropriation of $36,000,000, this will make available a total of $84,000,000 in fiscal year 2006, as proposed by both the House and the Senate.

STRATEGIC PETROLEUM RESERVE

The conference agreement provides $166,000,000, for the strategic petroleum reserve as proposed by both the House and the Senate. The conferees recognize the Department will be conducting a site selection process for the expansion of the strategic petroleum reserve as provided in the Energy Policy Act of 2005.

NORTHEAST HOME HEATING OIL RESERVE

The conference agreement provides no new funding, consistent with the budget request, for the Northeast Home Heating Oil reserve, because the Department has confirmed that sufficient carry-over balances exist.

ENERGY INFORMATION ADMINISTRATION

The conference agreement provides $86,176,000, $250,000 above the request, for the Energy Information Administration. The increase above the request is to fund increased requirements for cybersecurity measures to safeguard computer systems and data integrity.

NON-DEFENSE ENVIRONMENTAL CLEANUP

The conference agreement provides $353,219,000 for Non-Defense Environmental Cleanup, an increase of $3,285,000 over the budget request. This increase is for the East Tennessee Technology Park at Oak Ridge National Laboratory.

Milestone report.—While the budget structure has changed, the conferees remain interested in whether the Department has met its goals for completion for years 2006, 2012, and 2035. The conferees request a report by site that tracks accelerated clean-up milestones, whether they are being met or not, and includes annual budget estimates and life-cycle costs, due to the House and Senate Committees on Appropriations by March 1 and September 1 of each year.

Reprogramming Authority.—The conferees continue to support the need for flexibility to meet changing funding requirements at sites. In fiscal year 2006, the Department may transfer up to $2,000,000 within accounts, and between accounts, to reduce health or safety risks or to gain cost savings as long as no program or
project is increased or decreased by more than $2,000,000 once during the fiscal year. The account control points for reprogramming are the Fast Flux Test Reactor Facility, West Valley Demonstration Project, Gaseous Diffusion Plants, Small Sites, and construction line-items. This reprogramming authority may not be used to initiate new programs or to change the funding levels for programs specifically denied, limited, or increased by Congress in the Act or statement. The Committees on Appropriations in the House and Senate must be notified within thirty days of the use of this reprogramming authority.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

The conference agreement provides $562,228,000 for activities funded from the Uranium Enrichment Decontamination and Decommissioning (UED&D) Fund. This amount includes $542,228,000 for decontamination and decommissioning activities at the gaseous diffusion plants and $20,000,000 for Title X uranium and thorium reimbursements. For the decontamination and decommissioning of the gaseous diffusion plants, the conferees provide $192,157,000 for Portsmouth, Ohio; $105,000,000 for Paducah, Kentucky; and $245,071,000 for East Tennessee Technology Park in Oak Ridge.

The conferees direct the Government Accountability Office (GAO) to investigate the contamination of phosgene at the gaseous diffusion plants.

SCIENCE

The conference agreement provides $3,632,718,000, instead of $3,666,055,000 as proposed by the House and $3,702,718,000 as proposed by the Senate. Specific funding allocations and earmarks proposed by the House and Senate are superceded by the allocations and earmarks listed in this joint explanatory statement.

High Energy Physics.—The conference agreement provides $723,933,000 for high energy physics research. The control level is at the High Energy Physics level. An additional $10,000,000 is provided for research on the international linear collider and for upgrades to the neutrino research program. The conferees support the DOE/NASA Joint Dark Energy Mission (JDEM) and encourage the Department to move JDEM forward aggressively to accomplish this important research.

Nuclear Physics.—The conference agreement provides $370,741,000 for nuclear physics research, including $2,000,000 of construction funds for project engineering and design of the electron beam ion source at Brookhaven National Laboratory (project 06–SC–02). The conferees support the Rare Isotope Accelerator (RIA) but are concerned that the Department does not seem to be making tangible progress toward realization of RIA. The conferees reiterate the reporting requirement, as outlined in Senate Report 109–84, for the Department to define a specific path forward on RIA. The conferees also recognize the importance of the 12 GeV upgrade of the Continuous Electron Beam Accelerator Facility at the Thomas Jefferson National Accelerator Facility and support initiation of project engineering and design within available funds.
Biological and Environmental Research.—The conference agreement includes $585,688,000 for biological and environmental research, an increase of $130,000,000 over the budget request. This increase is provided to fund Congressionally-directed projects as listed in the table below. Within available funds, the conferees direct the Department to provide an additional $3,500,000 for upgrades to instrumentation at the Environmental Molecular Sciences Laboratory (EMSL). The conferees support the development of the proposed Genomes to Life (GTL) facilities, and encourage the Department to budget for the first of these GTL facilities, for the production and characterization of proteins and molecular tags, in fiscal year 2007. The conferees encourage the Department to reduce the cost of the GTL facilities to accelerate deployment of all four proposed GTL centers. Due to the nature of this research, there is a need for all of the facilities to be deployed to meet the scientific challenge of molecular characterization. The conferees recommend that the Department conduct an open competition for the siting of these GTL facilities.

Congressionally Directed Office of Science Projects

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<tr>
<th>Project Description</th>
<th>Conference Recommendation</th>
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<td>Univ. of Alabama Dept. of Neurobiology to purchase a FMRI (AL)</td>
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<td>Baylor University Lake Whitney Assessment (TX)</td>
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<td>SUNY IT Nano-Bio-Molecular Technical Incubator (NY)</td>
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<td>San Antonio Cancer Center (TX)</td>
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<td>University of South Alabama Cancer Research Institute (AL)</td>
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<tr>
<td>Indiana Wesleyan University Marion for a registered nursing program (IN)</td>
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<td>Virginia Commonwealth University Massey Cancer Center (VA)</td>
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<tr>
<td>Construction of new science facility at Bethel College (IN)</td>
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<td>University of Wyoming Coalbed Methane research center (WY)</td>
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<td>Hampton University Cancer Treatment Center (VA)</td>
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<td>George Mason University research against Biological Agents (VA)</td>
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<td>Lehigh University Critical Infrastructure Lab. (PA)</td>
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<td>Thomas University Minority Science center (FL)</td>
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<td>Washington &amp; Jefferson science initiative (PA)</td>
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<td>Science building at Waubonsee Community College (IL)</td>
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<td>BER Morgan State University Center for Environmental Toxicology (MD)</td>
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<td>BER W. Michigan U. Expanded Energy &amp; Natural Resources Learning Ctr (MI)</td>
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<td>BER Arnold Palmer Prostate Center (CA)</td>
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<td>BER LA Immersive Tech. Enterprise program at the U. of LA-Lafayette (LA)</td>
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<td>BER Brown University MRI Scanner (RI)</td>
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<td>BER University of Dubuque Environmental Science Center (IA)</td>
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Basic Energy Sciences.—The conferees provide $1,146,017,000 for basic energy sciences, the same as the budget request. The conference agreement includes $746,143,000 for materials sciences and engineering research, and $221,801,000 for chemical sciences, geosciences, and energy biosciences. All basic energy science construction projects are funded at the request level: $41,744,000 for the Spallation Neutron Source (99–E–334) at Oak Ridge National Laboratory; $2,544,000 for Title I and Title II design work (03–SC–002) and $83,000,000 to initiate construction (05–R–320) for the Linac Coherent Light Source at the Stanford Linear Accelerator Center; $36,553,000 for the Center for Functional Nanomaterials (05–R–321) at Brookhaven National Laboratory; $9,606,000 for the Molecular Foundry (04–R–313) at Lawrence Berkeley National Laboratory; and $4,626,000 for the Center for Integrated Nanotechnologies (03–R–313) at Los Alamos and Sandia National Laboratories. Also included at the request level is $7,280,000 for the Experimental Program to Stimulate Competitive Research (EPSCoR). Within available funds, the conferees encourage the Department to continue the purchase of fuel for the High Flux Isotope Reactor. The conferees note the recent CD–0 decision on the National Synchrotron Light Source-II at Brookhaven National Laboratory, and encourage the Department to fund expeditiously the project engineering and design for this facility.

Advanced Scientific Computing Research.—The conference agreement includes $237,055,000 for advanced scientific computing research, an increase of $30,000,000 over the budget request. This increase is provided to the Center for Computational Sciences to accelerate the efforts to develop a leadership-class supercomputer to meet scientific computational needs. Of this $30,000,000, $25,000,000 should be dedicated to hardware and $5,000,000 to competitive university research grants.
Science Laboratories Infrastructure.—The conferees provide a total of $42,105,000 for science laboratories infrastructure, an increase of $2,000,000 over the budget request. The additional funds are provided to complete project engineering and design and initiate construction for the 300 Area capability replacement laboratory at Pacific Northwest National Laboratory (project MEL–001–046). Within available funds, the conferees direct the Department to continue to make PILT payments associated with Argonne National Laboratory at the fiscal year 2005 level.

Fusion Energy Sciences.—The conferees provide $290,550,000 for fusion energy sciences, the same as the budget request. The conferees direct the Department to utilize $29,900,000 of funding proposed for ITER work in fiscal year 2006 to restore U.S.-based fusion funding to fiscal year 2005 levels as follows: $7,300,000 for high performance materials for fusion; $8,700,000 to restore operation of the three major user facilities to fiscal year 2005 operating levels; $7,200,000 for intense heavy ion beams and fast ignition studies; $5,100,000 for compact stellarators and small-scale experiments; and $1,600,000 for theory. As in previous years, the conferees direct the Department to fund the U.S. share of ITER in fiscal year 2007 through additional resources rather than through reductions to domestic fusion research or to other Office of Science programs. Within available funds, the conferees include $1,000,000 for non-defense research activities at the Atlas Pulse Power facility. In addition, the conferees direct the Government Accountability Office (GAO) to undertake a study of the Office of Science Fusion Energy Sciences program in order to define the role of the major domestic facilities in support of the ITER, including recommendations on the possible consolidation or focus of operations to maximize their research value in support of ITER. The GAO shall also evaluate the opportunities to leverage the National Nuclear Security Administration investment as an alternative to the tokamak concept.

Safeguards and Security.—The conference agreement includes $74,317,000 for safeguards and security, the same as the requested amount.

Science Workforce Development.—The conference agreement includes $7,192,000 for Science Workforce Development, the same as the budget request.

Science Program Direction.—The conferees provide $160,725,000 for Science Program Direction. The control level for fiscal year 2006 is at the program account level of Science Program Direction.

Funding Adjustments.—The conference agreement includes an offset of $5,605,000 for the safeguards and security charge for reimbursable work.

Nuclear Waste Disposal

The conference agreement provides $150,000,000 for Nuclear Waste Disposal. When combined with the $350,000,000 provided in the Defense Nuclear Waste Disposal account, this makes a total of $500,000,000 available in fiscal year 2006 for activities related to nuclear waste disposal.

Repository program.—During 2005, the Department was unable to complete the License Support Network and faced problems
in the quality assurance for water modeling done by the U.S. Geological Survey, several significant legal setbacks, and a major, controversial proposed change to the radiation standard for the repository. These events impact on the Department’s ability to submit a quality License Application during fiscal year 2006, as originally scheduled. Further significant schedule slippages are likely. While the Department claims to be taking a number of corrective actions to address these problems, these changes mean that the Department will not be performing all of the license preparation and license defense activities that were originally envisioned when the fiscal year 2006 budget request of $651,000,000 was developed. The conferees believe that $450,000,000 will be sufficient in fiscal year 2006.

Assistance to affected units of local government.—Within the funds made available for the repository program, the conferees provide $2,000,000 to the State of Nevada; $7,500,000 for the affected units of local government; and $500,000 for Nye County, Nevada, as authorized under the Nuclear Waste Policy Act for appropriate oversight actions. These funds for Nye County shall be separate and apart from oversight funding under Section 116(c) of the Nuclear Waste Policy Act. The conferees have included bill language reducing the Department’s fiduciary responsibility for this oversight funding in light of the adversarial nature of the license application process. Additionally, the conferees direct the Department to renew, as appropriate, existing cooperative agreements with affected units of local government. The Department is specifically directed to enter into a three-year cooperative agreement with Inyo County, California, to complete the study of groundwater connections between Yucca Mountain and Death Valley National Park. The conferees expect this agreement to be in place in time to enable winter test drilling in Death Valley during the winter of 2005–2006.

Integrated spent fuel recycling.—Given the uncertainties surrounding the Yucca Mountain license application process, the conferees provide $50,000,000, not derived from the Nuclear Waste Fund, for the Department to develop a spent nuclear fuel recycling plan. Under the Nuclear Energy account, the conferees provide additional research funds to select one or more advanced recycling technologies and to complete conceptual design and initiate pre-engineering design of an Engineering Scale Demonstration of advanced recycling technology. Coupled with this technology research and development effort, funds are provided under the Nuclear Waste Disposal account to prepare the overall program plan and to initiate a competition to select one or more sites suitable for development of integrated recycling facilities (i.e., separation of spent fuel, fabrication of mixed oxide fuel, vitrification of waste products, and process storage) and initiate work on an Environmental Impact Statement. The site competition should not be limited to DOE sites, but should be open to a wide range of other possible federal and non-federal sites on a strictly voluntary basis. The conferees remind the Department that the Nuclear Waste Policy Act prohibits interim storage of nuclear waste in the State of Nevada. To support the development of detailed site proposals for this competition, the conferees make a total of $20,000,000 available to the site offerors,
with a maximum of $5,000,000 available per site. To be eligible to receive these funds, each applicant site must be able to identify all state, regulatory, and environmental permits required for permitting this facility, including identifying any legislative or regulatory prohibitions that might prevent siting such a facility. The conferees direct the Secretary to submit a detailed program plan to the House and Senate Committees on Appropriations not later than March 31, 2006, and to initiate the site selection competition not later than June 30, 2006. The target for site selection is fiscal year 2007, and the target for initiation of construction of one or more integrated spent fuel recycling facilities is fiscal year 2010. Any funds deemed to be in excess of the needs for the integrated recycling program plan may only be diverted to other activities after submittal and approval of a formal reprogramming to Congress.

DEPARTMENTAL ADMINISTRATION

The conference agreement provides a net appropriation of $129,817,000 for Departmental Administration expenses. This amount includes a transfer of $87,575,000 from Other Defense Activities for defense-related Departmental Administration activities and the Congressional Budget Office estimate of $123,000,000 for revenues. Specific funding levels for each organization funded under the Departmental Administration account are detailed in the accompanying table. The conferees include bill language requiring a report on security at Building 3019, Oak Ridge National Laboratory.

Chief Information Officer.—The conferees provide $39,385,000, an increase of $1,418,000 over the current year level. The conferees do not support the proposed 63 percent growth in support services contracts for the Chief Information Officer.

Congressional and intergovernmental affairs.—The conference agreement provides $4,826,000, the same as the current year funding level. The conferees expect that the Department will continue the long-standing practice that the primary channel for Departmental liaison with the House Appropriations Committee shall be the Chief Financial Officer.

Policy and international affairs.—The conference agreement provides $14,993,000, the same as the current year funding level.

Office of Engineering and Construction Management.—The conferees support the House report language regarding the importance of improving project management within the Department.

Cybersecurity and secure communications.—The conference agreement provides $24,733,000, the same as the current year funding level.

Corporate management information program.—The conference agreement provides the requested level of $23,055,000. However, the conferees are concerned about the recent failures of STARS and remind the Department of the importance of having a system that provides timely and accurate accounting information.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $42,000,000 for the Office of the Inspector General, a slight decrease from the request but an increase over the current year funding level.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department of Energy, manages the Nation’s nuclear weapons, nuclear nonproliferation, and naval reactors activities.

The conference agreement does not include the proposed clean-up transfer from Environmental Management to the NNSA and the conference recommendation assumes the EM program retains the cleanup program scope.

Availability of funds.—The conference agreement makes funds available until expended.

WEAPONS ACTIVITIES

The conference agreement provides $6,433,936,000 for Weapons Activities instead of $6,574,024,000 as proposed by the Senate and $6,181,121,000 as proposed by the House. The conferees agree with the House language regarding reprogramming authority for weapons activities.

Sustainable Stockpile Initiative.—The conferees support the basic tenets of the House language on a Sustainable Stockpile Initiative, including support for the reliable replacement warhead program, an accelerated warhead dismantlement program, and a reconfiguration of the weapons complex to create a responsive infrastructure that maximizes special nuclear material consolidation. The conferees appreciate the significant effort by the members of the Secretary of Energy’s Advisory Board Infrastructure Task Force that produced the Nuclear Weapons Complex Infrastructure Study and expect the Secretary to give serious consideration to the recommendations in the fiscal year 2007 budget request.

DIRECTED STOCKPILE WORK

Directed stockpile work (DSW).—The conference agreement includes $1,386,189,000 for directed stockpile work. The conference agreement provides $300,818,000 for DSW Life Extension Programs. The conference agreement provides $311,804,000 for DSW Stockpile Systems and $60,000,000 for DSW Warhead Dismantlement. The conferees note the importance of an aggressive warhead dismantlement program as part of the mission of the NNSA and direct the Administrator to submit a report to the Committees on Appropriations addressing the cost, scope and schedule of expanding the NNSA infrastructure to increase the dismantlement capacity of the complex. The report is due on March 1, 2006.

Reliable Replacement Warhead (RRW).—The conferees have provided $25,000,000 for the RRW program. The conferees expect that the laboratories and plants will also utilize the existing re-
sources in the Directed Stockpile, Campaigns, and Readiness in Technical Base and Facilities accounts where applicable to further the RRW design options to support a Nuclear Weapons Council determination in November 2006. The conferees reiterate the direction provided in fiscal year 2005 that any weapon design work done under the RRW program must stay within the military requirements of the existing deployed stockpile and any new weapon design must stay within the design parameters validated by past nuclear tests. The conferees expect the NNSA to build on the success of science-based stockpile stewardship to improve manufacturing practices, lower costs and increase performance margins, to support the Administration’s decision to significantly reduce the size of the U.S. nuclear stockpile.

The conference agreement provides $688,567,000 for DSW Stockpile services. From within the funds provided in DSW Stockpile services, the conferees direct the NNSA to provide $40,000,000 to fund the Nevada Test Site, $5,000,000 above the request, to maintain the Subcritical Experiment Program, including the Phoenix Explosive Pulse Power program. From within available funds, the conferees provide $6,000,000 to Los Alamos National Laboratory to conduct hydrodynamic testing in support of the Stockpile Stewardship program and $3,000,000 above the request to fund independent assessments of the safety of the stockpile and secure information exchange within the weapons complex.

The conference agreement provides no funds for the Robust Nuclear Earth Penetrator (RNEP) feasibility study.

The conferees support a degree of flexibility in executing this budget by providing limited reprogramming authority within Directed Stockpile Work [DSW]. The control levels for the Directed Stockpile Work are:

(1) Life Extension Programs;
(2) Stockpile Systems;
(3) Reliable Replacement Warhead;
(4) Warhead Dismantlement; and
(5) Stockpile Services.

CAMPAIGNS

Campaigns.—The conferees support the Senate language directing the Department to renew for 5 years the existing cooperative agreements with the University of Nevada Las Vegas and the University of Nevada Reno. The Department is also directed to provide funding of $3,000,000 to each institution per year.

For science campaigns, the conference agreement provides $279,464,000. The conference agreement provides $49,718,000 for primary assessment technologies and $20,000,000 for Test Readiness, a reduction of $5,000,000 from the budget request. The conferees direct the Department to maintain the current 24-month test readiness posture. The conferees include $12,500,000, an increase of $2,500,000, to fund the Nevada Test Site to support dynamic experiments, diagnostics, and data analysis, including past UGT analysis. The conferees direct the NNSA to conduct a study to evaluate the capability of proton radiography of the LANSCE facilities to support stockpile stewardship activities. The report is due
to the House and Senate Committees on Appropriations by July 1, 2006.

The conference agreement provides $83,894,000 for dynamic materials properties, an increase of $3,000,000 above the budget request to support additional experiments at the Joint Actinide Shock Physics Experimental Research facility and at the Atlas facility. The conferees provide $1,000,000 for the LCS laser upgrade at the Idaho Accelerator Center. The conferees provide $49,520,000 for advanced radiography, the same as the budget request. The conferees direct the JASONs to undertake a study of the Dual Axis Radiographic Hydro Test Facility (DARHT) to evaluate the DARHT 2nd axis refurbishment plan and to validate the current schedule and cost baseline. The conferees expect the JASONs to consider whether or not the NNSA has taken the appropriate steps to resolve the technical difficulties associated with the induction linac technology and whether or not the second axis is expected to return to service as currently planned in 2008 in order to meet the National Hydrotest Plan requirements. The conferees recommend $76,332,000 for secondary assessment technologies, an increase of $15,000,000 over the budget request. The conferees provide the additional funds to Los Alamos National Laboratory to restore high-energy-density experimental capabilities.

The conference agreement provides $250,411,000 for engineering campaigns. The conference agreement for the enhanced surety campaign is $40,000,000. The conferees direct NNSA to utilize the MESA facility to develop micro-technology for surety architecture. The conference agreement for the weapons system engineering assessment technology is $17,540,000. The conference agreement for nuclear survivability is $22,386,000 and the conference recommendation for enhanced surveillance campaign is $100,207,000. From within available funds, the conferees provide $4,465,000 to continue the grant-funded University Research Program in Robotics.

Engineering campaign construction projects.—The conference agreement provides $65,564,000 for Project 01-D-108, Microsystem and engineering science applications (MESA) at SNL, in New Mexico and $4,714,000 in operating funds.

Inertial Confinement Fusion (ICF) Ignition and High Yield.—The conference agreement includes $549,073,000 for the inertial confinement fusion ignition and high yield program. The conferees support the House language regarding project management control systems for managing the ICF program. The conferees direct the NNSA Administrator to issue a report by March 1, 2006 that identifies the scientific and stockpile stewardship value of the National Ignition Facility if the project fails to achieve the ignition demonstration by 2011, or at any time in the future.

Ignition.—The conference agreement recommends $75,615,000, the same as budget request.

Support for Other Stockpile Programs.—The conference agreement includes $19,872,000, an increase of $10,000,000 over the budget request, to perform experiments on the Z-machine to validate computer models as well as experiments on OMEGA at the University of Rochester.
NIF Diagnostics, Cryogenics and Experimental Support.—The conference agreement provides $43,008,000, the same as the budget request.

Pulsed Power Inertial Confinement Fusion.—The conference recommendation includes $11,012,000, a $901,000 increase over the budget request, for pulsed power ICF to assess Z pinches as drivers for ignition and high yield fusion.

University Grants/Other ICF Support.—The conference recommendation includes $7,700,000 for research assistance in high energy density science, a level consistent with fiscal year 2005. The conference agreement includes $5,000,000 for the Nevada Terawatt Facility. Within the funds provided, $3,000,000 is for research into strongly magnetized high energy density matter and $2,000,000 is for construction of the high energy, short-pulse laser system.

Facility Operations and Target Production.—The conference agreement includes $64,623,000, an additional $10,000,000 over the request, for facility operations and target production. The conferees provide the additional $10,000,000 to accelerate target fabrication.

Inertial Fusion Technology.—The conference agreement restores $48,000,000 of funding for the Inertial Fusion Technology program. Within the funds provided, $25,000,000 is for continuing development of high average power lasers, $2,000,000 for the high density matter laser at the Ohio State University Technology Park, $15,000,000 for the Naval Research Laboratory, and $6,000,000 to prepare Z-machine to support extended operations.

NIF Demonstration.—The conference agreement includes $102,330,000 to support the NIF Demonstration program.

High Energy Petawatt Laser Development.—The conferees provide $35,000,000 for high energy petawatt laser development, an increase of $32,000,000 above the request. The conference recommendation includes an additional $4,000,000 for OMEGA operations to provide additional shots to support ignition demonstration in 2011 and an additional $22,000,000 to accelerate the OMEGA Extended Performance capability project, a four beam super-high-intensity, high-energy laser facility. Within the available funds, $2,000,000 is provided for continued development of petawatt laser at the University of Texas at Austin; $2,000,000 is provided to the University of Nevada, Reno to continue its collaboration with Sandia National Laboratories on highly diagnosed studies of exploding wire arrays and implosion dynamics. The conferees provide $2,000,000 to Sandia National Laboratories for Z-Petawatt Consortium experiments using the Sandia Z-Beamlet and Z petawatt lasers.

Construction—Project 96-D-111.—The conferees provide $141,913,000 for construction of the National Ignition Facility (NIF), the same as the budget request.

Advanced Simulation and Computing (ASCI).—The conference agreement provides $605,830,000 for Advanced Simulation and Computing. The conferees recognize that the modern networking technologies employed by the ASC program enable effective long-distance access to high-end computing. The conferees urge the ASC program to provide adequate federal oversight to ensure that the capability supercomputers are used as a national resource, shared
by the three weapons laboratories, and are applied to the highest priority weapons systems requirements that cannot be solved in a timely manner on capacity computers. The conferees direct the NNSA to allocate capacity computing funds to each lab based on the pending or projected highest priority stockpile workload. The conference recommendation includes the following projects from within available funds: Nonprofit AVETeC for Nextedge Technology Park, Springfield (OH), $10,000,000; Wittenberg University supercomputer (OH), $1,000,000; Notre Dame/Purdue Supercomputer Grid (IL, IN), $5,000,000; and $6,000,000 provided to continue the demonstration at the Pacific Northwest National Laboratory of advanced electronics packaging and thermal engineering for thermally-efficient electronics related to high performance data servers using three dimensional chip scale packaging integrated with spray cooling (WA).

For the pit manufacturing and certification campaign, the conference agreement provides $241,074,000. The conference agreement provides $120,926,000 for W88 pit manufacturing and $61,895,000 for W88 pit certification, the same as the budget request. The conference agreement provides $23,071,000 for Pit Manufacturing Capability and $35,182,000 for Pit campaign support at the Nevada Test Site. The conference agreement provides no funding for the modern pit facility. The conferees direct the Administrator of the NNSA to undertake a review of the pit program to focus on improving the manufacturing capability at TA–55. The conferees also direct the Department to develop a report as to how the NNSA intends to address the radiological mission and security needs of category III/IV material currently housed at TA–18 at Los Alamos. This report shall be provided to the Committees on Appropriations by February 1, 2006.

For readiness campaigns, the conference agreement provides $218,755,000. The conference agreement provides $31,400,000 for the Stockpile readiness campaign. The conference agreement provides $17,097,000 for High explosives weapons operations. The conference agreement provides $28,630,000 for the non-nuclear readiness campaign. The conference agreement provides $54,040,000 for the advanced design and production technologies campaign. Funding for the tritium readiness campaign is the same as the budget request.

**Readiness in Technical Base and Facilities**

*Readiness in technical base and facilities.*—For readiness in technical base and facilities, the conference agreement provides $1,647,885,000, an increase of $16,499,000 over the budget request, and includes several funding adjustments.

Within funds provided for operations of facilities, the conferees direct that, at a minimum, an additional $51,000,000 be provided for the Pantex Plant in Texas and an additional $40,000,000 for the Y–12 Plant in Tennessee as proposed by the House and $15,000,000 for the Kansas City Plant in Kansas as proposed by the Senate. The conference agreement provides the budget request of $25,000,000 for Lawrence Livermore Laboratory and $21,997,000 for the Y–12 plant to address newly generated waste activities.
The conferees provide the funding adjustments proposed by the Senate: $7,500,000 to support operation and recapitalization of facilities at the Nevada Test Site; $11,000,000 for modification of the Z-Beamlet laser at the Z Pinch at Sandia National Laboratories; $12,000,000 to support MESA Operations; $2,500,000 for the UNLV Research Foundation to support the ongoing programs of the Institute for Security Studies; $3,000,000 for the Advanced Monitoring Systems Initiative at the NTS to continue micro-sensing technology deployment and prototype deployment of remote monitoring systems for the underground test area; $7,500,000 to improve and upgrade existing roads at the Nevada Test Site and an additional $4,000,000 to install two new water storage tanks in Area 6 of the NTS; $1,000,000 to purchase and install a Geographic Information Center at the NTS; $4,000,000 to install a 17-mile fiber optic link between the Nevada Test Site and Indian Springs Air Force Base; and $4,500,000 to upgrade the Emergency Operations Center within the Nevada Support Facility to meet national program goals. The recommendation also includes, within funds provided, $3,000,000 for the Consortium on Terrorism and Fire Science at UNR; $500,000 for the continuing operations and security at the Atomic Testing History Institute; $2,000,000 to the UNLV Research Foundation to continue support of the radioanalytical services laboratory; $3,500,000 to the not-for-profit Technology Ventures Corporation to continue the successful technology transfer and commercialization efforts at the National Laboratories and the Nevada Test Site; $1,750,000 for the National Museum of Nuclear Science and History; $2,000,000 for the Arrowhead Center at New Mexico State University; $2,000,000 for Rapid Prototyping activities at the Special Technology Laboratory in Santa Barbara, (CA) to accelerate development of sensor and live plume tracking capabilities at the Nevada Test Site; $2,000,000 for a public-private partnership to continue the test and evaluation of water filtration technology to protect the public against nuclear, biological, and chemical threats; and $1,000,000 to continue the ongoing administration infrastructure support grant for the UNLV Research Foundation.

Nanotechnology.—The conferees provide $15,000,000 from within available funds for the establishment of the National Nanotechnology Enterprise Development Center (NNEDC), to be managed by the Center for Integrated Nanotechnologies. The NNEDC will assist in the technology maturation of nanotechnologies developed at each of the National Nanoscience Initiative Facilities and to assist in their transition to the marketplace, while emphasizing opportunities for industrial partnerships with the Center for Integrated Nanotechnologies. Proposals to the NNEDC will be considered by a board of experts qualified to evaluate proposals based on both their scientific merit and their commercial potential, including a representative from each of the National Nanoscience Initiative Facilities, and a similar number of representatives from economic development and commercial sectors to be selected by the Department of Energy’s Office of Science.

Advanced Computing.—The conferees provide $35,000,000 to Los Alamos National Laboratory to acquire additional computing capacity.
Within funds provided, the conferees provide the funding adjustments proposed by the House: $1,150,000 for risk based data management in Oklahoma (OK); $2,000,000 for Robotics repetitive system technology (OH); $3,750,000 for Plasma Separation Process High Energy Storage Isotope research (TN); $1,500,000 for Multi-Platform dosimeter radiation detection devices (WA); $2,000,000 for Secure Wireless Technologies at Y–12 (TN); $2,000,000 for Airborne Particulate Threat Assessment (PA); $2,000,000 for command and control of Vulnerable Materials Security System (PA, NJ); $1,000,000 for Advanced Engineering Environment at Sandia, Livermore (CA).

The conference agreement includes the budget request of $105,738,000 for Program Readiness, $72,730,000 for material recycle and recovery, $17,247,000 for containers, and $25,222,000 for storage. The conference recommendation provides the budget request for the activities under special projects within the funds provided for operations of facilities.

**Construction projects.**—For RTBF construction projects, the conference agreement includes the budget request, except for the following adjustments: an additional $2,000,000 for Project 05–D–140, Project Engineering and Design for Test Capabilities Revitalization project at Sandia National Laboratory and an additional $11,000,000 for Project 01–D–124, HEU materials facility at the Y–12 Plant, Oak Ridge, TN.

**FACILITIES AND INFRASTRUCTURE RECAPITALIZATION**

**Facilities and infrastructure recapitalization.**—The conference agreement includes $150,873,000 for the facilities and infrastructure (F&I) recapitalization program.

**SECURE TRANSPORTATION ASSET**

**Secure Transportation Asset.**—The conference agreement provides $212,100,000 for secure transportation asset. The conference agreement provides $68,334,000 for program direction.

**NUCLEAR WEAPONS INCIDENT RESPONSE**

**Nuclear Weapons Incident Response.**—The conference agreement provides $118,796,000 for nuclear weapons incident response.

**SAFEGUARDS AND SECURITY**

**Safeguards and security.**—The conference agreement includes $805,486,000, an increase of $65,008,000 over the budget request, for safeguards and security activities at laboratories and facilities managed by the National Nuclear Security Administration. Within funds provided for safeguards and security, the conferees direct that, at a minimum, an additional $25,000,000 be provided for the Pantex plant in Texas and an additional $60,000,000 for the Y–12 Plant in Tennessee, as proposed by the House, and $20,000,000 to complete the expansion of the red network at Los Alamos as proposed by the Senate. The conferees provide $1,900,000 to demonstrate an enterprise PKI for secure communication at Sandia National Lab. The conferees direct the NNSA to fund the protective
force at the Device Assembly Facility, including full implementation of the protective force Special Response Team program at the Nevada Test Site.

**Funding Adjustments**

*Funding adjustments. —* The conference agreement includes an adjustment of $32,000,000 for a security charge for reimbursable work, as proposed in the budget.

**Defense Nuclear Nonproliferation**

The conference agreement provides $1,631,151,000 for Defense Nuclear Nonproliferation.

**Nonproliferation and Verification Research and Development**

*Nonproliferation and Verification Research and Development. —* The conference agreement provides $322,000,000 for nonproliferation and verification research and development, an increase of $49,782,000 over the budget request. The conferees provide $177,471,000 for proliferation detection, an increase of $25,000,000 over the budget request; and $125,424,000 for nuclear explosion monitoring, an increase of $16,782,000 over the request, of which $24,000,000 is for ground-based systems for treaty monitoring; and $6,105,000 for supporting activities. The Committee provides $13,000,000 for Project 06–D–180, National Security Laboratory at the Pacific Northwest National Laboratory (PNNL), an increase of $8,000,000 over the budget request. The additional $8,000,000 is to complete project engineering and design and initiate construction on 300 Area capability replacement laboratory.

The conferees direct the Department to conduct a free and open competitive process for at least $7,500,000 of its research and development activities during fiscal year 2006 for ground-based systems treaty monitoring. From within available funds, the conference agreement includes the following projects: $2,500,000 for the UNLV Research Foundation to support nonproliferation activities at the Institute for Security Studies; $4,000,000 for portable high purity germanium detectors for incident response and radiation detection applications; $1,000,000 for the National Center for Biodefense at George Mason University (VA); $1,000,000 for the Offshore Detection Integrated System (OH); $750,000 for developing neutron dosimeter and Gamma-Beta Survey meter (OH); $300,000 for the Texas A&M Moscow Physics Institute-Nonproliferation and International Security Program (TX); and $500,000 for Mega Cargo Imaging program at the Nevada Test Site (NV). From within available funds, the conference agreement includes up to $5,000,000 to support a chemical and biological detection research and development program in the NNSA.

**Nonproliferation and International Security**

*Nonproliferation and International Security. —* The conference agreement provides $75,000,000 for nonproliferation and international security, a reduction of $5,173,000 below the budget re-
quest. The conferees provide $10,000,000 for initiatives focused on removing nuclear weapons usable materials from vulnerable sites around the world. The conferees direct the Department to provide $3,000,000 in grants to institutions of higher learning and non-profit entities for research related to nuclear nonproliferation and chemical and biological weapons detection. Each individual grant provided shall not exceed $250,000.

NONPROLIFERATION PROGRAMS WITH RUSSIA

INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION

International Materials Protection, Control and Cooperation (MPC&A).—The conference recommendation is $427,000,000 for the MPC&A program, an increase of $83,565,000 over the budget request. The conferees provide the additional funds to accelerate the new opportunities to secure nuclear warhead storage sites resulting from the Bratislava Summit agreement. The conference agreement provides the budget request within the Second Line of Defense program for the MegaPorts initiative.

GLOBAL INITIATIVE FOR PROLIFERATION PREVENTION

Global Initiative for Proliferation Prevention.—The conference agreement provides $40,000,000 for the Initiatives for Proliferation Prevention (IPP) program and the Nuclear Cities Initiative (NCI).

HIGHLY ENRICHED URANIUM (HEU) TRANSPARENCY IMPLEMENTATION

HEU Transparency Implementation.—The conference agreement provides $19,483,000, a reduction of $1,000,000 from the budget request.

ELIMINATION OF WEAPONS-GRADE PLUTONIUM PRODUCTION

Elimination of Weapons-Grade Plutonium Production.—The conference agreement provides $176,185,000, an increase of $44,185,000 over the budget request, for the elimination of weapons-grade plutonium production program. The conferees provide the additional funds to maintain the schedule to shutdown the Zheleznogorsk reactor by 2011 and expect the Department to fully fund the outyear budget requirement in the Future Years Nuclear Security Program five year budget plan to accomplish the reactor shutdown milestone.

FISSILE MATERIALS DISPOSITION

Fissile Materials Disposition.—The conference agreement provides $473,508,000 for fissile materials disposition, a reduction of $179,557,000 from the budget request. Funding of $195,000,000 is provided for U.S. surplus materials disposition and $34,508,000 for the Russian plutonium disposition program. The conferees have included language modifying the statutory provision allowing for significant fines against the Department of Energy if the MOX production schedule slips in future years. Since fiscal year 2001, Con-
gress has provided in excess of $1.1 billion for the MOX construction project. Recognizing that the liability impasse has been resolved with the Russian Federation, the conferees expect the MOX facility construction activity at the Savannah River Site will proceed on schedule.

Construction projects.—The conference recommendation includes $220,000,000 for Project 99–D–143, the Mixed Oxide Fuel Fabrication facility project, a reduction of $118,565,000 from the budget request. The conferees expect the Department to utilize fully the available prior year balances in the Mixed Oxide (MOX) construction project to begin construction before requesting significant additional budget authority. Funding of $24,000,000 is provided for Project 99–D–141, the Pit Disassembly and Conversion Facility project.

GLOBAL THREAT REDUCTION INITIATIVE

Global Threat Reduction Initiative.—The conference agreement provides $97,975,000, the same as the budget request, for the Global Threat Reduction Initiative program. The conference agreement provides the budget request for the Kazakhstan Spent Fuel Disposition program. The conference agreement provides up to $7,000,000 from within available funds, to support the conversion of university research reactors from a highly enriched uranium core to a low enriched uranium core, for as many as four research reactors located in the United States. The reactors targeted for conversion are Purdue University, Oregon State University, University of Wisconsin and Washington State University. The conferees encourage the Department to fund the Radiological Threat Reduction program to establish a pilot program to utilize commercial or non-governmental resources for recovery, storage, monitoring and disposal of domestic high-risk radioactive sealed sources and to provide a report to the House and Senate Appropriations Committees on these activities by the end of fiscal year 2006.

NAVAL REACTORS

The conference agreement provides $789,500,000 for Naval Reactors, an increase of $3,500,000 over the budget request. The conferees agree to transfer $13,500,000 to the Office of Nuclear Energy to support the Idaho National Laboratory’s Advanced Test Reactor.

OFFICE OF THE ADMINISTRATOR

The conference agreement provides $341,869,000 for the Office of the Administrator.

From within available funds, the conference agreement provides $15,000,000 to continue the support to the HBCUs’ scientific and technical programs in fiscal year 2006. The Committee expects the Department to provide financial support in rough parity to both HBCUs and the Hispanic Serving Institutions (HSI). The Committee recommendation includes $2,000,000 each for Wilberforce University and Central State University in Wilberforce, Ohio; $2,000,000 for Claflin College in Orangeburg, SC; $4,000,000 for Allen University in Columbia, SC; and $1,000,000 each for Voorhees College in Denmark, SC and South Carolina State University.
in Orangeburg, SC, and Florida Memorial University for the Carrie Meek Health and Science Complex in Miami Gardens, FL; $500,000 each for Cheyney University, Cheyney (PA) and Lincoln University, Lincoln University of Pennsylvania (PA); and $1,000,000 for the ACE program at Maricopa Community Colleges in Phoenix, Arizona. The conferees agree with the House language that directs the Department to provide funds to HBCU institutions to allow for infrastructure improvements and technical programs and expects the Department to ensure the Dr. Samuel P. Massie Chairs of Excellence are fully supported within the HBCU program.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

The conference agreement for the Defense Environmental Cleanup (EM) program totals $6,192,371,000. The conferees recommend that the Department carry over balances for WERC, a consortium for environmental education and technology development, to support an educational foundation within that organization. Within the amounts provided, the Department is directed to fund hazardous waste worker training at $10,000,000.

Energy and Water Technology.—Within the amounts provided, the Department is directed to fund $12,500,000 for energy and water resource management, including $7,000,000 for advanced concept desalination and arsenic treatment in partnership with American Water Works Research Foundation and WERC; $2,000,000 for water supply technology development and $3,500,000 for water management decision support including demonstration programs in partnership with the New Mexico Office of the State Engineer and international water partnerships.

Milestone report.—While the budget structure has changed, the conferees remain interested in whether the Department has met its goals for completion for years 2006, 2012, and 2035. The conferees request a report by site that tracks accelerated clean-up milestones, whether they are being met or not, and includes annual budget estimates and life-cycle costs, due to the House and Senate Committees on Appropriations by March 1 and September 1 of each year.

NNSA Transfers.—The conferees did not support the transfer of environmental cleanup responsibilities to the National Nuclear Security Administration (NNSA), consistent with the House and Senate reports. However, responsibility for NNSA newly generated waste will remain in NNSA. The conferees provide no funding in the defense EM program for newly generated waste at Lawrence Livermore Laboratory and the Y-12 Plant.

Low level/mixed low level (LLW/MLW) waste Report Requirement.—Consistent with the House report, the conferees direct the Secretary to report to the House and Senate Committees on Appropriations, within 90 days of enactment of this Act, on the specific steps the Department will take to ensure that life-cycle cost guidance is implemented in the consideration of LLW/MLW options by DOE contractors, and that a robust federal cadre of employees will oversee the implementation of such guidance.
**EM Subproject Report Requirement.**—The conferees are concerned that the Environmental Management program continues to aggregate multiple project activities within the Project Baseline Summaries (PBS) contained in its annual budget request. When EM initially “projectized” its work in the FY 2001 budget request, program activities were aggregated into approximately 430 PBS’s that were used as the basis for the programs budget justification and execution reporting. The number of PBSs now stands at 89. Since these PBSs are the basis for “project” baselines and performance tracking within the Department, it leads the conferees to question the Department’s ability to meaningfully analyze its costs and work accomplishment. The conferees direct the Department to provide a report by March 1, 2006, to the House and Senate Committees on Appropriations with additional information on large PBSs (requests of more than $100,000,000) in the form of detailed justification by subprojects to provide more visibility and specificity to the planned activities within those PBSs. This report should be prepared for the scope planned for the fiscal year 2006 appropriations and the fiscal year 2007 request. These new subproject groupings should be used as a basis for quarterly reporting of financial data (unobligated and uncosted balances), and project variance reports.

**Reprogramming Authority.**—The conferees continue to support the need for flexibility to meet changing funding requirements at sites. In fiscal year 2006, the Department may transfer up to $5,000,000 within accounts, and between accounts, as noted in the table below, to reduce health or safety risks or to gain cost savings as long as no program or project is increased or decreased by more than $5,000,000 once during the fiscal year. This reprogramming authority may not be used to initiate new programs or to change funding levels for programs specifically denied, limited, or increased by Congress in the Act or statement. The Committees on Appropriations in the House and Senate must be notified within thirty days of the use of this reprogramming authority. The following is a list of control levels for reprogramming:

- **Closure sites**
  - Savannah River site, 2012 accelerations
  - Savannah River site, 2035 accelerations
  - Savannah River Tank Farm
  - Waste Isolation Pilot Plant
  - Idaho National Laboratory
  - Oak Ridge Reservation
- **Hanford site**
  - 2012 accelerated completions
  - 2035 accelerated completions
- **Office of River Protection (ORP)**
  - WTP Pretreatment facility
  - ORP WTP High-level waste facility
  - ORP WTP Low activity waste facility
  - ORP WTP Analytical laboratory
  - ORP WTP Balance of facilities
- **Program Direction**
- **Program Support**
- **UE D&D Fund contribution**
- **Technology Development**
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All Construction Line Items
NNSA sites and Nevada off-sites
Safeguards and Security

 Guaranteed Fixed Priced Remediation (GFPR).—Public Law 108–447 directed the Department to submit a report to the Committee on Appropriations on the feasibility of applying GFPR to remediation activities. The Department has completed its evaluation and has concluded that remediation projects at DOE sites or portions of sites that historically did not involve high risk materials could be potential candidates for GFPR contracts. The conferees are encouraged by this report, and direct the Department to identify at least two remediation projects or portions of projects as candidates for a pilot use of GFPR in fiscal year 2006.

 Closure Sites.—The conference agreement provides $1,028,589,000, reflecting a decrease of $10,000,000 to litigation contingency monies held in reserve for Rocky Flats.

The conferees provide an increase of $30,000,000 to complete remedies at Mound Operable Unit 1 (OU–1), and direct the Department to work with the Miamisburg Mound Community Improvement Corporation in developing a mutually acceptable remedy. The remedy shall meet the spirit and intent of the “Sales Contract by and between the U.S. DOE and the Miamisburg Community Improvement Corporation, January 23, 1998,” permit industrial reuse of OU–1, and be consistent with past site cleanup practices and cleanup levels and objectives. Agreement on the remedy shall be completed by March 1, 2006. DOE shall report to Congress the progress of the remedy development by December 1, 2005. If substantial progress has not been made in the development of the remedy by this time, DOE shall engage the services of a mediator, mutually acceptable to the parties, to facilitate the remedy selection for the OU–1 waste disposal area.

 Savannah River Site.—The conference agreement provides $1,170,582,000 for the Savannah River Site. The conferees provide $10,000,000 for the melt and dilute technology for excess weapons-grade plutonium. The conferees provide $500,000 for project 05–D–405, salt waste processing facility, and reduce prior year balances for this project by $20,000,000 because the construction is held up due to unresolved seismic issues.

 Waste Isolation Pilot Plant (WIPP).—The conference agreement provides $230,629,000 for the Waste Isolation Pilot Project. Within available funds, the conference agreement provides $6,000,000 for the purchase of TRUPACT–III shipping containers, $3,500,000 for educational support, infrastructure improvements, and related initiatives for the Carlsbad community, $5,000,000 to consolidate all record archives relevant to the operations of WIPP at Carlsbad, and to provide these records in a format that is user friendly and supports timely access to information, $2,000,000 for the Office of Environmental Management to support the Center for Excellence in Hazardous Materials, and $1,500,000 for neutrino research in the WIPP environment, which is relatively pristine in terms of background radiation.

 Idaho National Laboratory.—The conference agreement provides $538,225,000. The conferees direct that the unexpended balances of up to $68,000,000 previously appropriated as Defense Pri-
vatization for the Advanced Mixed Waste Treatment Plant be merged with other maintenance and operating funds available within the Defense Environmental Cleanup account, Solid Waste Stabilization and Disposition project activity, for the Idaho site to continue processing of transuranic waste for disposal at the WIPP.

**Oak Ridge Reservation.**—The conferees provide $240,812,000 for the Oak Ridge Reservation. The conference agreement includes $18,000,000 for disposition of material in Building 3019, consistent with the Department’s decision to transfer this responsibility to the defense EM program. The conferees direct the Department to provide a report within 60 days of enactment of this Act, that details the Department’s path forward in managing this material.

**Hanford Site.**—The conference agreement provides $780,653,000 for the Hanford Site. The conferees provide $1,000,000 for B-reactor preservation and $500,000 each for preservation of ETTP and LANL former Manhattan Project sites. The conferees provide $7,500,000 for the Volpentest Hazardous Materials Management and Emergency Response (HAMMER) training and education center. The Department is expected to continue making PILT payments at last year’s level to counties that have the Hanford reservation within their boundaries.

**Office of River Protection.**—The conference agreement provides $329,471,000 for Tank Farm activities, and $526,000,000 for construction project 01–D–416, the Waste Treatment and Immobilization Plant.

The high-level waste vitrification program at Hanford has had a long history of failure—more than $9,000,000,000 has been spent over the last 15 years. Based on a report by the Corps of Engineers, the estimated cost of the Waste Treatment and Immobilization Plant (WTP), originally $4,300,000,000, may rise to as much as $9,300,000,000, and the schedule may slip four more years to 2015. Reasons for these increases include: contractor estimating problems, technical problems, and insufficient project contingency. It is unclear what steps DOE will take to better ensure effective management and oversight of the project in the longer term.

Based on this troubled history, the conferees provide $526,000,000, for the Waste Treatment and Immobilization Plant, a reduction of $99,893,000 from the request. The conferees understand that $98,000,000 remains available from fiscal year 2005 to be used in fiscal year 2006 for this project. The Department needs better control and oversight of the scope, cost and schedule of this project, and the conferees direct the Department to report to the House and Senate Committees on Appropriations by December 1, 2005, on the actions taken to rectify the management failures of this project, and to report quarterly, beginning on January 1, 2006, on the activities and financial status of each of the subprojects within WTP.

**Program Direction.**—The conference agreement provides $243,816,000 for program direction. Of the total amount, $82,924,000 is available for obligation only after the report delivery to the House and Senate Committees on Appropriations by the Secretary on the specific steps the Department will take to ensure that life-cycle cost guidance is implemented in the consideration of LLW/MLW options by DOE contractors. The conferees support the
termination of the A–76 contracting out of the duties of federal employees for the Environmental Cleanup program.

Program Support.—The conference recommendation provides $32,846,000.


Technology Development and Deployment.—The conference agreement provides $30,065,000. The conferees are concerned about DOE’s efforts to protect contaminants from reaching the Columbia River. Technology used in several remedies is not performing satisfactorily, and there is a lack of new technologies to address contamination issues. The conferees provide $10,000,000 for analyzing contaminant migration to the Columbia River, and for the introduction of new technology approaches to solving contamination migration issues. The conferees understand that the various program groups managing the groundwater and vadose zone cleanup program are fragmented, and not well coordinated. The conferees direct the Department to report to the House and Senate Committees on Appropriations on the organization and operations of these groups, and how they will be better coordinated, within 60 days of enactment of this Act. The conferees provide $5,000,000 for AEA Technology to address alternative cost effective technologies for cleaning up legacy waste. Within available funds, the conferees direct the Department to fund the real-time identification warning system at $250,000, the Hanford Tank Waste Operations Simulator at $2,000,000, and the Mid-Atlantic Recycling Center for End of Life Electronics at $1,000,000.

NNSA sites and Nevada off-sites.—The conference agreement provides $302,460,000, reflecting the return of cleanup activities to the Environmental Cleanup program that otherwise would have transferred to the NNSA. The conferees provide no funding in the defense EM program for newly generated waste at Lawrence Livermore Laboratory and the Y–12 plant.

Safeguards and Security.—The conference agreement provides $287,223,000, the same as the budget request.

Congressionally Directed Projects.—The conferees’ recommendation includes the following Congressionally directed projects, within available funds. The conferees remind recipients that statutory cost sharing requirements may apply to these projects.

<table>
<thead>
<tr>
<th>Congressionally Directed Defense Environmental Management Projects</th>
<th>Conference recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Environmental Technology Office (multi-state)...............</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>University of Nevada-Reno School of Medicine Core Facilities equipment (NV)</td>
<td>4,000,000</td>
</tr>
<tr>
<td>Great Basin Science Sample and Records Library (NV).................</td>
<td>3,500,000</td>
</tr>
</tbody>
</table>
Other Defense Activities

The conference agreement provides $641,998,000 for Other Defense Activities.

Office of Security and Performance Assurance

The conference agreement provides $307,095,000, an increase of $6,000,000 over the budget request. The conference agreement includes $186,878,000 for nuclear safeguards and security; and $46,725,000 for security investigations; and $73,492,000 for program direction. The conferees provide an additional $5,000,000 for Project Engineering and Design (PED) funding to begin a new construction project to upgrade CPP–651 and CPP–691 at the Idaho National Laboratory for complex-wide material consolidation of special nuclear material. The conferees direct the Department to include a PED line item project to continue this activity in the fiscal year 2007 budget request. The conferees support the House request for a report detailing the security requirements of the special nuclear material disposition activity at the Oak Ridge National Laboratory and have included the report description and deadline in bill language.

Environment, Safety and Health (Defense)

The conference agreement provides $77,029,000 for defense-related environment, safety and health activities, of which $19,546,000 is for program direction. From within available funds, the conference agreement provides $5,000,000 to undertake the Chernobyl Research and Service Project. The conference recommendation includes $4,000,000 for the DOE Worker Records Digitization project in Nevada.

The Former Worker Medical Screening.—The conference agreement provides $12,500,000 for Former Worker Program. From within available funds, the following projects are provided: $465,000 to extend medical screening at the three gaseous diffusion plants; $2,000,000 to be evenly divided to initiate medical screening of former workers at the Mound facility in Miamisburg, Ohio, and the Fernald Facility in Harrison, Ohio. The conferees direct the Secretary to initiate early lung cancer detection screening at the Y–12 and X–10 facilities, Tennessee. To offset these activities the con-
ferees allocate $2,700,000 in fiscal year 2006 for activities under the DOE–HHS MOU and direct the Department to prioritize funds for the National Center for Environmental Health at Los Alamos and research work at the Health Energy Related Branch at NIOSH.

**Legacy Management**

The conference agreement provides a total of $78,598,000 for the Office of Legacy Management to manage the long-term stewardship responsibilities at the Department of Energy cleanup sites. The conference recommendation provides $45,076,000 in Other Defense Activities and the balance of $33,522,000 is provided in the non-defense Energy Supply account.

**Funding for Defense Activities in Idaho**

The conference agreement provides $123,873,000 for defense-related activities at the Idaho National Laboratory (INL) and associated Idaho cleanup sites.

**Defense Related Administrative Support**

The conference agreement provides $87,575,000 for national security programs administrative support.

**Office of Hearings and Appeals**

The conference agreement provides $4,353,000 for the Office of Hearings and Appeals, the same as the budget request.

**Defense Nuclear Waste Disposal**

The conference agreement provides $350,000,000 for the defense contribution to the nuclear waste repository program.

**Power Marketing Administrations**

**Bonneville Power Administration**

The conference recommendation provides no new borrowing authority for BPA during fiscal year 2006. The Bonneville Power Administration may make no new obligations in support of the Fish Passage Center. The conferees call upon Bonneville Power Administration and the Northwest Power and Conservation Council to ensure that an orderly transfer of the Fish Passage Center functions (warehouse of smolt monitoring data, routine data analysis and reporting and coordination of the smolt monitoring program) occurs within 120 days of enactment of this legislation. These functions shall be transferred to other existing and capable entities in the region in a manner that ensures seamless continuity of activities.

**Operation and Maintenance, Southeastern Power Administration**

The conference agreement includes $5,600,000 for the Southeastern Power Administration. The conference agreement provides $32,713,000 for purchase power and wheeling in fiscal year 2006.
OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

The conference agreement includes $30,166,000 for the Southwestern Power Administration. The conference agreement provides $3,000,000 for purchase power and wheeling in fiscal year 2006.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

The conference agreement provides $233,992,000, an increase of $180,035,000 over the budget request for Western Area Power Administration. The conference agreement provides $279,000,000 for purchase power and wheeling in fiscal year 2006. The total O&M program level for Western in fiscal year 2006 is $517,154,000, which includes $53,957,000 for construction and rehabilitation, $47,295,000 for system operation and maintenance, $279,000,000 for purchase power and wheeling, and $130,202,000 for program direction. Offsetting collections total $283,162,000; with the use of $4,162,000 of offsetting collections from the Colorado River Dam Fund (as authorized in P.L. 98–381), this requires a net appropriation of $233,992,000. Within available funds, the conference recommendation includes $6,000,000 to complete the Topock-Davis section of the Topock-Davis-Mead line including the interconnection and extension to Needles, CA, to provide additional transmission capacity by using aluminum matrix composite conductor technology. The conferees are disappointed that the funding for the South of Phoenix portion of the Parker-Davis project in Pinal County has been delayed and recommend that the project funding be reinstated without any further delay or interruption. The conferees agree with the House language regarding the Sierra-Nevada Region’s Post–2004 Power Marketing Plan and Transmission Operations and direct WAPA to submit the requested report to the House and Senate Committees on Appropriations by May 1, 2006. The conference agreement includes $6,700,000 for the Utah Mitigation and Conservation fund.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

The conference agreement includes $2,692,000, the same as the budget request, for the Falcon and Amistad Operating and Maintenance Fund.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $220,400,000 for the Federal Energy Regulatory Commission (FERC). Revenues for FERC are set at an amount equal to the budget authority, resulting in a net appropriation of $0.

The conferees are aware that the Federal Energy Regulatory Commission has begun requiring the collection of wholesale electric charges to address costs associated with crossing “seams” between neighboring Regional Transmission Organizations, also known as “Seams Elimination Cost Adjustment”. While recognizing that legitimate costs should be recovered, the conferees are troubled about
whether the Commission has applied these fees without a clear accounting of actual costs or proper allocation, permitted SECA charges to go into effect without those charges having been filed or even disclosed, used “baselines” that may not reflect actual power flows and otherwise failed to provide proper and appropriate procedural protections to all parties. The conferees expect the Commission to review its SECA policies and take expeditious and appropriate remedial steps.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

Sec. 301. The conference agreement includes language regarding competition of certain management and operating contracts.

Sec. 302. The conference agreement includes a provision regarding workforce restructuring plans, enhanced severance payments, and other benefits and community assistance grants for Federal employees of the Department of Energy.

Sec. 303. The conference agreement includes a provision regarding augmentation of funds for severance payments and other benefits and community assistance grants.

Sec. 304. The conference agreement includes a provision regarding Requests for Proposals for programs that have not been funded by Congress in the current fiscal year.

Sec. 305. The conference agreement includes a provision regarding the use of unexpended balances of prior appropriations.

Sec. 306. The conference agreement includes a provision prohibiting the Bonneville Power Administration from performing energy efficiency services outside the legally defined Bonneville service territory unless the Administrator certifies in advance that such services are not available from private sector businesses.

Sec. 307. The conference agreement includes a provision establishing certain notice and competition requirements for Department of Energy user facilities.


Sec. 309. The conference agreement includes a provision limiting the types of waste that may be disposed of in the Waste Isolation Pilot Plant.

Sec. 310. The conference agreement includes a provision dealing with the Reno Hydrogen Fuel Project.

Sec. 311. The conference agreement includes a provision authorizing maximum percentages for laboratory directed research and development and plant- or site-directed research and development.

Sec. 312. The conference agreement includes a provision dealing with the purchase of mineral rights at the Rocky Flats Environmental Technology Site.

Sec. 313. The conference agreement includes a provision dealing with the Mixed Oxide Fuel Facility at the Savannah River Site.
Sec. 314. The conference agreement includes a provision authorizing the Secretary to barter, transfer or sell uranium.

Sec. 315. The conference agreement includes a provision requiring non-federal matching funds for the Coralville, Iowa, project.

The conference agreement deletes a provision proposed by the House relating to Laboratory Directed Research and Development (LDRD) and Plant Directed Research and Development (PDRD) activities.

The conference agreement deletes a provision proposed by the House relating to Laboratory Directed Research and Development (LDRD) and Plant Directed Research and Development (PDRD) activities for project costs incurred as Indirect Costs by Major Facility Operating Contractors under OMB’s Federal Cost Accounting Standards (FAR Part 9900) or the Generally Accepted Accounting Principles.

The conference agreement deletes a provision proposed by the House relating to Laboratory directed research and development activities at Department of Energy laboratories on behalf of other Federal agencies.

The conference agreement deletes a provision proposed by the House relating to price supports and loan guarantee programs.

The conference agreement deletes a provision proposed by the House relating to the siting of a modern pit facility.

The conference agreement deletes a provision proposed by the Senate relating to the Advanced Simulation Computing program.

The conference agreement deletes a provision proposed by the Senate relating to eligibility of costs incurred by DOE contractors for LDRD, SDRD, and PDRD.

The conference agreement deletes a provision proposed by the Senate relating to direct and indirect costs of LDRD, SDRD, and PDRD.

The conference agreement deletes a provision proposed by the Senate relating to funding National Nuclear Security Administration Weapons Complex reforms.

The conference agreement deletes a provision proposed by the Senate relating to fusion energy science.

The conference agreement deletes a provision proposed by the Senate relating to retirement benefits for Rocky Flats site workers.

The conference agreement deletes a provision proposed by the Senate relating to Savannah River National Laboratory eligibility for LDRD.

**CONFERENCE RECOMMENDATIONS**

The conference agreement’s detailed funding recommendations for programs in Title III are contained in the following table.
## ENERGY SUPPLY AND CONSERVATION

### ENERGY EFFICIENCY AND RENEWABLE ENERGY

<table>
<thead>
<tr>
<th>Budget Request</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hydrogen Technology:</strong></td>
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<tr>
<td>Hydrogen technology</td>
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<tr>
<td>Fuel cell technologies</td>
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<td><strong>Subtotal, hydrogen technology</strong></td>
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<tr>
<td>Biomass and Biorefinery Systems R&amp;D</td>
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<tr>
<td>Solar energy</td>
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<td>Wind energy</td>
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<tr>
<td>Geothermal technology</td>
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<td>Hydropower</td>
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<tr>
<td>Vehicle technologies</td>
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<tr>
<td>Building technologies</td>
<td>57,966</td>
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<tr>
<td>Industrial technologies</td>
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<tr>
<td>Distributed energy and electricity reliability</td>
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<td><strong>Federal Energy Management Program:</strong></td>
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<tr>
<td>Departmental energy management program</td>
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<td>Federal energy management program</td>
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<td><strong>Subtotal, Federal Energy Management Program</strong></td>
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<tr>
<td>Facilities and infrastructure:</td>
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<tr>
<td>National Renewable Energy Laboratory</td>
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<tr>
<td>Research Support Buildings</td>
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<tr>
<td>Construction</td>
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<tr>
<td>02-E-001 Science and technology facility, NREL</td>
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<td><strong>Total, Facilities and infrastructure</strong></td>
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<tr>
<td>Weatherization and Intergovernmental program:</td>
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<tr>
<td>Weatherization assistance</td>
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<td>Training and technical assistance</td>
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<td>State energy program grants</td>
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<td>State energy activities</td>
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<td>Gateway deployment</td>
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<td>International renewable energy program</td>
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<td>Tribal energy activities</td>
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<tr>
<td>Renewable energy production incentive</td>
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<td><strong>Subtotal, Weatherization and Intergovernmental program</strong></td>
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<td>Program Direction</td>
<td>101,524</td>
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<td>Program Support</td>
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<td><strong>TOTAL, ENERGY EFFICIENCY AND RENEWABLE ENERGY</strong></td>
<td>1,202,414</td>
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<td>Department of Energy</td>
<td>Budget Request</td>
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**Electrical Transmission and Distribution**

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<tr>
<th>Item</th>
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<th>Conference</th>
</tr>
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<tbody>
<tr>
<td>High temperature superconductivity R&amp;D</td>
<td>45,000</td>
<td>50,500</td>
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<tr>
<td>Transmission reliability R&amp;D</td>
<td>9,220</td>
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<td>Electricity distribution transformation R&amp;D</td>
<td>4,037</td>
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<td>Energy storage R&amp;D</td>
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<td>3,000</td>
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<tr>
<td>Grid etc.</td>
<td>5,500</td>
<td>5,500</td>
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<tr>
<td>Grid etc.</td>
<td>5,000</td>
<td>5,000</td>
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<td><strong>Total, Research and development</strong></td>
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<td>137,666</td>
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<tr>
<td>Electricity restructuring</td>
<td>12,400</td>
<td>12,400</td>
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<td>Program direction</td>
<td>11,447</td>
<td>13,447</td>
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<tr>
<td><strong>TOTAL, ELECTRICITY TRANSMISSION AND DISTRIBUTION</strong></td>
<td>95,604</td>
<td>163,513</td>
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**Nuclear Energy**

<table>
<thead>
<tr>
<th>Item</th>
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<tbody>
<tr>
<td>University reactor infrastructure and education assistance</td>
<td>24,000</td>
<td>27,000</td>
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<tr>
<td>Research and development</td>
<td></td>
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<tr>
<td>Nuclear power 2010</td>
<td>56,000</td>
<td>66,000</td>
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<tr>
<td>Generation IV nuclear energy systems initiative</td>
<td>45,000</td>
<td>55,000</td>
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<tr>
<td>Nuclear hydrogen initiative</td>
<td>20,000</td>
<td>25,000</td>
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<tr>
<td>Advanced fuel cycle initiative</td>
<td>70,000</td>
<td>80,000</td>
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<tr>
<td><strong>Total, Research and development</strong></td>
<td>191,000</td>
<td>226,000</td>
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</table>

**Infrastructure**

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<tr>
<th>Item</th>
<th>Budget Request</th>
<th>Conference</th>
</tr>
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<tbody>
<tr>
<td>Radiological facilities management</td>
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<tr>
<td>Space and defense infrastructure</td>
<td>31,200</td>
<td>39,700</td>
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<tr>
<td>Medical isotopes infrastructure</td>
<td></td>
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<tr>
<td>Construction</td>
<td>14,395</td>
<td>14,395</td>
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<tr>
<td>OS- E-203 Facility modifications for U-233 disposal, Oak Ridge National Laboratory, Oak Ridge, TN</td>
<td>18,705</td>
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<tr>
<td><strong>Subtotal, Medical isotopes infrastructure</strong></td>
<td>33,100</td>
<td>14,395</td>
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<tr>
<td>Enrichment facility and uranium management</td>
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<tr>
<td><strong>Subtotal, Radiological facilities management</strong></td>
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**Idaho facilities management**

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<th>Item</th>
<th>Budget Request</th>
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<tbody>
<tr>
<td>INL Operations and Infrastructure</td>
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<td>INL Infrastructure</td>
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<tr>
<td>Construction</td>
<td>7,870</td>
<td>7,870</td>
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<tr>
<td>OS- E-201 Gas test loop in the ATR, INL, ID</td>
<td>3,085</td>
<td>3,085</td>
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<td><strong>Subtotal, Construction</strong></td>
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<td>10,955</td>
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<td><strong>Subtotal, Idaho facilities management</strong></td>
<td>97,862</td>
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<tr>
<td>Idaho site wide safeguards and security</td>
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<td><strong>Total, Infrastructure</strong></td>
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<td><strong>Subtotal, Nuclear Energy</strong></td>
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<td>DEPARTMENT OF ENERGY</td>
<td>Budget Request</td>
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<tr>
<td>Funding from other defense activities</td>
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<td>-123,873</td>
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<tr>
<td>Funding from Naval Reactors</td>
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<td><strong>TOTAL, NUCLEAR ENERGY</strong></td>
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<td><strong>ENVIRONMENT, SAFETY AND HEALTH</strong></td>
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<tr>
<td>Office of Environment, Safety and Health (non-defense)</td>
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<td>Program direction</td>
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<td><strong>OFFICE OF LEGACY MANAGEMENT</strong></td>
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<td>Legacy management</td>
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<td>33,522</td>
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<td><strong>TOTAL, ENERGY SUPPLY AND CONSERVATION</strong></td>
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<tr>
<td><strong>CLEAN COAL TECHNOLOGY</strong></td>
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<tr>
<td>Deferral of unobligated balances, FY 2005</td>
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<td>257,000</td>
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<td>Deferral of unobligated balances, FY 2007</td>
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<td>-257,000</td>
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<td>Rescission Request</td>
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<td>Rescission, uncommitted balances</td>
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<tr>
<td><strong>Total, Clean Coal Technology</strong></td>
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<tr>
<td></td>
<td>***</td>
<td>***</td>
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<tr>
<td><strong>FOSSIL ENERGY RESEARCH AND DEVELOPMENT</strong></td>
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### DEPARTMENT OF ENERGY

(Amounts in thousands)

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<td>W76: 162,298</td>
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<td>W80: 135,240</td>
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| B61: 66,050 |
| W62: 8,967  |
| W76: 63,538 |
| W80: 26,315 |
| BB3: 26,391 |
| BB4: 4,402  |
| BB7: 50,678 |
| BB8: 32,831 |
| Subtotal, Stockpile systems: 311,804 |

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| Production support: 267,246 |
| Research and development: 66,753 |
| Management, technology, and production: 166,587 |
| Robust nuclear earth penetrator: 4,000 |
| Subtotal, Stockpile services: 716,313 |

| Total, Directed stockpile work: 1,421,031 |

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| Primary assessment technologies: 45,179 |
| Test readiness: 25,000 |
| Dynamic materials properties: 80,894 |
| Advanced radiography: 49,520 |
| Secondary assessment technologies: 61,332 |
| Subtotal, Science campaigns: 261,925 |

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| Enhanced surety: 29,845 |
| Nuclear survivability: 9,386 |
| Enhanced surveillance: 96,207 |
| Microsystems and engineering science applications (MESA), other project costs: 4,714 |
| Construction
| 0-1.0 Mefos system and engineering science applications (MESA) S.
| Subtotal, MESA: 70,278 |
| Subtotal, Engineering campaign: 229,756 |

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<td>06-D-403 Tritium facility modernization Lawrence Livermore National Laboratory, Livermore, CA</td>
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Facilities and infrastructure recapitalization program:

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<td>06-D-601 Electrical distribution system upgrade, Pantex Plant, Amarillo, TX</td>
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<td>06-D-602 Gas main and distribution system upgrade, Pantex Plant, Amarillo, TX</td>
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<td>06-D-603 Steam plant life extension project (SLEP), Y-12 National Security Complex, Oak Ridge, TN</td>
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<td>05-D-601 Compressed air upgrades project (CAUP), Y-12 National security complex, Oak Ridge, TN</td>
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<td>05-D-602 Power grid infrastructure upgrade (PGI), Los Alamos National Laboratory, Los Alamos, NM</td>
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### DEPARTMENT OF ENERGY
(Amounts in thousands)

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<td>Total, Safeguards and security</td>
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**DEFENSE NUCLEAR NONPROLIFERATION**

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<th>Description</th>
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<td>Nonproliferation and verification, R&amp;D</td>
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<td>International nuclear materials protection and cooperation</td>
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<td>Accelerated highly enriched uranium (HEU)</td>
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<td>Russian transition initiative</td>
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<td>19,483</td>
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<td>Elimination of weapons-grade plutonium production program</td>
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<td>Fissile materials disposition</td>
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<td>Russian surplus materials disposition</td>
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<td>06-D-407 Highly enriched uranium (HEU) blend 97-D-141 Pit disassembly and conversion facility, Savannah River, SC</td>
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<td>06-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC</td>
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### DEPARTMENT OF ENERGY
(Amounts in thousands)

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#### NAVAL REACTORS

| Naval reactors development | 738,800 | 728,800    |
| Construction               |         |            |
| 06-D-201 Central office building II | 7,000 | 7,000      |
| Transfer to Nuclear Energy | ---     | 13,500     |
| 05-N-900 Materials development facility building, Schenectady, NY | 9,900 | 9,900      |
| Subtotal, Construction     | 16,900  | 30,400     |
| Total, Naval reactors development | 755,700 | 759,200    |
| Program direction          | 30,300  | 30,300     |
| TOTAL, NAVAL REACTORS      | 786,000 | 789,500    |

#### OFFICE OF THE ADMINISTRATOR

| Office of the Administrator | 350,765 | 348,765    |
| Use of prior year balances  | -6,896  | -6,896     |
| TOTAL, OFFICE OF THE ADMINISTRATOR | 343,869 | 341,869    |
| TOTAL, NATIONAL NUCLEAR SECURITY ADMINISTRATION | 9,397,241 | 9,196,456 |

#### DEFENSE ENVIRONMENTAL CLEANUP

**Closure Sites:**
- Ashtabula: 16,000 16,000
- Columbus: 9,500 9,500
- Fernald: 327,809 327,809
- Miamisburg: 75,530 105,530
- Rocky Flats: 579,950 569,950

**Total, closure sites**:
- 1,008,589 1,028,589

**Savannah River site:**
- 04-D-414 Project Engineering and Design, 105-K: --- 18,600
- Nuclear material stabilization and disposition 2012: 250,303 250,303

**Subtotal, 2012 accelerated completions**: 250,303 288,903

- SNF stabilization, disposition/storage: 13,889 13,889
- SR community and regulatory support: 13,046 13,046
- Nuclear material stabilization and disposition: 75,105 75,105
- Solid waste stabilization and disposition: 112,993 112,993
- Soil and water remediation: 103,665 94,365
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<td>Subtotal, Waste treatment &amp; immobilization plant</td>
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### DEPARTMENT OF ENERGY

(Amounts in thousands)

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#### OTHER DEFENSE ACTIVITIES

Other national security programs

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<tr>
<th>Item Description</th>
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<td>Office of Security and safety performance assurance</td>
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Office of Legacy Management

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Nuclear energy

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Defense related administrative support                   | 87,575  | 87,575     |
Office of Hearings and appeals                           | 4,353   | 4,353      |
Subtotal, Other Defense Activities                       | 638,001 | 645,001    |

Less security charge for reimbursable work                | -3,003  | -3,003     |

TOTAL, OTHER DEFENSE ACTIVITIES                           | 635,998 | 641,998    |

### DEFENSE NUCLEAR WASTE DISPOSAL

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TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES                   | 16,399,730 | 16,380,825 |

### POWER MARKETING ADMINISTRATIONS

SOUTHEASTERN POWER ADMINISTRATION

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<th>Item Description</th>
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<td><strong>Southwestern Power Administration</strong></td>
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<td>Operation and maintenance</td>
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<td><strong>Western Area Power Administration</strong></td>
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<td>Utah mitigation and conservation</td>
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<td><strong>Falcon and Amistad Operating and Maintenance Fund</strong></td>
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<td>(Advance appropriations, FY 2007)</td>
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TITLE IV
INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

The conference agreement includes $66,472,000 for the Appalachian Regional Commission, instead of $38,500,000 as proposed by the House and $65,482,000 as proposed by the Senate. Within the funds provided, the conference agreement includes the following activities:

- Central West Virginia public water and wastewater facilities .......... $2,000,000
- Southern West Virginia public water and wastewater treatment facilities ......................................................... 2,000,000
- Scioto County, Ohio sanitary sewer pump station renovations and improvements .................................................. 750,000
- Copeland low water bridge, Breathitt County, Kentucky .................. 1,800,000
- Watershed coordination activities, Athens, Meigs, Gallia, Lawrence and Scioto counties, Ohio ........................................ 500,000
- Logan County, West Virginia flood warning system ....................... 305,000
- Perry County, Ohio, State Route 13 railroad crossing ...................... 500,000

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

The conference agreement provides $22,032,000 for the Defense Nuclear Facilities Safety Board (DNFSB), the same as the request.

The conferees support the mission of the DNFSB, notably the providing of advice and recommendations to the Secretary of Energy regarding public health and safety issues at the Department’s defense nuclear facilities. However, the conferees are concerned regarding DNFSB’s opinions on seismic criteria, especially the timing and emphasis to which these concerns have been communicated over the past two years to the Department. As recent as the October 17, 2005 letter from the DNFSB to the Secretary of Energy regarding the Hanford Waste Treatment Plant (WTP), DNFSB notes that “some important uncertainties remain”, that can only be resolved by measurement under the WTP site—which will take up to two years. However, the DNFSB concludes in the same letter this does not “preclude continuing with the design and construction” of the facilities. The DNFSB cannot have it both ways. Such guidance leaves the Department vulnerable to continuing a multi-billion dollar project only to have DNFSB decide in two years that criteria must change again. The conferees remind the DNFSB of its authorizing legislation, 42 U.S.C. 2286a(a)(5), which states, “In making its recommendations, the Board shall consider the technical and economic feasibility of implementing the recommended measures.”

DELTA REGIONAL AUTHORITY

The conference agreement includes $12,000,000 for the Delta Regional Authority as proposed by the Senate instead of $6,000,000 as proposed by the House.
Denali Commission

The conference agreement includes $50,000,000 for the Denali Commission, instead of $2,562,000 as proposed by the House and $60,000,000 as proposed by the Senate.

The conferees acknowledge our country faces difficult fiscal circumstances. Hurricanes Katrina and Rita and the on-going war on terrorism have impacted the amount of federal funding available for the Denali Commission. The conferees expect the Denali Commission to continue to fund projects which provide: community showers and wasihterias in villages with homes with no running water; multi-purpose community facilities; teacher housing in remote villages where there is limited housing available for teachers; facilities serving Native elders and senior citizens; and to fund projects which allow (1) the Rural Communications Service to provide broadcast facilities in communities with no television or radio station; (2) the Public Broadcasting Digital Distribution Network to link rural broadcasting facilities together to improve economies of scale, share programming, and reduce operating costs; and (3) rural public broadcasting facilities and equipment upgrades. Priority consideration should be given to the Juneau/Green’s Creek/Hoonah Intertie project; the Fire Island Transmission line project; the Humpback Creek Hydroelectric project; and the Falls Creek Hydroelectric project. The Denali Commission is instructed to prepare a report to be submitted to the Senate and House Appropriations Committees, which details how the fiscal year 2006 funds are to be allocated. The conferees request this report no later than July 1, 2006.

Nuclear Regulatory Commission

Salaries and Expenses

The conference agreement provides $734,376,000 for the Nuclear Regulatory Commission salaries and expenses, an increase of $41,000,000 over the budget request. This amount is offset by estimated revenues of $617,182,000, resulting in a net appropriation of $117,194,000. The fee recovery is consistent with that authorized by Section 637 of the Energy Policy Act of 2005 (Public Law 109–58). The recommendation includes $46,118,000 to be made available from the Nuclear Waste Fund to support the Department of Energy’s effort to develop a permanent geologic repository for spent nuclear fuel and high-level waste. This amount is reduced from the request because the appropriation for the repository program is reduced.

The conferees provide an additional $21,000,000, as proposed by the House and Senate, to conduct site-specific assessments of spent fuel pools at reactor sites consistent with the recommendations of the National Academy of Sciences. The conferees also provide an additional $20,000,000, as proposed by the Senate, to support preparatory activities and pre-application consultations for expected combined license applications.

The conferees are aware that the Energy Policy Act of 2005 places additional responsibilities on the Nuclear Regulatory Commission. Funds to execute these additional responsibilities were not
included in the budget request and are not provided in this conference report. However, to the extent that the Commission may be able to execute some of these new responsibilities through the reprogramming of available fiscal year 2006 funds, the conferees encourage the Commission to submit promptly a reprogramming request to the House and Senate Committees on Appropriations.

The conferees direct the Commission to provide a report on the status of its licensing and regulatory activities on a quarterly basis.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $8,316,000 for the Office of the Inspector General in the Nuclear Regulatory Commission. This amount is offset by revenues of $7,485,000, for a net appropriation of $831,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

The conference agreement provides $3,608,000 for the Nuclear Waste Technical Review Board, the same as the request.

TENNESSEE VALLEY AUTHORITY

OFFICE OF THE INSPECTOR GENERAL

The conference agreement does not include the requested $9,000,000 to establish a Congressionally-funded Office of the Inspector General for the Tennessee Valley Authority. The conferees support continuation of the existing arrangement for funding this office.

TITLE V—GENERAL PROVISIONS

Sec. 501. The conference agreement includes language directing that none of the funds appropriated in this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress except to communicate with Members of Congress.

Sec. 502. The conference agreement includes language regarding the transfer of funds made available in this Act to other departments or agencies of the federal government.

The conference agreement does not include a provision proposed by the House regarding the Nuclear Regulatory Commission.

The conference agreement does not include a provision proposed by the House dealing with the International Thermonuclear Experimental Reactor.

The conference agreement does not include a provision proposed by the Senate regarding fully funded continuing contracts.
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<td>Construction................................................ 185.700</td>
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<td>Fish and Wildlife, Recreation, and Wildlife Restoration, Fish and Wildlife Restoration, Aquatic Life, Forestry, Agriculture, Fisheries, Wildlife, Agriculture, Forestry, Wildlife</td>
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<td>Hurricane Disaster Assistance (emergency)............. 194.000</td>
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<td>Bureau of Reclamation</td>
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<td>Oil and Gas offices..................................... 18.000</td>
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<td>Federal Lands and Facilities Management............ 57.990</td>
</tr>
<tr>
<td>Federal Lands and Facilities Management (emergency) 5.990</td>
</tr>
<tr>
<td>Subtotal, Bureau of Reclamation...................... 154.980</td>
</tr>
<tr>
<td>Total, Bureau of Reclamation.......................... 1,067.000</td>
</tr>
<tr>
<td>Balance........................................... 1,067.000</td>
</tr>
</tbody>
</table>
### Energy and Water Development Appropriations Bill - FY 2006 (HR. 2410)

<table>
<thead>
<tr>
<th>Program/Activity</th>
<th>PY 2004 (Enacted)</th>
<th>FY 2005 (Request)</th>
<th>House</th>
<th>Senate</th>
<th>Conference vs. House</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Energy</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acquisition of unclassified balances</td>
<td>1,668,000</td>
<td>1,745,448</td>
<td>1,783,688</td>
<td>1,915,380</td>
<td>1,930,504 +15,504</td>
</tr>
<tr>
<td>Clean coal technology</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acquisition of unclassified balances</td>
<td>-247,000</td>
<td>257,000</td>
<td>257,000</td>
<td>257,000</td>
<td>257,000 +15,000</td>
</tr>
<tr>
<td>Advanced coal technology</td>
<td>-257,000</td>
<td>257,000</td>
<td>257,000</td>
<td>257,000</td>
<td>257,000 +15,000</td>
</tr>
<tr>
<td><strong>Total, Clean coal technology</strong></td>
<td>257,000</td>
<td></td>
<td>257,000</td>
<td>257,000</td>
<td>257,000 +15,000</td>
</tr>
<tr>
<td>Geothermal energy resources and development</td>
<td>671,804</td>
<td>491,456</td>
<td>502,867</td>
<td>561,646</td>
<td>597,866 +26,116</td>
</tr>
<tr>
<td><strong>Total, Geothermal Energy Resources and Development</strong></td>
<td>671,804</td>
<td>491,456</td>
<td>502,867</td>
<td>561,646</td>
<td>597,866 +26,116</td>
</tr>
<tr>
<td>Nuclear Energy Research and Development</td>
<td>-17,750</td>
<td>-18,500</td>
<td>-18,500</td>
<td>-18,500</td>
<td>-18,500 +1,750</td>
</tr>
<tr>
<td><strong>Total, Nuclear Energy Research and Development</strong></td>
<td>654,054</td>
<td>572,956</td>
<td>572,956</td>
<td>572,956</td>
<td>572,956 +1,750</td>
</tr>
<tr>
<td><strong>Total, Energy</strong></td>
<td>2,022,856</td>
<td>2,222,850</td>
<td>2,284,388</td>
<td>2,388,170</td>
<td>2,414,000 +25,824</td>
</tr>
<tr>
<td><strong>Total appropriations</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nuclear Waste Management</td>
<td>117,473</td>
<td>158,575</td>
<td>128,299</td>
<td>157,076</td>
<td>128,817 +12,338</td>
</tr>
<tr>
<td>Office of the Inspector General</td>
<td>41,176</td>
<td>43,026</td>
<td>43,026</td>
<td>43,026</td>
<td>43,026 +254</td>
</tr>
<tr>
<td><strong>Total, Energy</strong></td>
<td>2,425,499</td>
<td>2,488,876</td>
<td>2,488,876</td>
<td>2,488,876</td>
<td>2,488,876 +25,824</td>
</tr>
</tbody>
</table>

**Note:** The table provides a breakdown of appropriations for various energy-related programs and activities, showing the fiscal year (FY) budgetary data for the Department of Energy, including significant increases and decreases compared to previous years. The data highlight the allocations for clean coal technology, geothermal energy, nuclear energy research and development, and overall energy appropriations. The table also indicates the conference vs. house differences in the budgetary figures.
### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2006 (H.R. 1219)

**(Amounts in thousands)**

<table>
<thead>
<tr>
<th>FY 2006 Estimate</th>
<th>FY 2006 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>-39,400</td>
</tr>
</tbody>
</table>

**Federal Energy Regulatory Commission**

Salaries and expenses: 208,794

Revenue

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>208,794</td>
</tr>
</tbody>
</table>

**Total, Title III, Department of Energy**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>24,419,197</td>
<td>24,171,507</td>
</tr>
</tbody>
</table>

**Appropriations**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>31,103,027</td>
<td>31,103,027</td>
</tr>
</tbody>
</table>

**Advance Appropriations**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>31,103,027</td>
<td>31,103,027</td>
</tr>
</tbody>
</table>

**TITLE IV - INDEPENDENT AGENCIES**

### Appalachian Regional Commission

Salaries and expenses: 65,472

Revenue

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>65,472</td>
<td>65,472</td>
</tr>
</tbody>
</table>

### Defense Nuclear Facilities Safety Board

Salaries and expenses: 20,186

Revenue

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>20,186</td>
<td>20,186</td>
</tr>
</tbody>
</table>

### Delta Regional Authority

Salaries and expenses: 9,900

Revenue: 9,900

### Nuclear Regulatory Commission

Salaries and expenses: 957,475

Revenue: 510,079

Subtotal: 1,467,554

**Office of Inspector General**

Salaries and expenses: 7,459

Revenue: 7,459

Subtotal: 14,918

### Nuclear Waste Technical Review Board

Salaries and expenses: 3,140

Revenue: 3,140

Subtotal: 6,280

### Tennessee Valley Authority: Office of Inspector General

Salaries and expenses: 6,800

Revenue: 6,800

Subtotal: 13,600

### Total, Nuclear Regulatory Commission

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1,474,993</td>
<td>1,474,993</td>
</tr>
</tbody>
</table>

### Nuclear Waste Technical Review Board

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3,140</td>
<td>3,140</td>
</tr>
</tbody>
</table>

### Tennessee Valley Authority: Office of Inspector General

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>6,800</td>
<td>6,800</td>
</tr>
</tbody>
</table>

### Total, Title IV, Independent Agencies

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>269,330</td>
<td>269,330</td>
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</tbody>
</table>

**Grand Total**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>31,103,027</td>
<td>31,103,027</td>
</tr>
</tbody>
</table>

**Appropriations**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>31,103,027</td>
<td>31,103,027</td>
</tr>
</tbody>
</table>

**Advance Appropriations**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>31,103,027</td>
<td>31,103,027</td>
</tr>
</tbody>
</table>

**Advance Appropriations, FY 2006 and 2007**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>-9,500</td>
<td>-9,500</td>
</tr>
</tbody>
</table>

**Conference**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>-9,500</td>
</tr>
</tbody>
</table>

**Difference**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>-9,500</td>
</tr>
</tbody>
</table>
The total new budget (obligational) authority for the fiscal year 2006 recommended by the Committee of Conference, with comparisons to the fiscal year 2005 amount, the 2006 budget estimates, and the House and Senate bills for 2006 follow:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>New budget (obligational) authority, fiscal year 2005</td>
<td>$31,166,027</td>
</tr>
<tr>
<td>Budget estimates of new (obligational) authority, fiscal year 2006</td>
<td>29,730,600</td>
</tr>
<tr>
<td>House bill, fiscal year 2006</td>
<td>30,283,530</td>
</tr>
<tr>
<td>Senate bill, fiscal year 2006</td>
<td>31,763,050</td>
</tr>
<tr>
<td>Conference agreement, fiscal year 2006</td>
<td>31,009,000</td>
</tr>
<tr>
<td>Conference agreement compared with:</td>
<td></td>
</tr>
<tr>
<td>New budget (obligational) authority, fiscal year 2005</td>
<td>−157,027</td>
</tr>
<tr>
<td>Budget estimates of new (obligational) authority, fiscal year 2006</td>
<td>+1,278,400</td>
</tr>
<tr>
<td>House bill, fiscal year 2006</td>
<td>+725,470</td>
</tr>
<tr>
<td>Senate bill, fiscal year 2006</td>
<td>−754,050</td>
</tr>
</tbody>
</table>

Managers on the Part of the House.

Managers on the Part of the Senate.