



Special Report: House FY2010 Energy and Water Appropriations and California Implications - September 2009

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On July 17, 2009, the House of Representatives passed H.R. 3183 (H.Rpt. 111-203), the FY2010 Appropriations for the Departments of Energy and Water Development and Related Agencies. The vote was 320 to 97. The total allocation for FY2010 is approximately \$33.3 billion, compared to the President's request of \$34.4 billion and the FY2009 allocation of \$33.2 billion.

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

ARMY CORPS OF ENGINEERS

The Committee provides \$5.5 billion, \$139 million above 2009 and \$416 million above the request, to the Army Corps of Engineers. This includes:

- Operations and Maintenance: \$2.5 billion, \$7 million above the request and \$309 million above 2009, to address the over \$1 billion backlog of operations and maintenance needs of navigation infrastructure
- Construction: \$2.1 billion, \$405 million above the request and \$19 million below 2009, for projects including on-going flood protection efforts.
- Investigations: \$142 million, \$42 million above the request and \$26 million below 2009, to plan and design America's next generation of water resource infrastructure.
- Management Reforms: Continues management reforms instituted at the Corps of Engineers, including the requirement for five-year development plans to guide budget decisions and limitations on reprogramming and contracting methods.

California Specific Presidentially Designated Projects: Corps of Engineers

- O&M YUBA RIVER, CA \$146,000 The President
- O&M VENTURA HARBOR, CA \$6,426,000 The President (Capps)
- O&M TERMINUS DAM, LAKE KAWEAH, CA \$2,037,000 The President
- O&M SUISUN BAY CHANNEL, CA \$4,019,000 The President (McNerney; Tauscher)
- O&M SUCCESS LAKE, CA \$1,989,000 The President
- O&M SANTA BARBARA HARBOR, CA \$1,690,000 The President (Capps)
- O&M SCHEDULING RESERVOIR OPERATIONS, CA \$1,915,000 The President
- O&M SACRAMENTO RIVER (30 FOOT PROJECT), CA \$3,351,000 The President
- O&M SACRAMENTO RIVER AND TRIBUTARIES (DEBRIS CONTROL), CA \$1,712,000
The President
- O&M SACRAMENTO RIVER SHALLOW DRAFT CHANNEL, CA \$234,000 The President
- O&M SAN FRANCISCO BAY, DELTA MODEL STRUCTURE, CA \$1,118,000
The President
- O&M SAN FRANCISCO HARBOR AND BAY, CA (DRIFT REMOVAL) \$2,945,000 The
President; Pelosi
- O&M SAN FRANCISCO HARBOR, CA \$3,237,000 The President Pelosi
- O&M SAN JOAQUIN RIVER, PORT OF STOCKTON, CA \$3,554,000 The President Cardoza;
McNerney
- O&M SAN PABLO BAY AND MARE ISLAND STRAIT, CA \$2,650,000 The President;
McNerney
- O&M SANTA ANA RIVER BASIN, CA \$3,094,000 The President
- O&M PROJECT CONDITION SURVEYS, CA \$2,442,000 The President
- O&M PINE FLAT LAKE, CA \$3,201,000 The President
- O&M OAKLAND HARBOR, CA \$10,000,000 The President Lee (CA)
- O&M OCEANSIDE HARBOR, CA \$1,500,000 The President
- O&M NEW HOGAN LAKE, CA \$2,515,000 The President
- O&M NEW MELONES LAKE, DOWNSTREAM CHANNEL, CA \$1,898,000 The President
- O&M NEW PORT BAY HARBOR, CA \$1,780,000 The President
- O&M MOJAVE RIVER DAM, CA \$288,000 The President
- O&M LOS ANGELES COUNTY DRAINAGE AREA, CA \$4,597,000 The President
- O&M INSPECTION OF COMPLETED WORKS, CA \$6,702,000 The President
- O&M FARMINGTON DAM, CA \$481,000 The President
- O&M DRY CREEK (WARM SPRINGS) LAKE & CHANNEL, CA \$5,139,000 The President
Woolsey
- O&M COYOTE VALLEY DAM, LAKE MENDOCINO, CA \$3,829,000 The President
- O&M BUCHANAN DAM, HV EASTMAN LAKE, CA \$2,041,000 The President
- O&M BLACK BUTTE LAKE, CA \$2,234,000 The President
- Investigations SAC-SAN JOAQUIN DELTA, DELTA ISLANDS AND LEVEES, CA \$468,000
The President; McNerney
- Investigations SOLANA-ENCINITAS SHORELINE, CA \$440,000 The President Bilbray
- Investigations SUTTER COUNTY, CA \$1,100,000 The President Herger
- Investigations UPPER PENITENCIA CREEK, CA \$386,000 The President Honda
- Investigations HAMILTON CITY, CA \$400,000 The President Herger
- Investigations COLLECTION AND STUDY OF BASIC DATA—COASTAL FIELD DATA
COLLECTION: COASTAL DATA INFORMATION PROGRAM & SOUTHERN CA BEACH
PROCESSES STUDY, CA \$525,000 The President Bilbray; Woolsey
- Investigations COYOTE AND BERRYESSA CREEKS, CA \$102,000 The President Honda -
Investigations CALIFORNIA COASTAL SEDIMENT MASTER PLAN, CA \$900,000 The
President Harman

- Construction SUCCESS DAM AND RESERVOIR, CA (DAM SAFETY) \$10,000,000 The President
- Construction SACRAMENTO DEEPWATER SHIP CHANNEL, CA \$10,000,000 The President Tauscher; Thompson (CA)
- Construction SACRAMENTO RIVER BANK PROTECTION PROJECT, CA \$15,000,000 The President; Herger; Matsui; McNerney
- Construction SANTA ANA RIVER MAINSTEM, CA \$52,193,000 The President Calvert; Miller, Gary; Rohrabacher; Sanchez, Loretta
- Construction SOUTH SACRAMENTO COUNTY STREAMS, CA \$4,750,000 The President Lungren, Dan; Matsui
- Construction NAPA RIVER, CA \$5,000,000 The President Thompson (CA)
- Construction NAPA RIVER, SALT MARSH RESTORATION, CA \$100,000 The President Miller, George; Thompson (CA)
- Construction OAKLAND HARBOR (50 FOOT PROJECT), CA \$1,000,000 The President Lee (CA); Pelosi
- Construction KAWEAH RIVER, CA \$640,000 The President
- Construction LOS ANGELES HARBOR MAIN CHANNEL DEEPENING, CA \$885,000 The President
- Construction HAMILTON AIRFIELD WETLANDS RESTORATION, CA \$14,250,000 The President Pelosi; Woolsey
- Construction AMERICAN RIVER WATERSHED (COMMON FEATURES), CA \$6,700,000 The President Lungren, Dan; Matsui
- Construction AMERICAN RIVER WATERSHED (FOLSOM DAM MODIFICATIONS), CA \$66,700,000 The President Lungren, Dan; Matsui
- Construction AMERICAN RIVER WATERSHED (FOLSOM DAM RAISE & BRIDGE), CA \$600,000 The President Lungren, Dan; Matsui

California Specific Congressionally Designated Projects: Corps of Engineers

- Construction CITY OF INGLEWOOD, CA \$100,000 Waters
- Construction CITY OF SANTA CLARITA, CA \$1,100,000 McKeon
- Construction CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CA \$100,000 McNerney; Miller, George; Tauscher
- Construction CORTE MADERA CREEK, CA \$500,000 Woolsey
- Construction HARBOR/SOUTH BAY WATER RECYCLING PROJECT, LOS ANGELES, CA \$1,000,000 Harman; Richardson; Roybal-Allard; Waters
- Construction LLAGAS CREEK, CA \$500,000 Honda; Lofgren, Zoe; McNerney
- Construction MID-VALLEY AREA LEVEE RECONSTRUCTION, CA \$600,000 Herger
- Construction FARMINGTON RECHARGE DEMONSTRATION PROGRAM, CA \$500,000 McNerney
- Construction MURRIETA CREEK, CA \$2,000,000 Bono Mack; Calvert
- Construction PETALUMA RIVER, CA \$1,500,000 Woolsey
- Construction PIER 36 REMOVAL, CA \$6,220,000 Pelosi
- Construction SAN LORENZO RIVER, CA \$500,000 Farr
- Construction SAN RAMON VALLEY RECYCLED WATER, CA \$350,000 McNerney; Tauscher
- Construction STOCKTON METROPOLITAN FLOOD CONTROL REIMBURSEMENT, CA \$1,000,000 Cardoza; McNerney
- Construction YUBA RIVER BASIN, CA \$1,000,000 Herger
- Investigations ARROYO SECO WATERSHED, CA \$500,000 Becerra; Dreier; Roybal-Allard; Schiff
- Investigations BALLONA CREEK RESTORATION, CA \$500,000 Harman; Roybal-Allard

- Investigations BOLINAS LAGOON ECOSYSTEM RESTORATION, CA \$200,000 Woolsey
- Investigations CARPINTERIA SHORELINE STUDY, CA \$500,000 Capps
- Investigations DESERT HOT SPRINGS, CA \$100,000 Lewis (CA)
- Investigations ESTUDILLO CANAL, CA \$250,000 Stark
- Investigations GOLETA BEACH, CA \$500,000 Capps
- Investigations HEACOCK AND CACTUS CHANNELS, CA \$500,000 Bono Mack
- Investigations LONG BEACH BREAKWATER STUDY, CA \$100,000 Richardson
- Investigations LOS ANGELES COUNTY DRAINAGE AREA (LACDA) WATER CONSERVATION AND SUP-PLY, WHITTIER NARROWS DAM, CA \$300,000 Napolitano; Roybal-Allard; Schiff
- Investigations LOS ANGELES RIVER DEMONSTRATION PROJECTS, CA \$100,000 Becerra; Berman; Harman; Roybal-Allard; Schiff; Sherman
- Investigations LOS ANGELES RIVER ECOSYSTEM RESTORATION, CA \$1,500,000 Becerra; Berman; Harman; Roybal-Allard; Sherman; Watson
- Investigations LOS ANGELES RIVER WATERCOURSE IMPROVEMENT, HEADWORKS, CA \$550,000 Roybal-Allard; Schiff
- Investigations LOWER CACHE CREEK, YOLO COUNTY, WOODLAND AND VICINITY, CA \$150,000 Herger; Thompson (CA)
- Investigations PAJARO RIVER, CA \$1,000,000 Farr; Honda
- Investigations RIVERSIDE COUNTY SPECIAL AREA MANAGEMENT PLAN, CA \$221,000 Calvert
- Investigations SAN CLEMENTE SHORELINE, CA \$100,000 Calvert
- Investigations SAN DIEGO COUNTY SPECIAL AREA MANAGEMENT PLAN, CA \$300,000 Filner
- Investigations SAN FRANCISQUITO CREEK, CA \$300,000 Eshoo; Honda
- Investigations SAN JOAQUIN RIVER BASIN, LOWER SAN JOAQUIN RIVER, CA \$1,500,000 Cardoza; McNerney
- Investigations SAN JOAQUIN RIVER BASIN, WEST STANISLAUS COUNTY, ORESTIMBA CREEK, CA \$460,000 Cardoza
- Investigations SAN JUAN CREEK, SOUTH ORANGE COUNTY, CA \$582,000 Calvert
- Investigations SANTA ANA RIVER AND TRIBUTARIES ECOSYSTEM RESTORATION, CA \$1,000,000 Lewis (CA)
- Investigations SANTA ANA RIVER AND TRIBUTARIES, BIG BEAR LAKE, CA \$800,000 Lewis (CA)
- Investigations SANTA ANA RIVER, PRADO BASIN ECOSYSTEM RESTORATION, ORANGE COUNTY, CA \$44,000 Baca
- Investigations SANTA CLARA RIVER WATERSHED, CA \$500,000 Capps; Gallegly
- Investigations SEVEN OAKS DAM WATER CONSERVATION STUDY, CA \$800,000 Baca; Calvert; Lewis (CA)
- Investigations SOUTH SAN FRANCISCO SHORELINE, CA \$2,800,000 Eshoo; Honda; Lofgren, Zoe; Pelosi; Stark
- Investigations SUN VALLEY WATERSHED, CA \$600,000 Berman; Roybal-Allard; Sherman
- Investigations WESTMINSTER, EAST GARDEN GROVE, CA \$900,000 Rohrabacher; Sanchez, Loretta
- O&M CRESCENT CITY HARBOR, CA \$3,900,000 Thompson (CA)
- O&M PINOLE SHOAL MANAGEMENT STUDY, CA \$200,000 Cardoza; McNerney; Miller, George; Tauscher
- O&M SAN FRANCISCO BAY, LONG TERM MANAGEMENT STRATEGY, CA \$3,500,000 Pelosi

- General Provisions TRANSFER AUTHORITY: SEVEN OAKS WATER CONSERVATION STUDY Lewis (CA)
- Section 206 SALT RIVER RESTORATION, CA Thompson (CA)
- Section 205 LAS GALLIANAS CREEK, MARIN COUNTY, CA Woolsey
- Section 1135 TUJUNGA WASH ENVIRONMENTAL RESTORATION, CA Berman; Roybal-Allard
- Section 103 BAY FARM ISLAND DIKE, CA Stark
- Section 103 PISMO BEACH, CA Capps

DEPARTMENT OF INTERIOR

The Committee provides \$1.1 billion, \$17 million above the request and \$38 million below 2009, to the Department of Interior to continue to support and improve the nation's water infrastructure, including \$1 billion for the Bureau of Reclamation for dams, canals, water treatment and conservation, and rural water projects.

Central Valley Project

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, the Committee provides \$35,358,000 from the Central Valley Project Restoration Fund.

California Bay Delta Improvement Programs

California Bay Delta programs as authorized by the Water Supply, Reliability, and Environmental Improvement Act, are provided \$32,000,000.

Bureau of Reclamation California Specific Presidentially Designated Projects

Water and Related Resources

- SAN LUIS VALLEY PROJECT \$5,480,000 The President
- SAN LUIS VALLEY PROJECT (CONEJOS, CO) \$646,000 The President Salazar
- SOLANO PROJECT \$4,109,000 The President
- SOUTHERN CALIFORNIA INVESTIGATIONS PROGRAM \$520,000 The President
- SAN ANGELO PROJECT \$436,000 The President
- SAN CARLOS APACHE TRIBE WATER SETTLEMENT ACT \$325,000 The President
- SAN DIEGO AREA WATER RECLAMATION PROGRAM \$100,000 The President
- SAN GABRIEL BASIN PROJECT \$100,000 The President
- SAN JOSE AREA WATER RECLAMATION/REUSE PROGRAM—TITLE XVI \$100,000 The President Honda; Lofgren
- SAN JUAN RIVER BASIN INVESTIGATIONS PROGRAM \$150,000 The President
- KLAMATH PROJECT \$25,000,000 The President
- LAKE TAHOE REGIONAL DEVELOPMENT PROGRAM \$102,000 The President
- LONG BEACH AREA WATER RECLAMATION PROJECT \$100,000 The President
- LONG BEACH DESALINATION RESEARCH AND DEVELOPMENT PROJECT \$100,000 The President Richardson; Rohrabacher
- CENTRAL VALLEY PROJECTS: MISCELLANEOUS PROJECT PROGRAMS \$11,796,000 The President
- CENTRAL VALLEY PROJECTS: REPLACEMENTS, ADDITIONS, & EXTRAORDINARY MAINT. PROG. \$25,000,000 The President

- CENTRAL VALLEY PROJECTS: SACRAMENTO RIVER DIVISION \$16,379,000 The President
- CENTRAL VALLEY PROJECTS: SAN FELIPE DIVISION \$1,651,000 The President
- CENTRAL VALLEY PROJECTS: SAN JOAQUIN DIVISION \$356,000 The President
- CENTRAL VALLEY PROJECTS: SHASTA DIVISION \$8,054,000 The President
- CENTRAL VALLEY PROJECTS: TRINITY RIVER DIVISION \$10,495,000 The President
- CENTRAL VALLEY PROJECTS: WATER AND POWER OPERATIONS \$9,280,000 The President
- CENTRAL VALLEY PROJECTS: WEST SAN JOAQUIN DIVISION, SAN LUIS UNIT \$8,525,000 The President
- CENTRAL VALLEY PROJECTS: YIELD FEASIBILITY INVESTIGATION \$450,000 The President
- CACHUMA PROJECT \$1,674,000 The President Capps
- CALIFORNIA INVESTIGATIONS PROGRAM \$500,000 The President
- CALLEGUAS MUNICIPAL WATER DISTRICT RECYCLING PROJECT \$100,000 The President; Capps; Gallegly
- CARLSBAD PROJECT \$3,719,000 The President
- CENTRAL VALLEY PROJECTS: AMERICAN RIVER DIVISION \$9,576,000 The President
- CENTRAL VALLEY PROJECTS: AUBURN-FOLSOM SOUTH UNIT \$1,663,000 The President
- CENTRAL VALLEY PROJECTS: DELTA DIVISION \$20,405,000 The President
- CENTRAL VALLEY PROJECTS: EAST SIDE DIVISION \$4,426,000 The President
- CENTRAL VALLEY PROJECTS: FRIANT DIVISION \$5,756,000 The President

California Specific Congressionally Designated Projects: Bureau of Reclamation Water and Related Resources

- BAY AREA REGIONAL WATER RECYCLING PROJECT \$100,000 Eshoo; Lofgren, Zoe; McNerney; Miller, George; Stark; Tauscher
- CENTRAL VALLEY PROJECTS: FRIANT DIVISION (SEMITROPIC PHASE II GROUND-WATER BANKING) \$800,000 Costa
- CITY OF CORONA WATER RECYCLING AND REUSE PROJECT \$100,000 Calvert
- GROUNDWATER REPLENISHMENT SYSTEM MID-BASIN INJECTION PILOT FACILITIES \$100,000 Miller, Gary; Sanchez, Loretta
- HI DESERT WATER DISTRICT WASTEWATER COLLECTION AND REUSE PROJECT \$100,000 Baca; Lewis (CA)
- INLAND EMPIRE REGIONAL WATER RECYCLING PROJECT \$100,000 Baca; Calvert; Dreier
- NORTH BAY WATER REUSE PROJECT \$100,000 Thompson (CA); Woolsey
- ORANGE COUNTY REGIONAL WATER RECLAMATION PROJECT \$100,000 Calvert; Miller, Gary; Rohrabacher; Sanchez, Loretta
- RIVERSIDE-CORONA FEEDER \$1,000,000 Baca; Calvert
- SAN BERNARDINO MWD, CA \$1,000,000 Baca; Lewis (CA)
- SAN DIEGO FOUR-RESERVOIR INTERTIE \$250,000 Filner; Hunter
- SAN GABRIEL BASIN RESTORATION FUND \$4,000,000 Dreier; Napolitano; Roybal-Allard
- SOUTHERN CALIFORNIA INVESTIGATIONS PROGRAM (LAKE ARROWHEAD) \$1,000,000 Lewis (CA)
- UPPER MOJAVE RIVER WELL FIELD \$100,000 Lewis (CA)
- WATSONVILLE AREA WATER RECYCLING PROJECT \$100,000 Farr

DEPARTMENT OF ENERGY

The Committee provides \$26.9 billion, \$86 million above 2009 and \$1.5 billion below the request, to fund the five primary mission areas for the Department of Energy: science, energy, environment, nuclear nonproliferation, and national security.

Energy Efficiency and Renewable Energy

\$2.25 billion, \$321 million above 2009, is provided for energy efficiency and renewable energy investments, research and development, including:

- Solar Energy: \$259 million for solar research, development, and demonstration projects
- Biofuels: \$235 million for grants to improve production of alternative fuels such as cellulosic ethanol and biodiesel
- Vehicle Technology: \$373 million, including \$40 million for hydrogen transportation systems
- Energy Efficient Buildings: \$210 million to research conservation technologies for buildings and industry to reduce energy demand
- Industrial Technologies: \$100 million to help businesses improve energy efficiency.
- Water Power: \$30 million to research new ways of generating power from flowing water.
- Weatherization Grants: \$220 million for insulation and energy conservation measures to reduce utility bills for low-income families
- Electricity Delivery and Energy Reliability: \$208 million, \$71 million over 2009, to modernize and secure the nation's electricity grid
- Smart Grid Technologies: \$62.9 million, \$30 million above 2009, for smart grid research and development.
- Energy Storage: \$15 million, more than triple 2009, for research and development of grid-connected energy storage technologies.
- Cyber Security: \$46.5 million for energy delivery cyber security, an increase of \$34.5 million from 2009, to develop secure grid technologies as cyber attacks increase worldwide and the grid becomes increasingly network-connected.
- Clean Energy Transmission and Reliability: \$42 million to increase the efficiency of the grid and enable the widespread deployment of clean, domestic renewable energy.

Nuclear

The Committee provides \$812 million, \$20 million above 2009, to support ongoing nuclear research and development projects and to maintain the infrastructure supporting this work. This includes:

- \$71 million for the Nuclear Power 2010 program, \$107 less than 2009
- \$272 million for Generation IV research and development, including \$245 million for the Next Generation Nuclear Plant (NGNP).
- \$129 million for fuel cycle research and development

Non-Defense Environmental Cleanup

\$5.4 billion is provided to clean up contamination from nuclear weapons manufacturing and cancelled projects for handling spent nuclear fuel. \$238 million is provided for non-defense clean-up associated with civilian nuclear energy activities. \$559 million is provided from the Uranium Enrichment Decontamination and Decommissioning Fund for clean up at uranium processing facilities.

Science

The Committee provides \$4.9 billion, \$171 million above 2009, for scientific research to address long-term energy needs. This funding, in addition to the \$4.8 billion appropriated in fiscal year 2009 and \$1.6 billion in the Recovery Act, exceeds the goals in the America COMPETES Act, and includes:

- Basic Energy Sciences: \$1.7 billion for basic research primarily on materials sciences and on chemical sciences, energy biosciences and geosciences. This work places heavy emphasis on advancing the frontiers of using ever-faster tools, including \$409 million in the Advanced Scientific Computing Research program, to better understand ever-smaller and more detailed phenomena.
- Applied Research: \$2.4 billion for Nuclear Physics, High Energy Physics, Biological and Environmental Research, and Fusion Energy Sciences.

California Specific Congressionally Designated Projects: Department of Energy: Energy Efficiency and Renewable Energy

- EERE BIODIESEL PRODUCTION FROM GREASE WASTE \$250,000 Bono Mack
- EERE CALIFORNIA POLYTECHNIC STATE UNIVERSITY CENTER FOR RENEWABLE ENERGY AND ALTERNATIVE ELECTRIC TRANSPORTATION TECHNOLOGIES EQUIPMENT ACQUISITION \$250,000 McCarthy (CA)
- EERE CITY OF NORCO WASTE-TO-ENERGY FACILITY \$750,000 Calvert
- EERE CITY OF REDLANDS FACILITIES UPGRADES TO IMPROVE ENERGY EFFICIENCY \$900,000 Lewis (CA)
- EERE FORT MASON CENTER PIER 2 PROJECT \$2,000,000 Pelosi
- EERE ORANGE COUNTY SOLAR DEMONSTRATION & RESEARCH FACILITY \$300,000 Grayson
- EERE RUNNING SPRINGS RETREAT CENTER SOLAR UPGRADE \$1,000,000 Lewis (CA)
- EERE SAN DIEGO CENTER FOR ALGAE BIOTECHNOLOGY (SD-CAB) \$750,000 Bilbray; Davis (CA)
- EERE SAN FRANCISCO ELECTRIC VEHICLE INITIATIVE \$1,000,000 Pelosi
- EERE SOLAR ENERGY PARKING CANOPY DEMONSTRATION PROJECT \$3,000,000 Lewis (CA)
- EERE SOLAR LIGHTING FOR ARTESIA PARKS \$250,000 Sanchez, Linda
- EERE STREET LIGHTING FIXTURE ENERGY EFFICIENCY RETROFIT PROJECT \$500,000 Becerra; Harman; Sanchez, Linda; Watson

Electricity Delivery and Energy Reliability

- SMART GRID INITIATIVE \$500,000 Schiff; Sherman

Nuclear Energy

- MCCLELLAN NUCLEAR RADIATION CENTER \$500,000 Lungren, Dan

Science

- TWIN TOWER OBSERVATORY \$200,000 McKeon
- UNIVERSITY PARK AND RESEARCH CENTER IN CHULA VISTA, CA \$1,000,000 Filner

Federal Energy Regulatory Commission

The Committee provides \$298,000,000 for necessary expenses of the Federal Energy Regulatory Commission.