

***In the Senate of the United States,***

*July 29, 2009.*

*Resolved*, That the bill from the House of Representatives (H.R. 3183) entitled “An Act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*  
2 *money in the Treasury not otherwise appropriated, for the*  
3 *fiscal year ending September 30, 2010, and for other pur-*  
4 *poses, namely:*

5

*TITLE I*

6

*CORPS OF ENGINEERS—CIVIL*

7

*DEPARTMENT OF THE ARMY*

8

*CORPS OF ENGINEERS—CIVIL*

9

*The following appropriations shall be expended under*

10 *the direction of the Secretary of the Army and the super-*

1 *vision of the Chief of Engineers for authorized civil func-*  
2 *tions of the Department of the Army pertaining to rivers*  
3 *and harbors, flood and storm damage reduction, shore pro-*  
4 *tection, aquatic ecosystem restoration, and related efforts.*

5 *GENERAL INVESTIGATIONS*

6 *For expenses necessary where authorized by law for the*  
7 *collection and study of basic information pertaining to*  
8 *river and harbor, flood and storm damage reduction, shore*  
9 *protection, aquatic ecosystem restoration, and related needs;*  
10 *for surveys and detailed studies, and plans and specifica-*  
11 *tions of proposed river and harbor, flood and storm damage*  
12 *reduction, shore protection, and aquatic ecosystem restora-*  
13 *tion projects and related efforts prior to construction; for*  
14 *restudy of authorized projects; and for miscellaneous inves-*  
15 *tigations and, when authorized by law, surveys and detailed*  
16 *studies, and plans and specifications of projects prior to*  
17 *construction, \$170,000,000, to remain available until ex-*  
18 *pended.*

19 *CONSTRUCTION, GENERAL*

20 *For expenses necessary for the construction of river*  
21 *and harbor, flood and storm damage reduction, shore pro-*  
22 *tection, aquatic ecosystem restoration, and related projects*  
23 *authorized by law; for conducting detailed studies, and*  
24 *plans and specifications, of such projects (including those*  
25 *involving participation by States, local governments, or*

1 private groups) authorized or made eligible for selection by  
2 law (but such detailed studies, and plans and specifications,  
3 shall not constitute a commitment of the Government to  
4 construction); \$1,924,000,000, to remain available until ex-  
5 pended; of which such sums as are necessary to cover the  
6 Federal share of construction costs for facilities under the  
7 Dredged Material Disposal Facilities program shall be de-  
8 rived from the Harbor Maintenance Trust Fund as author-  
9 ized by Public Law 104-303; and of which such sums as  
10 are necessary pursuant to Public Law 99-662 shall be de-  
11 rived from the Inland Waterways Trust Fund, to cover one-  
12 half of the costs of construction, replacement, rehabilitation,  
13 and expansion of inland waterways projects (including  
14 only Chickamauga Lock, Tennessee; Kentucky Lock and  
15 Dam, Tennessee River, Kentucky; Lock and Dams 2, 3, and  
16 4 Monongahela River, Pennsylvania; Markland Locks and  
17 Dam, Kentucky and Indiana; Olmsted Lock and Dam, Illi-  
18 nois and Kentucky; and Emsworth Locks and Dam, Ohio  
19 River, Pennsylvania) shall be derived from the Inland Wa-  
20 terways Trust Fund: Provided, That the Chief of Engineers  
21 is directed to use \$18,000,000 of the funds appropriated  
22 herein for the Dallas Floodway Extension, Texas, project,  
23 including the Cadillac Heights feature, generally in accord-  
24 ance with the Chief of Engineers report dated December 7,  
25 1999: Provided further, That the Chief of Engineers is di-

1 *rected to use \$1,500,000 of funds available for the*  
2 *Greenbrier Basin, Marlinton, West Virginia, Local Protec-*  
3 *tion Project to continue engineering and design efforts, exe-*  
4 *cute a project partnership agreement, and initiate construc-*  
5 *tion of the project substantially in accordance with Alter-*  
6 *native 1 as described in the Corps of Engineers Final De-*  
7 *tailed Project Report and Environmental Impact State-*  
8 *ment for Marlinton, West Virginia Local Protection Project*  
9 *dated September 2008: Provided further, That the Federal*  
10 *and non-Federal shares shall be determined in accordance*  
11 *with the ability-to-pay provisions prescribed in section*  
12 *103(m) of the Water Resources Development Act of 1986,*  
13 *as amended: Provided further, That the Chief of Engineers*  
14 *is directed to use \$2,750,000 of the funds appropriated here-*  
15 *in for planning, engineering, design or construction of the*  
16 *Grundy, Buchanan County, and Dickenson County, Vir-*  
17 *ginia, elements of the Levisa and Tug Forks of the Big*  
18 *Sandy River and Upper Cumberland River Project: Pro-*  
19 *vided further, That the Chief of Engineers is directed to use*  
20 *\$4,000,000 of the funds appropriated herein to continue*  
21 *planning, engineering, design or construction of the Lower*  
22 *Mingo County, Upper Mingo County, Wayne County,*  
23 *McDowell County, West Virginia, elements of the Levisa*  
24 *and Tug Forks of the Big Sandy River and Upper Cum-*  
25 *berland River Project: Provided further, That none of the*

1 *funds made available by this Act may be used to carry out*  
2 *any portion of the Delaware River Main Channel Deep-*  
3 *ening Project identified in the committee report accom-*  
4 *panying this Act that is located in the State of Delaware*  
5 *until the date on which the government of the State of Dela-*  
6 *ware issues an applicable project permit for the Delaware*  
7 *River Main Channel Deepening Project.*

8 *MISSISSIPPI RIVER AND TRIBUTARIES*

9 *For expenses necessary for flood damage reduction*  
10 *projects and related efforts in the Mississippi River alluvial*  
11 *valley below Cape Girardeau, Missouri, as authorized by*  
12 *law, \$340,000,000, to remain available until expended, of*  
13 *which such sums as are necessary to cover the Federal share*  
14 *of eligible operation and maintenance costs for inland har-*  
15 *bors shall be derived from the Harbor Maintenance Trust*  
16 *Fund: Provided, That the Secretary of the Army, acting*  
17 *through the Chief of Engineers is directed to use*  
18 *\$10,000,000 appropriated herein for construction of water*  
19 *withdrawal features of the Grand Prairie, Arkansas,*  
20 *project.*

21 *OPERATION AND MAINTENANCE*

22 *For expenses necessary for the operation, maintenance,*  
23 *and care of existing river and harbor, flood and storm dam-*  
24 *age reduction, aquatic ecosystem restoration, and related*  
25 *projects authorized by law; providing security for infra-*

1 *structure owned or operated by the Corps, including admin-*  
2 *istrative buildings and laboratories; maintaining harbor*  
3 *channels provided by a State, municipality, or other public*  
4 *agency that serve essential navigation needs of general com-*  
5 *merce, where authorized by law; surveying and charting*  
6 *northern and northwestern lakes and connecting waters;*  
7 *clearing and straightening channels; and removing obstruc-*  
8 *tions to navigation, \$2,450,000,000, to remain available*  
9 *until expended, of which such sums as are necessary to cover*  
10 *the Federal share of eligible operation and maintenance*  
11 *costs for coastal harbors and channels, and for inland har-*  
12 *bors shall be derived from the Harbor Maintenance Trust*  
13 *Fund; of which such sums as become available from the spe-*  
14 *cial account for the Corps established by the Land and*  
15 *Water Conservation Act of 1965, as amended (16 U.S.C.*  
16 *460l-6a(i)), shall be derived from that account for resource*  
17 *protection, research, interpretation, and maintenance ac-*  
18 *tivities related to resource protection in the areas at which*  
19 *outdoor recreation is available; and of which such sums as*  
20 *become available from fees collected under section 217 of the*  
21 *Water Resources Development Act of 1996 (Public Law*  
22 *104-303), shall be used to cover the cost of operation and*  
23 *maintenance of the dredged material disposal facilities for*  
24 *which such fees have been collected: Provided, That 1 per-*  
25 *cent of the total amount of funds provided for each of the*

1 *programs, projects or activities funded under this heading*  
2 *shall not be allocated to a field operating activity prior to*  
3 *the beginning of the fourth quarter of the fiscal year and*  
4 *shall be available for use by the Chief of Engineers to fund*  
5 *such emergency activities as the Chief of Engineers deter-*  
6 *mines to be necessary and appropriate; and that the Chief*  
7 *of Engineers shall allocate during the fourth quarter any*  
8 *remaining funds which have not been used for emergency*  
9 *activities proportionally in accordance with the amounts*  
10 *provided for the programs, projects or activities.*

11 *REGULATORY PROGRAM*

12 *For expenses necessary for administration of laws per-*  
13 *taining to regulation of navigable waters and wetlands,*  
14 *\$190,000,000, to remain available until expended.*

15 *FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM*

16 *For expenses necessary to clean up contamination*  
17 *from sites in the United States resulting from work per-*  
18 *formed as part of the Nation's early atomic energy pro-*  
19 *gram, \$140,000,000, to remain available until expended.*

20 *GENERAL EXPENSES*

21 *For expenses necessary for the supervision and general*  
22 *administration of the civil works program in the head-*  
23 *quarters of the United States Army Corps of Engineers, and*  
24 *the offices of the Division Engineers; and for the manage-*  
25 *ment and operation of the Humphreys Engineer Center*

1 *Support Activity, the Institute for Water Resources, the*  
2 *United States Army Engineer Research and Development*  
3 *Center, and the United States Army Corps of Engineers Fi-*  
4 *nance Center, \$186,000,000, to remain available until ex-*  
5 *pended, of which not to exceed \$5,000 may be used for offi-*  
6 *cial reception and representation purposes and only during*  
7 *the current fiscal year: Provided, That no part of any other*  
8 *appropriation provided in title I of this Act shall be avail-*  
9 *able to fund the civil works activities of the Office of the*  
10 *Chief of Engineers or the civil works executive direction and*  
11 *management activities of the division offices: Provided fur-*  
12 *ther, That any Flood Control and Coastal Emergencies ap-*  
13 *propriation may be used to fund the supervision and gen-*  
14 *eral administration of emergency operations, repairs, and*  
15 *other activities in response to any flood, hurricane, or other*  
16 *natural disaster.*

17 *OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL*  
18 *WORKS)*

19 *For the Office of Assistant Secretary of the Army*  
20 *(Civil Works) as authorized by 10 U.S.C. 3016(b)(3),*  
21 *\$5,000,000, to remain available until expended.*

22 *ADMINISTRATIVE PROVISION*

23 *The Revolving Fund, Corps of Engineers, shall be*  
24 *available during the current fiscal year for purchase (not*



1 *to exceed 100 for replacement only) and hire of passenger*  
2 *motor vehicles for the civil works program.*

3 *GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL*

4 *SEC. 101. (a) None of the funds provided in title I*  
5 *of this Act, or provided by previous appropriations Acts*  
6 *to the agencies or entities funded in title I of this Act that*  
7 *remain available for obligation or expenditure in fiscal year*  
8 *2010, shall be available for obligation or expenditure*  
9 *through a reprogramming of funds that:*

10 *(1) creates or initiates a new program, project,*  
11 *or activity;*

12 *(2) eliminates a program, project, or activity;*

13 *(3) increases funds or personnel for any pro-*  
14 *gram, project, or activity for which funds have been*  
15 *denied or restricted by this Act, unless prior approval*  
16 *is received from the House and Senate Committees on*  
17 *Appropriations;*

18 *(4) proposes to use funds directed for a specific*  
19 *activity for a different purpose, unless prior approval*  
20 *is received from the House and Senate Committees on*  
21 *Appropriations;*

22 *(5) augments or reduces existing programs,*  
23 *projects or activities in excess of the amounts con-*  
24 *tained in subsections 6 through 10, unless prior ap-*

1     *proval is received from the House and Senate Com-*  
2     *mittees on Appropriations;*

3             (6) *INVESTIGATIONS.—For a base level over*  
4     *\$100,000, reprogramming of 25 percent of the base*  
5     *amount up to a limit of \$150,000 per project, study*  
6     *or activity is allowed: Provided, That for a base level*  
7     *less than \$100,000, the reprogramming limit is*  
8     *\$25,000: Provided further, That up to \$25,000 may be*  
9     *reprogrammed into any continuing study or activity*  
10    *that did not receive an appropriation for existing ob-*  
11    *ligations and concomitant administrative expenses;*

12            (7) *CONSTRUCTION.—For a base level over*  
13    *\$2,000,000, reprogramming of 15 percent of the base*  
14    *amount up to a limit of \$3,000,000 per project, study*  
15    *or activity is allowed: Provided, That for a base level*  
16    *less than \$2,000,000, the reprogramming limit is*  
17    *\$300,000: Provided further, That up to \$3,000,000*  
18    *may be reprogrammed for settled contractor claims,*  
19    *changed conditions, or real estate deficiency judg-*  
20    *ments: Provided further, That up to \$300,000 may be*  
21    *reprogrammed into any continuing study or activity*  
22    *that did not receive an appropriation for existing ob-*  
23    *ligations and concomitant administrative expenses;*

24            (8) *OPERATION AND MAINTENANCE.—Unlimited*  
25    *reprogramming authority is granted in order for the*

1 *Corps to be able to respond to emergencies: Provided,*  
2 *That the Chief of Engineers must notify the House*  
3 *and Senate Committees on Appropriations of these*  
4 *emergency actions as soon thereafter as practicable:*  
5 *Provided further, That for a base level over*  
6 *\$1,000,000, reprogramming of 15 percent of the base*  
7 *amount a limit of \$5,000,000 per project, study or ac-*  
8 *tivity is allowed: Provided further, That for a base*  
9 *level less than \$1,000,000, the reprogramming limit is*  
10 *\$150,000: Provided further, That \$150,000 may be re-*  
11 *programmed into any continuing study or activity*  
12 *that did not receive an appropriation;*

13 (9) *MISSISSIPPI RIVER AND TRIBUTARIES.—The*  
14 *same reprogramming guidelines for the Investiga-*  
15 *tions, Construction, and Operation and Maintenance*  
16 *portions of the Mississippi River and Tributaries Ac-*  
17 *count as listed above; and*

18 (10) *FORMERLY UTILIZED SITES REMEDIAL AC-*  
19 *TION PROGRAM.—Reprogramming of up to 15 percent*  
20 *of the base of the receiving project is permitted.*

21 (b) *CONTINUING AUTHORITIES PROGRAM.—Subsection*  
22 *(a)(1) shall not apply to any project or activity funded*  
23 *under the continuing authorities program.*

24 (c) *Not later than 60 days after the date of enactment*  
25 *of this Act, the Corps of Engineers shall submit a report*

1 *to the House and Senate Committees on Appropriations to*  
2 *establish the baseline for application of reprogramming and*  
3 *transfer authorities for the current fiscal year: Provided,*  
4 *That the report shall include:*

5           (1) *A table for each appropriation with a sepa-*  
6 *rate column to display the President's budget request,*  
7 *adjustments made by Congress, adjustments due to*  
8 *enacted rescissions, if appropriate, and the fiscal year*  
9 *enacted level;*

10           (2) *A delineation in the table for each appro-*  
11 *priation both by object class and program, project*  
12 *and activity as detailed in the budget appendix for*  
13 *the respective appropriations; and*

14           (3) *An identification of items of special congres-*  
15 *sional interest.*

16       *SEC. 102. None of the funds in this Act, or previous*  
17 *Acts, making funds available for Energy and Water Devel-*  
18 *opment, shall be used to implement any pending or future*  
19 *competitive sourcing actions under OMB Circular A-76 or*  
20 *High Performing Organizations for the U.S. Army Corps*  
21 *of Engineers.*

22       *SEC. 103. Within 90 days of the date of the Chief of*  
23 *Engineers Report on a water resource matter, the Assistant*  
24 *Secretary of the Army (Civil Works) shall submit the report*

1 *to the appropriate authorizing and appropriating commit-*  
2 *tees of the Congress.*

3 *WATER REALLOCATION, LAKE CUMBERLAND, KENTUCKY*

4 *SEC. 104. (a) IN GENERAL.—Subject to subsection (b),*  
5 *none of the funds made available by this Act may be used*  
6 *to carry out any water reallocation project or component*  
7 *under the Wolf Creek Project, Lake Cumberland, Kentucky,*  
8 *authorized under the Act of June 28, 1938 (52 Stat. 1215,*  
9 *ch. 795) and the Act of July 24, 1946 (60 Stat. 636, ch.*  
10 *595).*

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

16 *SEC. 105. None of the funds in this Act, or previous*  
17 *Acts, making funds available for Energy and Water Devel-*  
18 *opment shall be used to award any continuing contract that*  
19 *commits additional funding from the Inland Waterway*  
20 *Trust Fund unless or until such time that a permanent so-*  
21 *lution long-term mechanism to enhance revenues in the*  
22 *fund is enacted.*

23 *SEC. 106. Section 592(g) of Public Law 106–53 (113*  
24 *Stat. 380), as amended by section 120 of Public Law 108–*  
25 *137 (117 Stat. 1837) and section 5097 of Public Law 110–*

1 114 (121 Stat. 1233), is further amended by striking  
2 “\$110,000,000” and inserting “\$200,000,000” in lieu there-  
3 of.

4       *SEC. 107. The project for flood control, Big Sioux*  
5 *River and Skunk Creek, Sioux Falls, South Dakota author-*  
6 *ized by section 101(a)(28) of the Water Resources Develop-*  
7 *ment Act of 1996 (Public Law 104–303; 110 Stat. 3666),*  
8 *is modified to authorize the Secretary to construct the*  
9 *project at an estimated total cost of \$53,500,000, with an*  
10 *estimated Federal cost of \$37,700,000 and an estimated*  
11 *non-Federal cost of \$15,800,000.*

12       *SEC. 108. Section 595(h) of Public Law 106–53 (113*  
13 *Stat. 384), as amended by section 5067 of Public Law 110–*  
14 *114 (121 Stat. 1219), is further amended by—*

15             (1) *striking the phrase “\$25,000,000 for each of*  
16 *Montana and New Mexico” and inserting the fol-*  
17 *lowing language in lieu thereof: “\$75,000,000 for*  
18 *Montana, \$25,000,000 for New Mexico”; and*

19             (2) *striking “\$50,000,000” and inserting*  
20 *“\$100,000,000” in lieu thereof.*

21       *SEC. 109. The project for flood damage reduction, Des*  
22 *Moines and Raccoon Rivers, Des Moines Iowa, authorized*  
23 *by section 1001(21) of the Water Resources Development Act*  
24 *of 2007 (121 Stat. 1053), is modified to authorize the Sec-*  
25 *retary to construct the project at a total cost of \$16,500,000*

1 *with an estimated Federal cost of \$10,725,000 and an esti-*  
2 *mated non-Federal cost of \$5,775,000.*

3 *SEC. 110. The project for flood damage reduction,*  
4 *Breckenridge, Minnesota, authorized by section 320 of the*  
5 *Water Resources Development Act of 2000 (Public Law*  
6 *106–541; 114 Stat. 2605), is modified to authorize the Sec-*  
7 *retary to construct the project at a total cost of \$39,360,000*  
8 *with an estimated Federal cost of \$25,000,000 and an esti-*  
9 *mated non-Federal cost of \$14,360,000.*

10 *SEC. 111. Section 122 of title I of division D of the*  
11 *Consolidated Appropriations Resolution, 2003 (Public Law*  
12 *108–7; 117 Stat. 141) is amended by striking*  
13 *“\$10,000,000” and inserting “\$27,000,000” in lieu thereof.*

14 *SEC. 112. The Secretary of the Army is authorized to*  
15 *carry out structural and non-structural projects for storm*  
16 *damage prevention and reduction, coastal erosion, and ice*  
17 *and glacial damage in Alaska, including relocation of af-*  
18 *ected communities and construction of replacement facili-*  
19 *ties: Provided, That the non-Federal share of any project*  
20 *carried out pursuant to this section shall be no more than*  
21 *35 percent of the total cost of the project and shall be subject*  
22 *to the ability of the non-Federal interest to pay, as deter-*  
23 *mined in accordance with 33 U.S.C. 2213(m).*

24 *SEC. 113. Section 3111(1) of the Water Resources De-*  
25 *velopment Act, 2007 (Public Law 110–114; 121 Stat. 1041)*

1 *is amended by inserting after the word “before”, the fol-*  
2 *lowing: “, on and after”.*

3 *SEC. 114. The flood control project for West Sac-*  
4 *ramento, California, authorized by section 101(4), Water*  
5 *Resources Development Act, 1992, Public Law 102–580;*  
6 *Energy and Water Development Appropriations Act, 1999,*  
7 *Public Law 105–245, is modified to authorize the Secretary*  
8 *of Army, acting through the Chief of Engineers, to construct*  
9 *the project at a total cost of \$53,040,000 with an estimated*  
10 *first Federal cost of \$38,355,000 and an estimated non-Fed-*  
11 *eral first cost of \$14,685,000.*

12 *(RESCISSION)*

13 *SEC. 115. The amount of \$2,100,000 made available*  
14 *in division C, of Public Law 111–8, under the heading*  
15 *“Mississippi River and Tributaries” for site restoration of*  
16 *the St. Johns Bayou-New Madrid Floodway, Missouri,*  
17 *project less any funds needed for contract termination, are*  
18 *hereby rescinded and \$2,100,000 is appropriated under the*  
19 *heading “Mississippi River and Tributaries” for the Mis-*  
20 *issippi Channel Improvement, Arkansas, Illinois, Ken-*  
21 *tucky, Louisiana, Mississippi, Missouri, and Tennessee con-*  
22 *struction project.*

23 *(RESCISSION)*

24 *SEC. 116. The amount of \$1,800,000 made available*  
25 *in division C, of Public Law 111–8, under the heading*



1 “Construction, General” for site restoration of the St. Johns  
 2 Bayou-New Madrid Floodway, Missouri, project less any  
 3 funds needed for contract termination, and are hereby re-  
 4 scinded and \$1,800,000 is appropriated under the heading  
 5 “Construction, General” for section 206 (Public Law 104–  
 6 303), *Aquatic Ecosystem Restoration*, as amended.

7 *PROJECT FOR PERMANENT PUMPS AND CLOSURE*

8 *STRUCTURES, LAKE PONTCHARTRAIN, LOUISIANA*

9 *SEC. 117. (a) DEFINITIONS.—In this section:*

10 (1) *PROJECT.—The term “project” means the*  
 11 *project for permanent pumps and closure structures*  
 12 *at or near the lakefront at Lake Pontchartrain and*  
 13 *modifications to the 17th Street, Orleans Avenue, and*  
 14 *London Avenue canals in and near the city of New*  
 15 *Orleans that is—*

16 (A) *authorized by the matter under the*  
 17 *heading “GENERAL PROJECTS” in section 204 of*  
 18 *the Flood Control Act of 1965 (Public Law 89–*  
 19 *298; 79 Stat. 1077); and*

20 (B) *modified by—*

21 (i) *the matter under the heading*  
 22 *“FLOOD CONTROL AND COASTAL EMER-*  
 23 *GENCIES (INCLUDING RESCISSION OF*  
 24 *FUNDS)” under the heading “CORPS OF EN-*  
 25 *GINEERS—CIVIL” under the heading “DE-*

1           *PARTMENT OF THE ARMY*” under the  
2           heading “*DEPARTMENT OF DE-*  
3           *FENSE—CIVIL*” of chapter 3 of title II of  
4           the *Emergency Supplemental Appropria-*  
5           *tions Act for Defense, the Global War on*  
6           *Terror, and Hurricane Recovery, 2006*  
7           *(Public Law 109–234; 120 Stat. 454);*

8                     (ii) *section 7012(a)(2) of the Water Re-*  
9                     *sources Development Act of 2007 (Public*  
10                    *Law 110–114; 121 Stat. 1279); and*

11                    (iii) *the matter under the heading*  
12                    “*FLOOD CONTROL AND COASTAL EMER-*  
13                    *GENCIES*” under the heading “*CORPS OF*  
14                    *ENGINEERS—CIVIL*” under the heading  
15                    “*DEPARTMENT OF THE ARMY*” under  
16                    the heading “*DEPARTMENT OF DE-*  
17                    *FENSE—CIVIL*” of chapter 3 of title III of  
18                    the *Supplemental Appropriations Act, 2008*  
19                    *(Public Law 110–252; 122 Stat. 2349).*

20           (2) *PUMPING STATION REPORT.*—*The term*  
21           “*pumping station report*” means the report—

22                    (A) *prepared by the Secretary that contains*  
23                    *the results of the investigation required under*  
24                    *section 4303 of the U.S. Troop Readiness, Vet-*  
25                    *erans’ Care, Katrina Recovery, and Iraq Ac-*

1           *countability Appropriations Act, 2007 (Public*  
2           *Law 110–28; 121 Stat. 154); and*

3                     *(B) dated August 30, 2007.*

4           (3) *SECRETARY.*—*The term “Secretary” means*  
5           *the Secretary of the Army, acting through the Chief*  
6           *of Engineers.*

7           (b) *STUDY.*—

8                     (1) *IN GENERAL.*—*In implementing the project,*  
9           *not later than 1 year after the date of enactment of*  
10           *this Act, the Secretary shall complete a study of the*  
11           *residual risks associated with the options identified as*  
12           *“Option 1”, “Option 2”, and “Option 2a”, as de-*  
13           *scribed in the pumping station report.*

14                    (2) *REQUIREMENTS.*—*In carrying out the study*  
15           *under paragraph (1), the Secretary shall identify*  
16           *which option described in that paragraph—*

17                             *(A) is most technically advantageous;*

18                             *(B) is most effective from an operational*  
19           *perspective in providing the greatest long-term*  
20           *reliability in reducing the risk of flooding to the*  
21           *New Orleans area;*

22                             *(C) is most advantageous considering the*  
23           *engineering challenges and construction complex-*  
24           *ities of each option; and*

25                             *(D) is most cost-effective.*

1           (3) *INDEPENDENT EXTERNAL PEER REVIEW.*—

2           (A) *DUTY OF SECRETARY.*—*In accordance*  
3 *with Section 2034 of the Water Resource Devel-*  
4 *opment Act of 2007, the Chief shall carry out an*  
5 *independent external peer review of—*

6                     (i) *the results of the study under para-*  
7 *graph (1); and*

8                     (ii) *each cost estimate completed for*  
9 *each option described in paragraph (1).*

10          (B) *REPORT.*—

11                     (i) *IN GENERAL.*—*Not later than 90*  
12 *days after the date of completion of the*  
13 *independent external peer review under sub-*  
14 *paragraph (A), in accordance with clause*  
15 *(ii), the Secretary shall submit a report*  
16 *to—*

17                             (I) *the Committee on Environ-*  
18 *ment and Public Works of the Senate;*

19                             (II) *the Committee on Appropria-*  
20 *tions of the Senate;*

21                             (III) *the Committee on Transpor-*  
22 *tation and Infrastructure of the House*  
23 *of Representatives; and*

24                             (IV) *the Committee on Appropria-*  
25 *tions of the House of Representatives.*

1                   (ii) *CONTENTS.*—*The report described*  
2                   *in clause (i) shall contain—*

3                   (I) *the results of the study de-*  
4                   *scribed in paragraph (1);*

5                   (II) *a description of the findings*  
6                   *of the independent external peer review*  
7                   *carried out under subparagraph (A);*  
8                   *and*

9                   (III) *a written response for any*  
10                   *recommendations adopted or not*  
11                   *adopted from the peer review.*

12               (4) *SUSPENSION OF CERTAIN ACTIVITIES.*—*The*  
13               *Secretary shall suspend each activity of the Secretary*  
14               *that would result in the design and construction of*  
15               *any pumping station covered by the pumping station*  
16               *report unless the activity is consistent with each op-*  
17               *tion described in paragraph (1).*

18               (5) *FEASIBILITY REPORT.*—*Within 18 months of*  
19               *enactment of this Act, the Secretary shall submit to*  
20               *the Committee on Environment and Public Works of*  
21               *the Senate and the Committee on Transportation and*  
22               *Infrastructure of the House of Representatives a re-*  
23               *port that contains a feasibility level of analysis (in-*  
24               *cluding a cost estimate) for the project, as modified*  
25               *under this subsection.*

1           (6) *FUNDING*.—*In carrying out this subsection,*  
 2           *the Secretary shall use amounts made available to*  
 3           *modify the 17th Street, Orleans Avenue, and London*  
 4           *Avenue drainage canals and install pumps and clo-*  
 5           *sure structures at or near the lakefront in the first*  
 6           *proviso in the matter under the heading “FLOOD CON-*  
 7           *TROL AND COASTAL EMERGENCIES (INCLUDING RE-*  
 8           *SCISSION OF FUNDS)” under the heading “CORPS OF*  
 9           *ENGINEERS—CIVIL” under the heading “DEPART-*  
 10           *MENT OF THE ARMY” under the heading “DE-*  
 11           *PARTMENT OF DEFENSE—CIVIL” of chapter 3*  
 12           *of title II of the Emergency Supplemental Appropria-*  
 13           *tions Act for Defense, the Global War on Terror, and*  
 14           *Hurricane Recovery, 2006 (Public Law 109–234; 120*  
 15           *Stat. 454).*

16           *TEN MILE CREEK WATER PRESERVE AREA*

17           *SEC. 118. Section 528(b)(3)(C)(ii) of the Water Re-*  
 18           *sources Development Act of 1996 (110 Stat. 3769; 121 Stat.*  
 19           *1270) is amended—*

20           (1) *in subclause (I), by striking “subclause (II)”*  
 21           *and inserting “subclauses (II) and (III)”;* *and*

22           (2) *by adding at the end the following:*

23   *“(III) TEN MILE CREEK WATER*  
 24   *PRESERVE AREA.—The Federal share*  
 25   *of the cost of the Ten Mile Creek Water*

1                    *Preserve Area may exceed \$25,000,000*  
 2                    *by an amount equal to not more than*  
 3                    *\$3,500,000, which shall be used to pay*  
 4                    *the Federal share of the cost of—*

5                    *“(aa) the completion of a*  
 6                    *post authorization change report;*  
 7                    *and*

8                    *“(bb) the maintenance of the*  
 9                    *Ten Mile Creek Water Preserve*  
 10                    *Area in caretaker status through*  
 11                    *fiscal year 2013.”.*

12                    *SEC. 119. As soon as practicable after the date of en-*  
 13                    *actment of this Act, from funds made available before the*  
 14                    *date of enactment of this Act for the Tampa Harbor Big*  
 15                    *Bend Channel project, the Secretary of the Army may reim-*  
 16                    *burse the non-Federal sponsor of the Tampa Harbor Big*  
 17                    *Bend Channel project for the Federal share of the dredging*  
 18                    *work carried out for the project.*

19                    **TITLE II**

20                    **DEPARTMENT OF THE INTERIOR**

21                    **CENTRAL UTAH PROJECT**

22                    **CENTRAL UTAH PROJECT COMPLETION ACCOUNT**

23                    *For carrying out activities authorized by the Central*  
 24                    *Utah Project Completion Act, \$40,300,000, to remain avail-*  
 25                    *able until expended, of which \$1,500,000 shall be deposited*

1 *into the Utah Reclamation Mitigation and Conservation*  
2 *Account for use by the Utah Reclamation Mitigation and*  
3 *Conservation Commission. In addition, for necessary ex-*  
4 *penses incurred in carrying out related responsibilities of*  
5 *the Secretary of the Interior, \$1,704,000, to remain avail-*  
6 *able until expended. For fiscal year 2010, the Commission*  
7 *may use an amount not to exceed \$1,500,000 for adminis-*  
8 *trative expenses.*

9 *BUREAU OF RECLAMATION*

10 *The following appropriations shall be expended to exe-*  
11 *cute authorized functions of the Bureau of Reclamation:*

12 *WATER AND RELATED RESOURCES*

13 *(INCLUDING TRANSFERS OF FUNDS)*

14 *For management, development, and restoration of*  
15 *water and related natural resources and for related activi-*  
16 *ties, including the operation, maintenance, and rehabilita-*  
17 *tion of reclamation and other facilities, participation in*  
18 *fulfilling related Federal responsibilities to Native Ameri-*  
19 *cans, and related grants to, and cooperative and other*  
20 *agreements with, State and local governments, federally rec-*  
21 *ognized Indian tribes, and others, \$993,125,000, to remain*  
22 *available until expended, of which \$53,240,000 shall be*  
23 *available for transfer to the Upper Colorado River Basin*  
24 *Fund and \$17,936,000 shall be available for transfer to the*  
25 *Lower Colorado River Basin Development Fund; of which*



1 *such amounts as may be necessary may be advanced to the*  
2 *Colorado River Dam Fund; of which not more than*  
3 *\$500,000 is for high priority projects which shall be carried*  
4 *out by the Youth Conservation Corps, as authorized by 16*  
5 *U.S.C. 1706: Provided, That such transfers may be in-*  
6 *creased or decreased within the overall appropriation under*  
7 *this heading: Provided further, That of the total appro-*  
8 *riated, the amount for program activities that can be fi-*  
9 *nanced by the Reclamation Fund or the Bureau of Rec-*  
10 *lamation special fee account established by 16 U.S.C. 460l-*  
11 *6a(i) shall be derived from that Fund or account: Provided*  
12 *further, That funds contributed under 43 U.S.C. 395 are*  
13 *available until expended for the purposes for which contrib-*  
14 *uted: Provided further, That funds advanced under 43*  
15 *U.S.C. 397a shall be credited to this account and are avail-*  
16 *able until expended for the same purposes as the sums ap-*  
17 *propriated under this heading: Provided further, That*  
18 *funds available for expenditure for the Departmental Irri-*  
19 *gation Drainage Program may be expended by the Bureau*  
20 *of Reclamation for site remediation on a nonreimbursable*  
21 *basis.*

22 *CENTRAL VALLEY PROJECT RESTORATION FUND*

23 *For carrying out the programs, projects, plans, habitat*  
24 *restoration, improvement, and acquisition provisions of the*  
25 *Central Valley Project Improvement Act, \$35,358,000, to be*

1 *derived from such sums as may be collected in the Central*  
2 *Valley Project Restoration Fund pursuant to sections*  
3 *3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575,*  
4 *to remain available until expended: Provided, That the Bu-*  
5 *reau of Reclamation is directed to assess and collect the full*  
6 *amount of the additional mitigation and restoration pay-*  
7 *ments authorized by section 3407(d) of Public Law 102–*  
8 *575: Provided further, That none of the funds made avail-*  
9 *able under this heading may be used for the acquisition or*  
10 *leasing of water for in-stream purposes if the water is al-*  
11 *ready committed to in-stream purposes by a court adopted*  
12 *decree or order.*

13 *CALIFORNIA BAY-DELTA RESTORATION*

14 *(INCLUDING TRANSFERS OF FUNDS)*

15 *For carrying out activities authorized by the Water*  
16 *Supply, Reliability, and Environmental Improvement Act,*  
17 *consistent with plans to be approved by the Secretary of*  
18 *the Interior, \$41,000,000, to remain available until ex-*  
19 *pended, of which such amounts as may be necessary to*  
20 *carry out such activities may be transferred to appropriate*  
21 *accounts of other participating Federal agencies to carry*  
22 *out authorized purposes: Provided, That funds appro-*  
23 *priated herein may be used for the Federal share of the costs*  
24 *of CALFED Program management: Provided further, That*  
25 *the use of any funds provided to the California Bay-Delta*

1 *Authority for program-wide management and oversight ac-*  
2 *tivities shall be subject to the approval of the Secretary of*  
3 *the Interior: Provided further, That CALFED implementa-*  
4 *tion shall be carried out in a balanced manner with clear*  
5 *performance measures demonstrating concurrent progress*  
6 *in achieving the goals and objectives of the Program.*

7 *POLICY AND ADMINISTRATION*

8 *For necessary expenses of policy, administration, and*  
9 *related functions in the Office of the Commissioner, the*  
10 *Denver office, and offices in the five regions of the Bureau*  
11 *of Reclamation, to remain available until expended,*  
12 *\$61,200,000, to be derived from the Reclamation Fund and*  
13 *be nonreimbursable as provided in 43 U.S.C. 377: Provided,*  
14 *That no part of any other appropriation in this Act shall*  
15 *be available for activities or functions budgeted as policy*  
16 *and administration expenses.*

17 *ADMINISTRATIVE PROVISION*

18 *Appropriations for the Bureau of Reclamation shall*  
19 *be available for purchase of not to exceed seven passenger*  
20 *motor vehicles, which are for replacement only.*

21 *GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR*

22 *SEC. 201. (a) None of the funds provided in title II*  
23 *of this Act for Water and Related Resources, or provided*  
24 *by previous appropriations Acts to the agencies or entities*  
25 *funded in title II of this Act for Water and Related Re-*

1 *sources that remain available for obligation or expenditure*  
2 *in fiscal year 2010, shall be available for obligation or ex-*  
3 *penditure through a reprogramming of funds that—*

4           (1) *initiates or creates a new program, project,*  
5 *or activity;*

6           (2) *eliminates a program, project, or activity;*

7           (3) *increases funds for any program, project, or*  
8 *activity for which funds have been denied or restricted*  
9 *by this Act, unless prior approval is received from the*  
10 *Committees on Appropriations of the House of Rep-*  
11 *resentatives and the Senate;*

12           (4) *restarts or resumes any program, project or*  
13 *activity for which funds are not provided in this Act,*  
14 *unless prior approval is received from the Committees*  
15 *on Appropriations of the House of Representatives*  
16 *and the Senate;*

17           (5) *transfers funds in excess of the following lim-*  
18 *its, unless prior approval is received from the Com-*  
19 *mittees on Appropriations of the House of Represent-*  
20 *atives and the Senate:*

21                   (A) *15 percent for any program, project or*  
22 *activity for which \$2,000,000 or more is avail-*  
23 *able at the beginning of the fiscal year; or*

1           (B) \$300,000 for any program, project or  
2           activity for which less than \$2,000,000 is avail-  
3           able at the beginning of the fiscal year;

4           (6) transfers more than \$500,000 from either the  
5           Facilities Operation, Maintenance, and Rehabilita-  
6           tion category or the Resources Management and De-  
7           velopment category to any program, project, or activ-  
8           ity in the other category, unless prior approval is re-  
9           ceived from the Committees on Appropriations of the  
10          House of Representatives and the Senate; or

11          (7) transfers, where necessary to discharge legal  
12          obligations of the Bureau of Reclamation, more than  
13          \$5,000,000 to provide adequate funds for settled con-  
14          tractor claims, increased contractor earnings due to  
15          accelerated rates of operations, and real estate defi-  
16          ciency judgments, unless prior approval is received  
17          from the Committees on Appropriations of the House  
18          of Representatives and the Senate.

19          (b) Subsection (a)(5) shall not apply to any transfer  
20          of funds within the Facilities Operation, Maintenance, and  
21          Rehabilitation category.

22          (c) For purposes of this section, the term “transfer”  
23          means any movement of funds into or out of a program,  
24          project, or activity.

1       (d) *The Bureau of Reclamation shall submit reports*  
2 *on a quarterly basis to the Committees on Appropriations*  
3 *of the House of Representatives and the Senate detailing*  
4 *all the funds reprogrammed between programs, projects, ac-*  
5 *tivities, or categories of funding. The first quarterly report*  
6 *shall be submitted not later than 60 days after the date of*  
7 *enactment of this Act.*

8       SEC. 202. (a) *None of the funds appropriated or other-*  
9 *wise made available by this Act may be used to determine*  
10 *the final point of discharge for the interceptor drain for*  
11 *the San Luis Unit until development by the Secretary of*  
12 *the Interior and the State of California of a plan, which*  
13 *shall conform to the water quality standards of the State*  
14 *of California as approved by the Administrator of the Envi-*  
15 *ronmental Protection Agency, to minimize any detrimental*  
16 *effect of the San Luis drainage waters.*

17       (b) *The costs of the Kesterson Reservoir Cleanup Pro-*  
18 *gram and the costs of the San Joaquin Valley Drainage*  
19 *Program shall be classified by the Secretary of the Interior*  
20 *as reimbursable or nonreimbursable and collected until fully*  
21 *repaid pursuant to the “Cleanup Program-Alternative Re-*  
22 *payment Plan” and the “SJVDP-Alternative Repayment*  
23 *Plan” described in the report entitled “Repayment Report,*  
24 *Kesterson Reservoir Cleanup Program and San Joaquin*  
25 *Valley Drainage Program, February 1995”, prepared by*

1 *the Department of the Interior, Bureau of Reclamation.*  
2 *Any future obligations of funds by the United States relat-*  
3 *ing to, or providing for, drainage service or drainage stud-*  
4 *ies for the San Luis Unit shall be fully reimbursable by*  
5 *San Luis Unit beneficiaries of such service or studies pur-*  
6 *suant to Federal reclamation law.*

7       *SEC. 203. None of the funds appropriated or otherwise*  
8 *made available by this or any other Act may be used to*  
9 *pay the salaries and expenses of personnel to purchase or*  
10 *lease water in the Middle Rio Grande or the Carlsbad*  
11 *Projects in New Mexico unless said purchase or lease is in*  
12 *compliance with the purchase requirements of section 202*  
13 *of Public Law 106–60.*

14       *SEC. 204. Funds under this title for Drought Emer-*  
15 *gency Assistance shall be made available primarily for leas-*  
16 *ing of water for specified drought related purposes from*  
17 *willing lessors, in compliance with existing State laws and*  
18 *administered under State water priority allocation.*

19       *SEC. 205. Section 9 of the Fort Peck Reservation Rural*  
20 *Water System Act of 2000 (Public Law 106–382; 114 Stat.*  
21 *1457) is amended by striking “over a period of 10 fiscal*  
22 *years” each place it appears in subsections (a)(1) and (b)*  
23 *and inserting “through fiscal year 2015”.*

1        *SEC. 206. Section 208(a) of the Energy and Water De-*  
2 *velopment Appropriations Act, 2006 (Public Law 109–103;*  
3 *119 Stat. 2268), is amended—*

4            *(1) in paragraph (1)—*

5                    *(A) by redesignating clauses (i) through (iv)*  
6 *of subparagraph (B) as subclauses (I) through*  
7 *(IV), respectively, and indenting the subclauses*  
8 *appropriately;*

9                    *(B) by redesignating subparagraphs (A)*  
10 *and (B) as clauses (i) and (ii), respectively, and*  
11 *indenting the clauses appropriately;*

12                    *(C) by striking “(a)(1) Using” and insert-*  
13 *ing the following:*

14        *“(a) ACTION BY SECRETARY.—*

15            *“(1) PROVISION OF FUNDS.—*

16                    *“(A) IN GENERAL.—Using”;*

17                    *(D) in subparagraph (A) (as so redesi-*  
18 *gnated)—*

19                            *(i) in the matter preceding clause (i)*  
20 *(as so redesignated), by inserting “or the*  
21 *National Fish and Wildlife Foundation”*  
22 *after “University of Nevada”;*

23                            *(ii) in clause (i) (as so redesignated),*  
24 *by striking “, Nevada; and” and inserting*  
25 *a semicolon;*



1                   (iii) in clause (ii)(IV) (as so redesignated), by striking the period at the end  
2                   and inserting “; and”; and  
3

4                   (iv) by adding at the end the following:

5                   “(iii) to design and implement conservation and stewardship measures to address impacts from activities carried out—  
6                   7

8                   “(I) under clause (i); and

9                   “(II) in conjunction with willing  
10                  landowners.”; and

11                  (E) by adding at the end the following:

12                  “(B) NATIONAL FISH AND WILDLIFE FOUNDATION.—  
13

14                  “(i) DATE OF PROVISION.—The Secretary shall provide funds to the National  
15                  Fish and Wildlife Foundation pursuant to  
16                  subparagraph (A) in an advance payment  
17                  of the available amount—  
18

19                  “(I) on the date of enactment of  
20                  the Energy and Water Development  
21                  and Related Agencies Appropriations  
22                  Act, 2010; or

23                  “(II) as soon as practicable after  
24                  that date of enactment.

25                  “(ii) REQUIREMENTS.—

1                   “(I) *IN GENERAL.*—*Except as pro-*  
2                   *vided in subclause (II), the funds pro-*  
3                   *vided under clause (i) shall be subject*  
4                   *to the National Fish and Wildlife*  
5                   *Foundation Establishment Act (16*  
6                   *U.S.C. 3701 et seq.), in accordance*  
7                   *with section 10(b)(1) of that Act (16*  
8                   *U.S.C. 3709(b)(1)).*

9                   “(II) *EXCEPTIONS.*—*Sections 4(e)*  
10                   *and 10(b)(2) of the National Fish and*  
11                   *Wildlife Foundation Establishment Act*  
12                   *(16 U.S.C. 3703(e), 3709(b)(2)), and*  
13                   *the provision of subsection (c)(2) of sec-*  
14                   *tion 4 of that Act (16 U.S.C. 3703) re-*  
15                   *lating to subsection (e) of that section,*  
16                   *shall not apply to the funds provided*  
17                   *under clause (i).”;* and

18                   (2) *in paragraph (2)—*

19                   (A) *in the matter preceding subparagraph*  
20                   (A), *by striking “paragraph (1)(A)” and all that*  
21                   *follows through “beneficial to—” and inserting*  
22                   *“paragraph (1)(A)(i), the University of Nevada*  
23                   *or the National Fish and Wildlife Foundation*  
24                   *shall make acquisitions that the University or*

1           *the Foundation determines to be the most bene-*  
2           *ficial to—*”; and

3                   *(B) in subparagraph (A), by striking*  
4           *“paragraph (1)(B)” and inserting “paragraph*  
5           *(1)(A)(ii)”.*

6       *SEC. 207. Section 2507(b) of the Farm Security and*  
7       *Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public*  
8       *Law 107–171) is amended—*

9           *(1) in paragraph (1), by striking “or” at the*  
10          *end;*

11           *(2) in paragraph (2), by striking the period at*  
12          *the end and inserting “; and”;* and

13           *(3) by adding at the end the following:*

14                   *“(3) for efforts consistent with researching, sup-*  
15          *porting, and conserving fish, wildlife, plant, and*  
16          *habitat resources in the Walker River Basin.”.*

17       *SEC. 208. (a) Of the amounts made available under*  
18       *section 2507 of the Farm Security and Rural Investment*  
19       *Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171),*  
20       *the Secretary of the Interior, acting through the Commis-*  
21       *sioner of Reclamation, shall—*

22           *(1) provide, in accordance with section*  
23          *208(a)(1)(A)(i) of the Energy and Water Development*  
24          *Appropriations Act, 2006 (Public Law 109–103; 119*  
25          *Stat. 2268), and subject to subsection (b), \$66,200,000*

1 *to establish the Walker Basin Restoration Program*  
2 *for the primary purpose of restoring and maintaining*  
3 *Walker Lake, a natural desert terminal lake in the*  
4 *State of Nevada, consistent with protection of the eco-*  
5 *logical health of the Walker River and the riparian*  
6 *and watershed resources of the West, East, and Main*  
7 *Walker Rivers; and*

8 (2) *allocate—*

9 (A) *acting through a nonprofit conservation*  
10 *organization that is acting in consultation with*  
11 *the Truckee Meadows Water Authority,*  
12 *\$2,000,000, to remain available until expended,*  
13 *for—*

14 (i) *the acquisition of land surrounding*  
15 *Independence Lake; and*

16 (ii) *protection of the native fishery and*  
17 *water quality of Independence Lake, as de-*  
18 *termined by the nonprofit conservation or-*  
19 *ganization;*

20 (B) *\$5,000,000 to provide grants of equal*  
21 *amounts to the State of Nevada, the State of*  
22 *California, the Truckee Meadows Water Author-*  
23 *ity, the Pyramid Lake Paiute Tribe, and the*  
24 *Federal Watermaster of the Truckee River to im-*  
25 *plement the Truckee-Carson-Pyramid Lake*

1           *Water Rights Settlement Act (Public Law 101–*  
2           *618; 104 Stat. 3289);*

3                     *(C) \$1,500,000, to be divided equally by the*  
4           *city of Fernley, Nevada, and the Pyramid Lake*  
5           *Paiute Tribe, for joint planning and develop-*  
6           *ment activities for water, wastewater, and sewer*  
7           *facilities; and*

8                     *(D) \$1,000,000 to the United States Geo-*  
9           *logical Survey to design and implement, in con-*  
10          *sultation and cooperation with other Federal de-*  
11          *partments and agencies, State and tribal govern-*  
12          *ments, and other water management and con-*  
13          *servation organizations, a water monitoring pro-*  
14          *gram for the Walker River Basin.*

15          *(b)(1) The amount made available under subsection*  
16          *(a)(1) shall be—*

17                     *(A) used, consistent with the primary purpose*  
18          *set forth in subsection (a)(1), to support efforts to pre-*  
19          *serve Walker Lake while protecting agricultural, envi-*  
20          *ronmental, and habitat interests in the Walker River*  
21          *Basin; and*

22                     *(B) allocated as follows:*

23                             *(i) \$25,000,000 to the Walker River Irriga-*  
24          *tion District, acting in accordance with an*

1           *agreement between that District and the Na-*  
2           *tional Fish and Wildlife Foundation—*

3                     *(I) to administer and manage a 3-year*  
4                     *water leasing demonstration program in the*  
5                     *Walker River Basin to increase Walker*  
6                     *Lake inflows; and*

7                     *(II) for use in obtaining information*  
8                     *regarding the establishment, budget, and*  
9                     *scope of a longer-term leasing program.*

10                    *(ii) \$25,000,000 to advance the acquisition*  
11                    *of water and related interests from willing sellers*  
12                    *authorized by section 208(a)(1)(A)(i) of the En-*  
13                    *ergy and Water Development Appropriations*  
14                    *Act, 2006 (Public Law 109–103; 119 Stat.*  
15                    *2268).*

16                    *(iii) \$1,000,000 for activities relating to the*  
17                    *exercise of acquired option agreements and im-*  
18                    *plementation of the water leasing demonstration*  
19                    *program, including but not limited to the pur-*  
20                    *suit of change applications, approvals, and*  
21                    *agreements pertaining to the exercise of water*  
22                    *rights and leases acquired under the program.*

23                    *(iv) \$10,000,000 for associated conservation*  
24                    *and stewardship activities, including water con-*  
25                    *servation and management, watershed planning,*

1 *land stewardship, habitat restoration, and the es-*  
2 *tablishment of a local, nonprofit entity to hold*  
3 *and exercise water rights acquired by, and to*  
4 *achieve the purposes of, the Walker Basin Res-*  
5 *toration Program.*

6 *(v) \$5,000,000 to the University of Nevada,*  
7 *Reno, and the Desert Research Institute—*

8 *(I) for additional research to supple-*  
9 *ment the water rights research conducted*  
10 *under section 208(a)(1)(A)(ii) of the Energy*  
11 *and Water Development Appropriations*  
12 *Act, 2006 (Public Law 109–103; 119 Stat.*  
13 *2268);*

14 *(II) to conduct an annual evaluation*  
15 *of the results of the activities carried out*  
16 *under clauses (i) and (ii); and*

17 *(III) to support and provide informa-*  
18 *tion to the programs described in this sub-*  
19 *paragraph and related acquisition and*  
20 *stewardship initiatives to preserve Walker*  
21 *Lake and protect agricultural, environ-*  
22 *mental, and habitat interests in the Walker*  
23 *River Basin.*

24 *(vi) \$200,000 to support alternative crops*  
25 *and alternative agricultural cooperatives pro-*

1           *grams in Lyon County, Nevada, that promote*  
2           *water conservation in the Walker River Basin.*

3           (2)(A) *The amount made available under subsection*  
4 *(a)(1) shall be provided to the National Fish and Wildlife*  
5 *Foundation—*

6                   *(i) in an advance payment of the entire*  
7           *amount—*

8                           *(I) on the date of enactment of this*  
9           *Act; or*

10                           *(II) as soon as practicable after that*  
11           *date of enactment; and*

12                           *(ii) except as provided in subparagraph*  
13           *(B), subject to the National Fish and Wildlife*  
14           *Foundation Establishment Act (16 U.S.C. 3701*  
15           *et seq.), in accordance with section 10(b)(1) of*  
16           *that Act (16 U.S.C. 3709(b)(1)).*

17           (B) *Sections 4(e) and 10(b)(2) of the National*  
18           *Fish and Wildlife Foundation Establishment Act (16*  
19           *U.S.C. 3703(e), 3709(b)(2)), and the provision of sub-*  
20           *section (c)(2) of section 4 of that Act (16 U.S.C. 3703)*  
21           *relating to subsection (e) of that section, shall not*  
22           *apply to the amount made available under subsection*  
23           *(a)(1).*

24           SEC. 209. *Notwithstanding the provisions of section*  
25 *11(c) of Public Law 89–108, as amended by section 9 of*



1 *Public Law 99–294, the Commissioner is directed to modify*  
2 *the April 9, 2002, Grant Agreement Between Bureau of Rec-*  
3 *lamation and North Dakota Natural Resources Trust to*  
4 *provide funding for the Trust to continue its investment*  
5 *program/Agreement No. 02FG601633 to authorize the North*  
6 *Dakota Natural Resources Trust Board of Directors to ex-*  
7 *pend all or any portion of the funding allocation received*  
8 *pursuant to section 11(a)(2)(B) of the Dakota Water Re-*  
9 *sources Act of 2000 for the purpose of operations of the Nat-*  
10 *ural Resource Trust whether such amounts are principal*  
11 *or received as investment income: Provided, That oper-*  
12 *ational expenses that may be funded from the principal al-*  
13 *location shall not exceed 105 percent of the previous fiscal*  
14 *year’s operating costs: Provided further, That the Commis-*  
15 *sioner of Reclamation is authorized to include in such*  
16 *modified agreement with the Trust authorized under this*  
17 *section appropriate provisions regarding the repayment of*  
18 *any funds that constitute principal from the Trust Funds.*

19 *SEC. 210. Title I of Public Law 108–361 is amended*  
20 *by striking “2010” wherever it appears and inserting*  
21 *“2015” in lieu thereof.*

22 *SEC. 211. (a) Section 3405(a)(1)(M) of Public Law*  
23 *102–575 (106 Stat. 4709) is amended by striking “coun-*  
24 *tries” and inserting “counties”.*

1       (b) *A transfer of water between a Friant Division con-*  
2 *tractor and a south-of-Delta CVP agricultural water service*  
3 *contractor, approved during a two-year period beginning*  
4 *on the date of enactment of this Act shall, be deemed to*  
5 *meet the conditions set forth in subparagraphs (A) and (I)*  
6 *of section 3405(a)(1) of Public Law 102–575 (106 Stat.*  
7 *4709) if the transfer under this clause—*

8             (1) *does not interfere with the San Joaquin*  
9 *River Restoration Settlement Act (part I of subtitle A*  
10 *of title X of Public Law 111–11; 123 Stat. 1349) (in-*  
11 *cluding the priorities described in section*  
12 *10004(a)(4)(B) of that Act relating to implementation*  
13 *of paragraph 16 of the Settlement), and the Settle-*  
14 *ment (as defined in section 10003 of that Act); and*  
15             (2) *is completed by September 30, 2012.*

16       (c) *As soon as practicable after the date of enactment*  
17 *of this Act, the Secretary of the Interior, acting through the*  
18 *Director of the United States Fish and Wildlife Service,*  
19 *shall revise, finalize, and implement the applicable draft*  
20 *recovery plan for the Giant Garter Snake (*Thamnophis**  
21 *gigas).*

22       SEC. 212. *Section 805(a)(2) of Public Law 106–541*  
23 *(114 Stat. 2704) is amended by striking “2010” each place*  
24 *it appears and inserting “2013”.*

1 *TITLE III*2 *DEPARTMENT OF ENERGY*3 *ENERGY PROGRAMS*4 *ENERGY EFFICIENCY AND RENEWABLE ENERGY*

5 *For Department of Energy expenses including the pur-*  
6 *chase, construction, and acquisition of plant and capital*  
7 *equipment, and other expenses necessary for energy effi-*  
8 *ciency and renewable energy activities in carrying out the*  
9 *purposes of the Department of Energy Organization Act (42*  
10 *U.S.C. 7101 et seq.), including the acquisition or con-*  
11 *demnation of any real property or any facility or for plant*  
12 *or facility acquisition, construction, or expansion,*  
13 *\$2,233,967,000, to remain available until expended: Pro-*  
14 *vided, That, of the amount appropriated in this paragraph,*  
15 *\$148,075,000 shall be used for projects specified in the table*  
16 *that appears under the heading “Congressionally Directed*  
17 *Energy Efficiency and Renewable Energy Projects” in the*  
18 *report of the Committee on Appropriations of the United*  
19 *States Senate to accompany this Act: Provided further,*  
20 *That within existing funds for industrial technologies*  
21 *\$15,000,000 shall be used to make technical assistance*  
22 *grants under subsection (b) of section 399A of the Energy*  
23 *Policy and Conservation Act (42 U.S.C. 6371h–1(b)). Of*  
24 *the \$85,000,000 provided under the wind energy subaccount*  
25 *under the Energy Efficiency & Renewable Energy, up to*

1 \$8,000,000 shall be competitively awarded to universities  
2 for turbine and equipment purchases for the purposes of  
3 studying turbine to turbine wake interaction, wind farm  
4 interaction, and wind energy efficiencies, provided that  
5 such equipment shall not be used for merchant power pro-  
6 duction.

7 *ELECTRICITY DELIVERY AND ENERGY RELIABILITY*

8 *For Department of Energy expenses including the pur-*  
9 *chase, construction, and acquisition of plant and capital*  
10 *equipment, and other expenses necessary for electricity de-*  
11 *livery and energy reliability activities in carrying out the*  
12 *purposes of the Department of Energy Organization Act (42*  
13 *U.S.C. 7101 et seq.), including the acquisition or con-*  
14 *demnation of any real property or any facility or for plant*  
15 *or facility acquisition, construction, or expansion,*  
16 *\$179,483,000, to remain available until expended: Pro-*  
17 *vided, That, within the funding available funding the Sec-*  
18 *retary shall establish an independent national energy sector*  
19 *cyber security organization to institute research, develop-*  
20 *ment and deployment priorities, including policies and pro-*  
21 *tocol to ensure the effective deployment of tested and vali-*  
22 *dated technology and software controls to protect the bulk*  
23 *power electric grid and integration of smart grid technology*  
24 *to enhance the security of the electricity grid: Provided fur-*  
25 *ther, That within 60 days of enactment, the Secretary shall*

1 *invite applications from qualified entities for the purpose*  
2 *of forming and governing a national energy sector cyber*  
3 *organization that have the knowledge and capacity to focus*  
4 *cyber security research and development and to identify*  
5 *and disseminate best practices; organize the collection, anal-*  
6 *ysis and dissemination of infrastructure vulnerabilities and*  
7 *threats; work cooperatively with the Department of Energy*  
8 *and other Federal agencies to identify areas where Federal*  
9 *agencies with jurisdiction may best support efforts to en-*  
10 *hance security of the bulk power electric grid: Provided fur-*  
11 *ther, That, of the amount appropriated in this paragraph,*  
12 *\$6,475,000 shall be used for projects specified in the table*  
13 *that appears under the heading “Congressionally Directed*  
14 *Electricity Delivery and Energy Reliability Projects” in the*  
15 *report of the Committee on Appropriations of the United*  
16 *States Senate to accompany this Act.*

17 *NUCLEAR ENERGY*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For Department of Energy expenses including the pur-*  
20 *chase, construction, and acquisition of plant and capital*  
21 *equipment, and other expenses necessary for nuclear energy*  
22 *activities in carrying out the purposes of the Department*  
23 *of Energy Organization Act (42 U.S.C. 7101 et seq.), in-*  
24 *cluding the acquisition or condemnation of any real prop-*  
25 *erty or any facility or for plant or facility acquisition, con-*

1 *struction, or expansion, and the purchase of not to exceed*  
2 *36 passenger motor vehicles, including one ambulance, all*  
3 *for replacement only, \$761,274,000, to remain available*  
4 *until expended: Provided, That, of the amount appropriated*  
5 *in this paragraph, \$2,000,000 shall be used for projects*  
6 *specified in the table that appears under the heading “Con-*  
7 *gressionally Directed Nuclear Energy Projects” in the re-*  
8 *port of the Committee on Appropriations of the United*  
9 *States Senate to accompany this Act.*

10 *FOSSIL ENERGY RESEARCH AND DEVELOPMENT*

11 *For necessary expenses in carrying out fossil energy*  
12 *research and development activities, under the authority of*  
13 *the Department of Energy Organization Act (Public Law*  
14 *95–91), including the acquisition of interest, including de-*  
15 *feasible and equitable interests in any real property or any*  
16 *facility or for plant or facility acquisition or expansion,*  
17 *and for conducting inquiries, technological investigations*  
18 *and research concerning the extraction, processing, use, and*  
19 *disposal of mineral substances without objectionable social*  
20 *and environmental costs (30 U.S.C. 3, 1602, and 1603),*  
21 *\$699,200,000, to remain available until expended: Pro-*  
22 *vided, That for all programs funded under Fossil Energy*  
23 *appropriations in this Act or any other Act, the Secretary*  
24 *may vest fee title or other property interests acquired under*  
25 *projects in any entity, including the United States: Pro-*

1 *vided further, That, of the amount appropriated in this*  
2 *paragraph, \$27,300,000 shall be used for projects specified*  
3 *in the table that appears under the heading “Congression-*  
4 *ally Directed Fossil Energy Projects” in the report of the*  
5 *Committee on Appropriations of the United States Senate*  
6 *to accompany this Act.*

7 *NAVAL PETROLEUM AND OIL SHALE RESERVES*

8 *For expenses necessary to carry out naval petroleum*  
9 *and oil shale reserve activities, including the hire of pas-*  
10 *senger motor vehicles, \$23,627,000, to remain available*  
11 *until expended: Provided, That, notwithstanding any other*  
12 *provision of law, unobligated funds remaining from prior*  
13 *years shall be available for all naval petroleum and oil shale*  
14 *reserve activities.*

15 *STRATEGIC PETROLEUM RESERVE*

16 *For necessary expenses for Strategic Petroleum Reserve*  
17 *facility development and operations and program manage-*  
18 *ment activities pursuant to the Energy Policy and Con-*  
19 *servation Act of 1975, as amended (42 U.S.C. 6201 et seq.),*  
20 *\$259,073,000, to remain available until expended.*

21 *NORTHEAST HOME HEATING OIL RESERVE*

22 *For necessary expenses for Northeast Home Heating*  
23 *Oil Reserve storage, operation, and management activities*  
24 *pursuant to the Energy Policy and Conservation Act,*  
25 *\$11,300,000, to remain available until expended.*

1            *ENERGY INFORMATION ADMINISTRATION*

2            *For necessary expenses in carrying out the activities*  
3 *of the Energy Information Administration, \$110,595,000,*  
4 *to remain available until expended.*

5            *NON-DEFENSE ENVIRONMENTAL CLEANUP*

6            *For Department of Energy expenses, including the*  
7 *purchase, construction, and acquisition of plant and cap-*  
8 *ital equipment and other expenses necessary for non-defense*  
9 *environmental cleanup activities in carrying out the pur-*  
10 *poses of the Department of Energy Organization Act (42*  
11 *U.S.C. 7101 et seq.), including the acquisition or con-*  
12 *demnation of any real property or any facility or for plant*  
13 *or facility acquisition, construction, or expansion,*  
14 *\$259,829,000, to remain available until expended.*

15            *URANIUM ENRICHMENT DECONTAMINATION AND*16                            *DECOMMISSIONING FUND*

17            *For necessary expenses in carrying out uranium en-*  
18 *richment facility decontamination and decommissioning,*  
19 *remedial actions, and other activities of title II of the Atom-*  
20 *ic Energy Act of 1954, and title X, subtitle A, of the Energy*  
21 *Policy Act of 1992, \$588,322,000, to be derived from the*  
22 *Uranium Enrichment Decontamination and Decommis-*  
23 *sioning Fund, to remain available until expended.*



## SCIENCE

1  
2       *For Department of Energy expenses including the pur-*  
3 *chase, construction and acquisition of plant and capital*  
4 *equipment, and other expenses necessary for science activi-*  
5 *ties in carrying out the purposes of the Department of En-*  
6 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*  
7 *the acquisition or condemnation of any real property or*  
8 *facility or for plant or facility acquisition, construction, or*  
9 *expansion, and purchase of not to exceed 50 passenger*  
10 *motor vehicles for replacement only, including one law en-*  
11 *forcement vehicle, two ambulances, and three buses,*  
12 *\$4,898,832,000, to remain available until expended: Pro-*  
13 *vided, That, of the amount appropriated in this paragraph,*  
14 *\$41,150,000 shall be used for projects specified in the table*  
15 *that appears under the heading “Congressionally Directed*  
16 *Science Projects” in the report of the Committee on Appro-*  
17 *priations of the United States Senate to accompany this*  
18 *Act.*

## NUCLEAR WASTE DISPOSAL

19  
20       *For nuclear waste disposal activities to carry out the*  
21 *purposes of the Nuclear Waste Policy Act of 1982, Public*  
22 *Law 97-425, as amended (the “NWPA”), \$98,400,000, to*  
23 *remain available until expended, and to be derived from*  
24 *the Nuclear Waste Fund: Provided, That of the funds made*  
25 *available in this Act for nuclear waste disposal and defense*

1 *nuclear waste disposal activities, 2.54 percent shall be pro-*  
2 *vided to the Office of the Attorney General of the State of*  
3 *Nevada solely for expenditures, other than salaries and ex-*  
4 *penses of State employees, to conduct scientific oversight re-*  
5 *sponsibilities and participate in licensing activities pursu-*  
6 *ant to the NWPA: Provided further, That notwithstanding*  
7 *the lack of a written agreement with the State of Nevada*  
8 *under section 117(c) of the NWPA, 0.51 percent shall be*  
9 *provided to Nye County, Nevada, for on-site oversight ac-*  
10 *tivities under section 117(d) of the NWPA: Provided fur-*  
11 *ther, That of the funds made available in this Act for nu-*  
12 *clear waste disposal and defense nuclear waste disposal ac-*  
13 *tivities, 4.57 percent shall be provided to affected units of*  
14 *local government, as defined in the NWPA, to conduct ap-*  
15 *propriate activities and participate in licensing activities*  
16 *under Section 116(c) of the NWPA: Provided further, That*  
17 *of the amounts provided to affected units of local govern-*  
18 *ment, 7.5 percent of the funds provided for the affected units*  
19 *of local government shall be made available to affected units*  
20 *of local government in California with the balance made*  
21 *available to affected units of local government in Nevada*  
22 *for distribution as determined by the Nevada affected units*  
23 *of local government: Provided further, That of the funds*  
24 *made available in this Act for nuclear waste disposal and*  
25 *defense nuclear waste disposal activities, 0.25 percent shall*

1 *be provided to the affected Federally-recognized Indian*  
2 *tribes, as defined in the NWPA, solely for expenditures,*  
3 *other than salaries and expenses of tribal employees, to con-*  
4 *duct appropriate activities and participate in licensing ac-*  
5 *tivities under section 118(b) of the NWPA: Provided further,*  
6 *That notwithstanding the provisions of chapters 65 and 75*  
7 *of title 31, United States Code, the Department shall have*  
8 *no monitoring, auditing or other oversight rights or respon-*  
9 *sibilities over amounts provided to affected units of local*  
10 *government: Provided further, That the funds for the State*  
11 *of Nevada shall be made available solely to the Office of*  
12 *the Attorney General by direct payment and to units of*  
13 *local government by direct payment: Provided further, That*  
14 *4.57 percent of the funds made available in this Act for*  
15 *nuclear waste disposal and defense nuclear waste disposal*  
16 *activities shall be provided to Nye County, Nevada, as pay-*  
17 *ment equal to taxes under section 116(c)(3) of the NWPA:*  
18 *Provided further, That within 90 days of the completion*  
19 *of each Federal fiscal year, the Office of the Attorney Gen-*  
20 *eral of the State of Nevada, each affected Federally-recog-*  
21 *nized Indian tribe, and each of the affected units of local*  
22 *government shall provide certification to the Department of*  
23 *Energy that all funds expended from such payments have*  
24 *been expended for activities authorized by the NWPA and*  
25 *this Act: Provided further, That failure to provide such cer-*

1 *tification shall cause such entity to be prohibited from any*  
2 *further funding provided for similar activities: Provided*  
3 *further, That none of the funds herein appropriated may*  
4 *be: (1) used directly or indirectly to influence legislative*  
5 *action, except for normal and recognized executive-legisla-*  
6 *tive communications, on any matter pending before Con-*  
7 *gress or a State legislature or for lobbying activity as pro-*  
8 *vided in 18 U.S.C. 1913; (2) used for litigation expenses;*  
9 *or (3) used to support multi-State efforts or other coalition*  
10 *building activities inconsistent with the restrictions con-*  
11 *tained in this Act: Provided further, That all proceeds and*  
12 *recoveries realized by the Secretary in carrying out activi-*  
13 *ties authorized by the NWPA, including but not limited to,*  
14 *any proceeds from the sale of assets, shall be available with-*  
15 *out further appropriation and shall remain available until*  
16 *expended: Provided further, That no funds provided in this*  
17 *Act or any previous Act may be used to pursue repayment*  
18 *or collection of funds provided in any fiscal year to affected*  
19 *units of local government for oversight activities that had*  
20 *been previously approved by the Department of Energy, or*  
21 *to withhold payment of any such funds.*

22 *TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE*  
23 *PROGRAM*

24 *Such sums as are derived from amounts received from*  
25 *borrowers pursuant to section 1702(b)(2) of the Energy Pol-*

1 *icy Act of 2005 under this heading in prior Acts, shall be*  
2 *collected in accordance with section 502(7) of the Congres-*  
3 *sional Budget Act of 1974: Provided,, That for necessary*  
4 *administrative expenses to carry out this Loan Guarantee*  
5 *program, \$43,000,000 is appropriated, to remain available*  
6 *until expended: Provided further, That \$43,000,000 of the*  
7 *fees collected pursuant to section 1702(h) of the Energy Pol-*  
8 *icy Act of 2005 shall be credited as offsetting collections to*  
9 *this account to cover administrative expenses and shall re-*  
10 *main available until expended, so as to result in a final*  
11 *fiscal year 2010 appropriations from the general fund esti-*  
12 *mated at not more than \$0: Provided further, That, in ad-*  
13 *ministering amounts made available by prior Acts for*  
14 *projects covered by title XVII of the Energy Policy Act of*  
15 *2005 (42 U.S.C. 16511 et seq.), the Secretary of Energy*  
16 *is required by that title to consider low-risk finance pro-*  
17 *grams that substantially reduce or eliminate upfront costs*  
18 *for building owners to renovate or retrofit existing buildings*  
19 *to install energy efficiency or renewable energy technologies*  
20 *as eligible for loan guarantees authorized under sections*  
21 *1703 and 1705 of that Act (42 U.S.C. 16513, 16516).*

1     *ADVANCED TECHNOLOGY VEHICLES MANUFACTURING*  
2                             *LOAN PROGRAM*

3             *For administrative expenses in carrying out the Ad-*  
4 *vanced Technology Vehicles Manufacturing Loan Program,*  
5 *\$20,000,000, to remain available until expended.*

6                             *DEPARTMENTAL ADMINISTRATION*  
7                             *(INCLUDING TRANSFER OF FUNDS)*

8             *For salaries and expenses of the Department of Energy*  
9 *necessary for Departmental Administration in carrying out*  
10 *the purposes of the Department of Energy Organization Act*  
11 *(42 U.S.C. 7101 et seq.), including the hire of passenger*  
12 *motor vehicles and official reception and representation ex-*  
13 *penses not to exceed \$293,684,000, to remain available until*  
14 *expended, plus such additional amounts as necessary to*  
15 *cover increases in the estimated amount of cost of work for*  
16 *others notwithstanding the provisions of the Anti-Deficiency*  
17 *Act (31 U.S.C. 1511 et seq.): Provided, That such increases*  
18 *in cost of work are offset by revenue increases of the same*  
19 *or greater amount, to remain available until expended: Pro-*  
20 *vided further, That moneys received by the Department for*  
21 *miscellaneous revenues estimated to total \$119,740,000 in*  
22 *fiscal year 2010 may be retained and used for operating*  
23 *expenses within this account, and may remain available*  
24 *until expended, as authorized by section 201 of Public Law*  
25 *95–238, notwithstanding the provisions of 31 U.S.C. 3302:*

1 *Provided further, That the sum herein appropriated shall*  
2 *be reduced by the amount of miscellaneous revenues received*  
3 *during 2010, and any related appropriated receipt account*  
4 *balances remaining from prior years' miscellaneous reve-*  
5  *nues, so as to result in a final fiscal year 2010 appropria-*  
6  *tion from the general fund estimated at not more than*  
7 *\$173,944,000.*

8 *OFFICE OF THE INSPECTOR GENERAL*

9 *For necessary expenses of the Office of the Inspector*  
10 *General in carrying out the provisions of the Inspector Gen-*  
11 *eral Act of 1978, as amended, \$51,927,000, to remain avail-*  
12 *able until expended.*

13 *ATOMIC ENERGY DEFENSE ACTIVITIES*

14 *NATIONAL NUCLEAR SECURITY ADMINISTRATION*

15 *WEAPONS ACTIVITIES*

16 *For Department of Energy expenses, including the*  
17 *purchase, construction, and acquisition of plant and cap-*  
18 *ital equipment and other incidental expenses necessary for*  
19 *atomic energy defense weapons activities in carrying out*  
20 *the purposes of the Department of Energy Organization Act*  
21 *(42 U.S.C. 7101 et seq.), including the acquisition or con-*  
22 *demnation of any real property or any facility or for plant*  
23 *or facility acquisition, construction, or expansion, the pur-*  
24 *chase of not to exceed one ambulance; \$6,468,267,000, to*  
25 *remain available until expended.*

1                    *DEFENSE NUCLEAR NONPROLIFERATION*

2            *For Department of Energy expenses, including the*  
3 *purchase, construction, and acquisition of plant and cap-*  
4 *ital equipment and other incidental expenses necessary for*  
5 *defense nuclear nonproliferation activities, in carrying out*  
6 *the purposes of the Department of Energy Organization Act*  
7 *(42 U.S.C. 7101 et seq.), including the acquisition or con-*  
8 *demnation of any real property or any facility or for plant*  
9 *or facility acquisition, construction, or expansion, and the*  
10 *purchase of not to exceed one passenger motor vehicle for*  
11 *replacement only, \$2,136,709,000, to remain available until*  
12 *expended.*

13                    *NAVAL REACTORS*

14            *For Department of Energy expenses necessary for*  
15 *naval reactors activities to carry out the Department of En-*  
16 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*  
17 *the acquisition (by purchase, condemnation, construction,*  
18 *or otherwise) of real property, plant, and capital equip-*  
19 *ment, facilities, and facility expansion, \$973,133,000, to re-*  
20 *main available until expended.*

21                    *OFFICE OF THE ADMINISTRATOR*

22            *For necessary expenses of the Office of the Adminis-*  
23 *trator in the National Nuclear Security Administration, in-*  
24 *cluding official reception and representation expenses not*



1 *to exceed \$12,000, \$420,754,000, to remain available until*  
2 *expended.*

3 *ENVIRONMENTAL AND OTHER DEFENSE*

4 *ACTIVITIES*

5 *DEFENSE ENVIRONMENTAL CLEANUP*

6 *(INCLUDING TRANSFER OF FUNDS)*

7 *For Department of Energy expenses, including the*  
8 *purchase, construction, and acquisition of plant and cap-*  
9 *ital equipment and other expenses necessary for atomic en-*  
10 *ergy defense environmental cleanup activities in carrying*  
11 *out the purposes of the Department of Energy Organization*  
12 *Act (42 U.S.C. 7101 et seq.), including the acquisition or*  
13 *condemnation of any real property or any facility or for*  
14 *plant or facility acquisition, construction, or expansion,*  
15 *and the purchase of not to exceed four ambulances and three*  
16 *passenger motor vehicles for replacement only,*  
17 *\$5,763,856,000, to remain available until expended, of*  
18 *which \$463,000,000 shall be transferred to the “Uranium*  
19 *Enrichment Decontamination and Decommissioning*  
20 *Fund”:* *Provided, That, of the amount appropriated in this*  
21 *paragraph, \$4,000,000 shall be used for projects specified*  
22 *in the table that appears under the heading “Congression-*  
23 *ally Directed Defense Environmental Cleanup Projects” in*  
24 *the report of the Committee on Appropriations of the United*  
25 *States Senate to accompany this Act.*

1                                    *OTHER DEFENSE ACTIVITIES*

2            *For Department of Energy expenses, including the*  
3 *purchase, construction, and acquisition of plant and cap-*  
4 *ital equipment and other expenses, necessary for atomic en-*  
5 *ergy defense, other defense activities, and classified activi-*  
6 *ties, in carrying out the purposes of the Department of En-*  
7 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*  
8 *the acquisition or condemnation of any real property or*  
9 *any facility or for plant or facility acquisition, construc-*  
10 *tion, or expansion, and the purchase of not to exceed 12*  
11 *passenger motor vehicles for replacement only,*  
12 *\$854,468,000, to remain available until expended: Pro-*  
13 *vided, That of the amount appropriated in this paragraph,*  
14 *\$2,000,000 shall be used for projects specified in the table*  
15 *that appears under the heading “Congressionally Directed*  
16 *Other Defense Activities Projects” in the report of the Com-*  
17 *mittee on Appropriations of the United States Senate to*  
18 *accompany this Act.*

19                                    *DEFENSE NUCLEAR WASTE DISPOSAL*

20            *For nuclear waste disposal activities to carry out the*  
21 *purposes of Public Law 97-425, as amended, including the*  
22 *acquisition of real property or facility construction or ex-*  
23 *pansion, \$98,400,000, to remain available until expended.*

1        *POWER MARKETING ADMINISTRATIONS*2        *BONNEVILLE POWER ADMINISTRATION FUND*

3        *Expenditures from the Bonneville Power Administra-*  
4 *tion Fund, established pursuant to Public Law 93–454, are*  
5 *approved for the Leaburg Fish Sorter, the Okanogan Basin*  
6 *Locally Adapted Steelhead Supplementation Program, and*  
7 *the Crystal Springs Hatchery Facilities, and, in addition,*  
8 *for official reception and representation expenses in an*  
9 *amount not to exceed \$1,500. During fiscal year 2010, no*  
10 *new direct loan obligations may be made.*

11        *OPERATION AND MAINTENANCE, SOUTHEASTERN POWER*12                                *ADMINISTRATION*

13        *For necessary expenses of operation and maintenance*  
14 *of power transmission facilities and of marketing electric*  
15 *power and energy, including transmission wheeling and*  
16 *ancillary services pursuant to section 5 of the Flood Control*  
17 *Act of 1944 (16 U.S.C. 825s), as applied to the southeastern*  
18 *power area, \$7,638,000, to remain available until expended:*  
19 *Provided, That notwithstanding 31 U.S.C. 3302 and section*  
20 *5 of the Flood Control Act of 1944, up to \$7,638,000 col-*  
21 *lected by the Southeastern Power Administration from the*  
22 *sale of power and related services shall be credited to this*  
23 *account as discretionary offsetting collections, to remain*  
24 *available until expended for the sole purpose of funding the*  
25 *annual expenses of the Southeastern Power Administration:*

1 *Provided further, That the sum herein appropriated for an-*  
2 *nual expenses shall be reduced as collections are received*  
3 *during the fiscal year so as to result in a final fiscal year*  
4 *2010 appropriation estimated at not more than \$0: Pro-*  
5 *vided further, That, notwithstanding 31 U.S.C. 3302, up*  
6 *to \$70,806,000 collected by the Southeastern Power Admin-*  
7 *istration pursuant to the Flood Control Act of 1944 to re-*  
8 *cover purchase power and wheeling expenses shall be cred-*  
9 *ited to this account as offsetting collections, to remain avail-*  
10 *able until expended for the sole purpose of making purchase*  
11 *power and wheeling expenditures: Provided further, That*  
12 *notwithstanding the provisions of 31 U.S.C. 3302 and sec-*  
13 *tion 5 of the Flood Control Act of 1944, all funds collected*  
14 *by the Southeastern Power Administration that are appli-*  
15 *cable to the repayment of the annual expenses of this ac-*  
16 *count in this and subsequent fiscal years shall be credited*  
17 *to this account as discretionary offsetting collections for the*  
18 *sole purpose of funding such expenses, with such funds re-*  
19 *maining available until expended: Provided further, That*  
20 *for purposes of this appropriation, annual expenses means*  
21 *expenditures that are generally recovered in the same year*  
22 *that they are incurred (excluding purchase power and*  
23 *wheeling expenses).*

1    *OPERATION AND MAINTENANCE, SOUTHWESTERN POWER*  
2                                    *ADMINISTRATION*

3        *For necessary expenses of operation and maintenance*  
4 *of power transmission facilities and of marketing electric*  
5 *power and energy, for construction and acquisition of*  
6 *transmission lines, substations and appurtenant facilities,*  
7 *and for administrative expenses, including official recep-*  
8 *tion and representation expenses in an amount not to ex-*  
9 *ceed in carrying out section 5 of the Flood Control Act of*  
10 *1944 (16 U.S.C. 825s), as applied to the Southwestern*  
11 *Power Administration, \$44,944,000, to remain available*  
12 *until expended: Provided, That notwithstanding 31 U.S.C.*  
13 *3302 and section 5 of the Flood Control Act of 1944 (16*  
14 *U.S.C. 825s), up to \$31,868,000 collected by the South-*  
15 *western Power Administration from the sale of power and*  
16 *related services shall be credited to this account as discre-*  
17 *tionary offsetting collections, to remain available until ex-*  
18 *pended, for the sole purpose of funding the annual expenses*  
19 *of the Southwestern Power Administration: Provided fur-*  
20 *ther, That the sum herein appropriated for annual expenses*  
21 *shall be reduced as collections are received during the fiscal*  
22 *year so as to result in a final fiscal year 2010 appropria-*  
23 *tion estimated at not more than \$13,076,000: Provided fur-*  
24 *ther, That, notwithstanding 31 U.S.C. 3302, up to*  
25 *\$38,000,000 collected by the Southwestern Power Adminis-*

1 *tration pursuant to the Flood Control Act of 1944 to recover*  
2 *purchase power and wheeling expenses shall be credited to*  
3 *this account as offsetting collections, to remain available*  
4 *until expended for the sole purpose of making purchase*  
5 *power and wheeling expenditures: Provided further, That*  
6 *notwithstanding 31 U.S.C. 3302 and section 5 of the Flood*  
7 *Control Act of 1944, all funds collected by the Southwestern*  
8 *Power Administration that are applicable to the repayment*  
9 *of the annual expenses of this account in this and subse-*  
10 *quent fiscal years shall be credited to this account as discre-*  
11 *tionary offsetting collections for the sole purpose of funding*  
12 *such expenses, with such funds remaining available until*  
13 *expended: Provided further, That for purposes of this appro-*  
14 *priation, annual expenses means expenditures that are gen-*  
15 *erally recovered in the same year that they are incurred*  
16 *(excluding purchase power and wheeling expenses).*

17 *CONSTRUCTION, REHABILITATION, OPERATION AND*  
18 *MAINTENANCE, WESTERN AREA POWER ADMINISTRATION*

19 *For carrying out the functions authorized by title III,*  
20 *section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C.*  
21 *7152), and other related activities including conservation*  
22 *and renewable resources programs as authorized, including*  
23 *official reception and representation expenses in an amount*  
24 *not to exceed \$1,500,000; \$256,711,000 to remain available*  
25 *until expended, of which \$245,216,000 shall be derived from*

1 *the Department of the Interior Reclamation Fund: Pro-*  
2 *vided, That notwithstanding 31 U.S.C. 3302, section 5 of*  
3 *the Flood Control Act of 1944 (16 U.S.C. 825s), and section*  
4 *1 of the Interior Department Appropriation Act, 1939 (43*  
5 *U.S.C. 392a), up to \$147,530,000 collected by the Western*  
6 *Area Power Administration from the sale of power and re-*  
7 *lated services shall be credited to this account as discre-*  
8 *tionary offsetting collections, to remain available until ex-*  
9 *pendent, for the sole purpose of funding the annual expenses*  
10 *of the Western Area Power Administration: Provided fur-*  
11 *ther, That the sum herein appropriated for annual expenses*  
12 *shall be reduced as collections are received during the fiscal*  
13 *year so as to result in a final fiscal year 2010 appropria-*  
14 *tion estimated at not more than \$109,181,000, of which*  
15 *\$97,686,000 is derived from the Reclamation Fund: Pro-*  
16 *vided further, That of the amount herein appropriated,*  
17 *\$7,584,000 is for deposit into the Utah Reclamation Mitiga-*  
18 *tion and Conservation Account pursuant to title IV of the*  
19 *Reclamation Projects Authorization and Adjustment Act of*  
20 *1992: Provided further, That notwithstanding 31 U.S.C.*  
21 *3302, up to \$349,807,000 collected by the Western Area*  
22 *Power Administration pursuant to the Flood Control Act*  
23 *of 1944 and the Reclamation Project Act of 1939 to recover*  
24 *purchase power and wheeling expenses shall be credited to*  
25 *this account as offsetting collections, to remain available*

1 *until expended for the sole purpose of making purchase*  
2 *power and wheeling expenditures: Provided further, That*  
3 *of the amount herein appropriated, up to \$18,612,000 is*  
4 *provided on a nonreimbursable basis for environmental re-*  
5 *mediation at the Basic Substation site in Henderson, Ne-*  
6 *vada: Provided further, That notwithstanding 31 U.S.C.*  
7 *3302, section 5 of the Flood Control Act of 1944 (16 U.S.C.*  
8 *825s), and section 1 of the Interior Department Appropria-*  
9 *tion Act, 1939 (43 U.S.C. 392a), funds collected by the*  
10 *Western Area Power Administration from the sale of power*  
11 *and related services that are applicable to the repayment*  
12 *of the annual expenses of this account in this and subse-*  
13 *quent fiscal years shall be credited to this account as discre-*  
14 *tionary offsetting collections for the sole purpose of funding*  
15 *such expenses, with such funds remaining available until*  
16 *expended: Provided further, That for purposes of this appro-*  
17 *priation, annual expenses means expenditures that are gen-*  
18 *erally recovered in the same year that they are incurred*  
19 *(excluding purchase power and wheeling expenses).*

20 *FALCON AND AMISTAD OPERATING AND MAINTENANCE*

21 *FUND*

22 *For operation, maintenance, and emergency costs for*  
23 *the hydroelectric facilities at the Falcon and Amistad*  
24 *Dams, \$2,568,000, to remain available until expended, and*  
25 *to be derived from the Falcon and Amistad Operating and*



1 *Maintenance Fund of the Western Area Power Administra-*  
2 *tion, as provided in section 2 of the Act of June 18, 1954*  
3 *(68 Stat. 255) as amended: Provided, That notwithstanding*  
4 *the provisions of that Act and of 31 U.S.C. 3302, up to*  
5 *\$2,348,000 collected by the Western Area Power Adminis-*  
6 *tration from the sale of power and related services from the*  
7 *Falcon and Amistad Dams shall be credited to this account*  
8 *as discretionary offsetting collections, to remain available*  
9 *until expended for the sole purpose of funding the annual*  
10 *expenses of the hydroelectric facilities of these Dams and*  
11 *associated Western Area Power Administration activities:*  
12 *Provided further, That the sum herein appropriated for an-*  
13 *nual expenses shall be reduced as collections are received*  
14 *during the fiscal year so as to result in a final fiscal year*  
15 *2010 appropriation estimated at not more than \$220,000:*  
16 *Provided further, That notwithstanding the provisions of*  
17 *section 2 of the Act of June 18, 1954 (68 Stat. 255) as*  
18 *amended, and 31 U.S.C. 3302, all funds collected by the*  
19 *Western Area Power Administration from the sale of power*  
20 *and related services from the Falcon and Amistad Dams*  
21 *that are applicable to the repayment of the annual expenses*  
22 *of the hydroelectric facilities of these Dams and associated*  
23 *Western Area Power Administration activities in this and*  
24 *subsequent fiscal years shall be credited to this account as*  
25 *discretionary offsetting collections for the sole purpose of*

1 *funding such expenses, with such funds remaining available*  
2 *until expended: Provided further, That for purposes of this*  
3 *appropriation, annual expenses means expenditures that*  
4 *are generally recovered in the same year that they are in-*  
5 *curred.*

6 *FEDERAL ENERGY REGULATORY COMMISSION*

7 *SALARIES AND EXPENSES*

8 *For necessary expenses of the Federal Energy Regu-*  
9 *latory Commission to carry out the provisions of the De-*  
10 *partment of Energy Organization Act (42 U.S.C. 7101 et*  
11 *seq.), including services as authorized by 5 U.S.C. 3109,*  
12 *the hire of passenger motor vehicles, and official reception*  
13 *and representation expenses not to exceed \$3,000,*  
14 *\$298,000,000, to remain available until expended: Pro-*  
15 *vided, That notwithstanding any other provision of law, not*  
16 *to exceed \$298,000,000 of revenues from fees and annual*  
17 *charges, and other services and collections in fiscal year*  
18 *2010 shall be retained and used for necessary expenses in*  
19 *this account, and shall remain available until expended:*  
20 *Provided further, That the sum herein appropriated from*  
21 *the general fund shall be reduced as revenues are received*  
22 *during fiscal year 2010 so as to result in a final fiscal year*  
23 *2010 appropriation from the general fund estimated at not*  
24 *more than \$0.*

1         *GENERAL PROVISIONS, DEPARTMENT OF*  
 2                     *ENERGY*

3         *SEC. 301. None of the funds appropriated by this Act*  
 4 *may be used to prepare or initiate Requests For Proposals*  
 5 *(RFPs) for a program if the program has not been funded*  
 6 *by Congress.*

7         *SEC. 302. None of the funds appropriated by this Act*  
 8 *may be used—*

9             *(1) to augment the funds made available for obli-*  
 10 *gation by this Act for severance payments and other*  
 11 *benefits and community assistance grants under sec-*  
 12 *tion 4604 of the Atomic Energy Defense Act (50*  
 13 *U.S.C. 2704) unless the Department of Energy sub-*  
 14 *mits a reprogramming request to the appropriate con-*  
 15 *gressional committees; or*

16             *(2) to provide enhanced severance payments or*  
 17 *other benefits for employees of the Department of En-*  
 18 *ergy under such section; or*

19             *(3) develop or implement a workforce restruc-*  
 20 *ture plan that covers employees of the Department*  
 21 *of Energy.*

22         *SEC. 303. The unexpended balances of prior appro-*  
 23 *priations provided for activities in this Act may be avail-*  
 24 *able to the same appropriation accounts for such activities*  
 25 *established pursuant to this title. Available balances may*

1 *be merged with funds in the applicable established accounts*  
2 *and thereafter may be accounted for as one fund for the*  
3 *same time period as originally enacted.*

4       *SEC. 304. None of the funds in this or any other Act*  
5 *for the Administrator of the Bonneville Power Administra-*  
6 *tion may be used to enter into any agreement to perform*  
7 *energy efficiency services outside the legally defined Bonne-*  
8 *ville service territory, with the exception of services provided*  
9 *internationally, including services provided on a reimburs-*  
10 *able basis, unless the Administrator certifies in advance*  
11 *that such services are not available from private sector busi-*  
12 *nesses.*

13       *SEC. 305. When the Department of Energy makes a*  
14 *user facility available to universities or other potential*  
15 *users, or seeks input from universities or other potential*  
16 *users regarding significant characteristics or equipment in*  
17 *a user facility or a proposed user facility, the Department*  
18 *shall ensure broad public notice of such availability or such*  
19 *need for input to universities and other potential users.*  
20 *When the Department of Energy considers the participation*  
21 *of a university or other potential user as a formal partner*  
22 *in the establishment or operation of a user facility, the De-*  
23 *partment shall employ full and open competition in select-*  
24 *ing such a partner. For purposes of this section, the term*  
25 *“user facility” includes, but is not limited to: (1) a user*

1 *facility as described in section 2203(a)(2) of the Energy*  
2 *Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National*  
3 *Nuclear Security Administration Defense Programs Tech-*  
4 *nology Deployment Center/User Facility; and (3) any other*  
5 *Departmental facility designated by the Department as a*  
6 *user facility.*

7       *SEC. 306. Funds appropriated by this or any other*  
8 *Act, or made available by the transfer of funds in this Act,*  
9 *for intelligence activities are deemed to be specifically au-*  
10 *thorized by the Congress for purposes of section 504 of the*  
11 *National Security Act of 1947 (50 U.S.C. 414) during fiscal*  
12 *year 2010 until the enactment of the Intelligence Authoriza-*  
13 *tion Act for fiscal year 2010.*

14       *SEC. 307. Of the funds made available by the Depart-*  
15 *ment of Energy for activities at Government-owned, con-*  
16 *tractor-operated laboratories funded in this Act or subse-*  
17 *quent Energy and Water Development Appropriations Acts,*  
18 *the Secretary may authorize a specific amount, not to ex-*  
19 *ceed 8 percent of such funds, to be used by such laboratories*  
20 *for laboratory directed research and development: Provided,*  
21 *That the Secretary may also authorize a specific amount*  
22 *not to exceed 4 percent of such funds, to be used by the*  
23 *plant manager of a covered nuclear weapons production*  
24 *plant or the manager of the Nevada Site Office for plant*  
25 *or site directed research and development.*

1        *SEC. 308. Not to exceed 5 per centum, or \$100,000,000,*  
2 *of any appropriation, whichever is less, made available for*  
3 *Department of Energy activities funded in this Act or sub-*  
4 *sequent Energy and Water Development Appropriations*  
5 *Acts may hereafter be transferred between such appropria-*  
6 *tions, but no such appropriation, except as otherwise pro-*  
7 *vided, shall be increased or decreased by more than 5 per*  
8 *centum by any such transfers, and request of such transfers*  
9 *shall be submitted promptly to the Committees on Appro-*  
10 *priations of the House and Senate.*

11        *SEC. 309. (a) Subject to subsection (b), no funds ap-*  
12 *propriated or otherwise made available by this Act or any*  
13 *other Act may be used to record transactions relating to*  
14 *the increase in borrowing authority or bonds outstanding*  
15 *at any time under the Federal Columbia River Trans-*  
16 *mission System Act (16 U.S.C. 838 et seq.) referred to in*  
17 *section 401 of division A of the American Recovery and*  
18 *Reinvestment Act of 2009 (Public Law 111–5; 123 Stat.*  
19 *140) under a funding account, subaccount, or fund symbol*  
20 *other than the Bonneville Power Administration Fund*  
21 *Treasury account fund symbol.*

22        *(b) Funds appropriated or otherwise made available*  
23 *by this Act or any other Act may be used to ensure, for*  
24 *purposes of meeting any applicable reporting provisions of*  
25 *the American Recovery and Reinvestment Act of 2009 (Pub-*

1 *lic Law 111–5; 123 Stat. 115), that the Bonneville Power*  
2 *Administration uses a fund symbol other than the Bonne-*  
3 *ville Power Administration Fund Treasury account fund*  
4 *symbol solely to report accrued expenditures of projects at-*  
5 *tributed by the Administrator of the Bonneville Power Ad-*  
6 *ministration to the increased borrowing authority.*

7 *(c) This section is effective for fiscal year 2010 and*  
8 *subsequent fiscal years.*

9 *SEC. 310. None of the funds made available by this*  
10 *Act may be used to make a grant allocation, discretionary*  
11 *grant award, discretionary contract award, Other Trans-*  
12 *action Agreement, or to issue a letter of intent totaling in*  
13 *excess of \$1,000,000, or to announce publicly the intention*  
14 *to make such an award, including a contract covered by*  
15 *the Federal Acquisition Regulation, unless the Secretary of*  
16 *Energy notifies the Committees on Appropriations of the*  
17 *Senate and the House of Representatives at least 3 full busi-*  
18 *ness days in advance of making such an award or issuing*  
19 *such a letter: Provided, That if the Secretary of the Depart-*  
20 *ment of Energy determines that compliance with this sec-*  
21 *tion would pose a substantial risk to human life, health,*  
22 *or safety, an award may be made without notification and*  
23 *the Committees on Appropriations of the Senate and the*  
24 *House of Representatives shall be notified not later than*

1 5 full business days after such an award is made or letter  
2 issued.

3       SEC. 311. (a) In any fiscal year in which the Secretary  
4 of Energy determines that additional funds are needed to  
5 reimburse the costs of defined benefit pension plans for con-  
6 tractor employees, the Secretary may transfer not more  
7 than 1 percent from each appropriation made available in  
8 this and subsequent Energy and Water Development Appro-  
9 priation Acts to any other appropriation available to the  
10 Secretary in the same Act for such reimbursements.

11       (b) Where the Secretary recovers the costs of defined  
12 benefit pension plans for contractor employees through  
13 charges for the indirect costs of research and activities at  
14 facilities of the Department of Energy, if the indirect costs  
15 attributable to defined benefit pension plan costs in a fiscal  
16 year are more than charges in fiscal year 2008, the Sec-  
17 retary shall carry out a transfer of funds under this section.

18       (c) In carrying out a transfer under this section, the  
19 Secretary shall use each appropriation made available to  
20 the Department in that fiscal year as a source for the trans-  
21 fer, and shall reduce each appropriation by an equal per-  
22 centage, except that appropriations for which the Secretary  
23 determines there exists a need for additional funds for pen-  
24 sion plan costs in that fiscal year, as well as appropriations  
25 made available for the Power Marketing Administrations,



1 *the title XVII loan guarantee program, and the Federal En-*  
2 *ergy Regulatory Commission, shall not be subject to this*  
3 *requirement.*

4 (d) *Each January, the Secretary shall report to the*  
5 *Committees on Appropriations of the House of Representa-*  
6 *tives and the Senate on the state of defined benefit pension*  
7 *plan liabilities in the Department for the preceding year.*

8 (e) *This transfer authority does not apply to supple-*  
9 *mental appropriations, and is in addition to any other*  
10 *transfer authority provided in this or any other Act. The*  
11 *authority provided under this section shall expire on Sep-*  
12 *tember 30, 2015.*

13 *AUTHORITY OF NUCLEAR REGULATORY COMMISSION*

14 *SEC. 312. The Nuclear Regulatory Commission may*  
15 *use funds made available for the necessary expenses of the*  
16 *Nuclear Regulatory Commission for the acquisition and*  
17 *lease of additional office space provided by the General*  
18 *Services Administration in accordance with the fourth and*  
19 *fifth provisos in the matter under the heading “SALARIES*  
20 *AND EXPENSES” under the heading “NUCLEAR REGU-*  
21 *LATORY COMMISSION” under the heading “INDE-*  
22 *PENDENT AGENCIES” of title IV of division C of the*  
23 *Omnibus Appropriations Act, 2009 (Public Law 111–8;*  
24 *123 Stat. 629).*

1        *SEC. 313. None of the funds appropriated or otherwise*  
2 *made available by this Act may be used by the Department*  
3 *of Energy to enter into any federal contract unless such con-*  
4 *tract is entered into in accordance with the requirements*  
5 *of the Federal Property and Administrative Services Act*  
6 *of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United*  
7 *States Code, and the Federal Acquisition Regulation, unless*  
8 *such contract is otherwise authorized by statute to be en-*  
9 *tered into without regard to the above referenced statutes.*

10        *SEC. 314. (a) Except as provided in subsection (b),*  
11 *none of the funds appropriated or otherwise made available*  
12 *by this title for the Strategic Petroleum Reserve may be*  
13 *made available to any person that as of the enactment of*  
14 *this Act—*

15            *(1) is selling refined petroleum products valued*  
16 *at \$1,000,000 or more to the Islamic Republic of*  
17 *Iran;*

18            *(2) is engaged in an activity valued at*  
19 *\$1,000,000 or more that could contribute to enhanc-*  
20 *ing the ability of the Islamic Republic of Iran to im-*  
21 *port refined petroleum products, including—*

22                    *(A) providing ships or shipping services to*  
23 *deliver refined petroleum products to the Islamic*  
24 *Republic of Iran;*

1               (B) underwriting or otherwise providing in-  
2               insurance or reinsurance for such an activity; or  
3               (C) financing or brokering such an activity;  
4               or

5               (3) is selling, leasing, or otherwise providing to  
6               the Islamic Republic of Iran any goods, services, or  
7               technology valued at \$1,000,000 or more that could  
8               contribute to the maintenance or expansion of the ca-  
9               capacity of the Islamic Republic of Iran to produce re-  
10              fined petroleum products.

11             (b) The prohibition on the use of funds under sub-  
12             section (a) shall not apply with respect to any contract en-  
13             tered into by the United States Government before the date  
14             of the enactment of this Act.

15             (c) If the Secretary determines a person made ineli-  
16             gible by this section has ceased the activities enumerated  
17             in (a)(1)–(3), that person shall no longer be ineligible under  
18             this section.

19    **TITLE IV**  
20    **INDEPENDENT AGENCIES**  
21    **APPALACHIAN REGIONAL COMMISSION**

22             For expenses necessary to carry out the programs au-  
23             thorized by the Appalachian Regional Development Act of  
24             1965, as amended, for necessary expenses for the Federal  
25             Co-Chairman and the Alternate on the Appalachian Re-

1 *gional Commission, for payment of the Federal share of the*  
2 *administrative expenses of the Commission, including serv-*  
3 *ices as authorized by 5 U.S.C. 3109, and hire of passenger*  
4 *motor vehicles, \$76,000,000, to remain available until ex-*  
5 *pended: Provided, That any congressionally directed spend-*  
6 *ing shall be taken from within that State's allocation in*  
7 *the fiscal year in which it is provided.*

8 *DEFENSE NUCLEAR FACILITIES SAFETY BOARD*

9 *SALARIES AND EXPENSES*

10 *For necessary expenses of the Defense Nuclear Facili-*  
11 *ties Safety Board in carrying out activities authorized by*  
12 *the Atomic Energy Act of 1954, as amended by Public Law*  
13 *100-456, section 1441, \$26,086,000, to remain available*  
14 *until expended.*

15 *DELTA REGIONAL AUTHORITY*

16 *SALARIES AND EXPENSES*

17 *For necessary expenses of the Delta Regional Authority*  
18 *and to carry out its activities, as authorized by the Delta*  
19 *Regional Authority Act of 2000, as amended, notwith-*  
20 *standing sections 382C(b)(2), 382F(d), 382M, and 382N of*  
21 *said Act, \$13,000,000, to remain available until expended.*

22 *DENALI COMMISSION*

23 *For expenses of the Denali Commission including the*  
24 *purchase, construction, and acquisition of plant and cap-*  
25 *ital equipment as necessary and other expenses,*

1 \$11,965,000, to remain available until expended, notwith-  
2 standing the limitations contained in section 306(g) of the  
3 Denali Commission Act of 1998.

4 *NUCLEAR REGULATORY COMMISSION*

5 *SALARIES AND EXPENSES*

6 *For necessary expenses of the Commission in carrying*  
7 *out the purposes of the Energy Reorganization Act of 1974,*  
8 *as amended, and the Atomic Energy Act of 1954, as amend-*  
9 *ed, including official representation expenses (not to exceed*  
10 *\$25,000), \$1,061,000,000, to remain available until ex-*  
11 *pended: Provided, That of the amount appropriated herein,*  
12 *\$29,000,000 shall be derived from the Nuclear Waste Fund:*  
13 *Provided further, That revenues from licensing fees, inspec-*  
14 *tion services, and other services and collections estimated*  
15 *at \$902,402,000 in fiscal year 2010 shall be retained and*  
16 *used for necessary salaries and expenses in this account,*  
17 *notwithstanding 31 U.S.C. 3302, and shall remain avail-*  
18 *able until expended: Provided further, That the sum herein*  
19 *appropriated shall be reduced by the amount of revenues*  
20 *received during fiscal year 2010 so as to result in a final*  
21 *fiscal year 2010 appropriation estimated at not more than*  
22 *\$158,598,000: Provided further, That of the amounts appro-*  
23 *priated, \$10,000,000 is provided to support university re-*  
24 *search and development in areas relevant to their respective*  
25 *organization's mission, and \$5,000,000 is to support a Nu-*

1 *clear Science and Engineering Grant Program that will*  
2 *support multiyear projects that do not align with pro-*  
3 *grammatic missions but are critical to maintaining the dis-*  
4 *cipline of nuclear science and engineering.*

5

*OFFICE OF INSPECTOR GENERAL*

6 *For necessary expenses of the Office of Inspector Gen-*  
7 *eral in carrying out the provisions of the Inspector General*  
8 *Act of 1978, as amended, \$10,860,000, to remain available*  
9 *until expended: Provided, That revenues from licensing fees,*  
10 *inspection services, and other services and collections esti-*  
11 *mated at \$9,774,000 in fiscal year 2010 shall be retained*  
12 *and be available until expended, for necessary salaries and*  
13 *expenses in this account, notwithstanding 31 U.S.C. 3302:*  
14 *Provided further, That the sum herein appropriated shall*  
15 *be reduced by the amount of revenues received during fiscal*  
16 *year 2010 so as to result in a final fiscal year 2010 appro-*  
17 *priation estimated at not more than \$1,086,000.*

18

*NUCLEAR WASTE TECHNICAL REVIEW BOARD*

19

*SALARIES AND EXPENSES*

20 *For necessary expenses of the Nuclear Waste Technical*  
21 *Review Board, as authorized by Public Law 100–203, sec-*  
22 *tion 5051, \$3,891,000, to be derived from the Nuclear Waste*  
23 *Fund, and to remain available until expended.*

1     *OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA*  
2             *NATURAL GAS TRANSPORTATION PROJECTS*

3             *For necessary expenses for the Office of the Federal Co-*  
4 *ordinator for Alaska Natural Gas Transportation Projects*  
5 *pursuant to the Alaska Natural Gas Pipeline Act of 2004,*  
6 *\$4,466,000 until expended: Provided, That any fees,*  
7 *charges, or commissions received pursuant to section 802*  
8 *of Public Law 110–140 in fiscal year 2010 in excess of*  
9 *\$4,683,000 shall not be available for obligation until appro-*  
10 *riated in a subsequent Act of Congress.*

11                     *GENERAL PROVISION*

12             *SEC. 401. Section 382B of the Delta Regional Author-*  
13 *ity Act of 2000 is amended by deleting (c)(1) and inserting*  
14 *in lieu thereof the following: “(1) IN GENERAL—VOTING.—*  
15 *A decision by the Authority shall require the affirmative*  
16 *vote of the Federal cochairperson and a majority of the*  
17 *State members (not including any member representing a*  
18 *State that is delinquent under subsection (g)(2)(C)) to be*  
19 *effective.”.*

20                     *TITLE V*

21                     *GENERAL PROVISIONS*

22             *SEC. 501. None of the funds appropriated by this Act*  
23 *may be used in any way, directly or indirectly, to influence*  
24 *congressional action on any legislation or appropriation*  
25 *matters pending before Congress, other than to commu-*

1 *nicate to Members of Congress as described in 18 U.S.C.*  
2 *1913.*

3 *SEC. 502. None of the funds made available in this*  
4 *Act may be transferred to any department, agency, or in-*  
5 *strumentality of the United States Government, except pur-*  
6 *suant to a transfer made by, or transfer authority provided*  
7 *in this Act or any other appropriation Act.*

8 *SEC. 503. Title IV of division A of the American Re-*  
9 *covery and Reinvestment Act of 2009 (Public Law 111–5)*  
10 *is amended by adding at the end of the title, the following*  
11 *new section 411:*

12 *“SEC. 411. Up to 0.5 percent of each amount appro-*  
13 *priated to the Department of the Army and the Bureau of*  
14 *Reclamation in this title may be used for the expenses of*  
15 *management and oversight of the programs, grants, and ac-*  
16 *tivities funded by such appropriation, and may be trans-*  
17 *ferred by the Head of the Federal Agency involved to any*  
18 *other appropriate account within the department for that*  
19 *purpose: Provided, That the Secretary will provide a report*  
20 *to the Committees on Appropriations of the House of Rep-*  
21 *resentatives and the Senate 30 days prior to the transfer:*  
22 *Provided further, That funds set aside under this section*  
23 *shall remain available for obligation until September 30,*  
24 *2012.”.*



1                    *AGENCY ADMINISTRATIVE EXPENSES*

2        *SEC. 504. (a) DEFINITIONS.—In this section:*

3                    (1) *ADMINISTRATIVE EXPENSES.—The term “ad-*  
4        *ministrative expenses” has the meaning as determined*  
5        *by the Director under subsection (b)(2).*

6                    (2) *AGENCY.—The term “agency”—*

7                    (A) *means an agency as defined under sec-*  
8        *tion 1101 of title 31, United States Code, that is*  
9        *established in the executive branch; and*

10                    (B) *shall not include the District of Colum-*  
11        *bia government.*

12                    (3) *DIRECTOR.—The term “Director” means the*  
13        *Director of the Office of Management and Budget.*

14        (b) *ADMINISTRATIVE EXPENSES.—*

15                    (1) *IN GENERAL.—All agencies shall include a*  
16        *separate category for administrative expenses when*  
17        *submitting their appropriation requests to the Office*  
18        *of Management and Budget for fiscal year 2011 and*  
19        *each fiscal year thereafter.*

20                    (2) *ADMINISTRATIVE EXPENSES DETERMINED.—*  
21        *In consultation with the agencies, the Director shall*  
22        *establish and revise as necessary a definition of ad-*  
23        *ministration expenses for the purposes of this section.*  
24        *All questions regarding the definition of administra-*  
25        *tive expenses shall be resolved by the Director.*

1       (c) *BUDGET SUBMISSION.*—*Each budget of the United*  
2 *States Government submitted under section 1105 of title 31,*  
3 *United States Code, for fiscal year 2011 and each fiscal*  
4 *year thereafter shall include the amount requested for each*  
5 *agency for administrative expenses.*

6       *SEC. 505. (a) Notwithstanding any other provision of*  
7 *this Act and except as provided in subsection (b), any re-*  
8 *port required to be submitted by a Federal agency or de-*  
9 *partment to the Committee on Appropriations of either the*  
10 *Senate or the House of Representatives in an appropria-*  
11 *tions Act shall be posted on the public Website of that Agen-*  
12 *cy upon receipt by the committee.*

13       (i) *Subsection (a) shall not apply to a report if—*

14               (1) *the public posting of the report compromises*  
15 *national security; or*

16               (2) *the report contains proprietary information.*

17       *This Act may be cited as the “Energy and Water De-*  
18 *velopment and Related Agencies Appropriations Act,*  
19 *2010”.*

Attest:

*Secretary.*



11<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H.R. 3183**

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**AMENDMENT**