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111TH CONGRESS
1ST SESSION

H. R. 3183

IN THE SENATE OF THE UNITED STATES

JULY 20, 2009

Received; read twice and placed on the calendar

AN ACT

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

6 TITLE I—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-
11 vision of the Chief of Engineers for authorized civil func-
12 tions of the Department of the Army pertaining to rivers
13 and harbors, flood and storm damage reduction, shore
14 protection, aquatic ecosystem restoration, and related ef-
15 forts.

16 INVESTIGATIONS

17 For expenses necessary when authorized by law for
18 the collection and study of basic information pertaining
19 to river and harbor, flood and storm damage reduction,
20 shore protection, aquatic ecosystem restoration, and re-
21 lated needs; for surveys and detailed studies and plans and
22 specifications of proposed river and harbor, flood and
23 storm damage reduction, shore protection, and aquatic
24 ecosystem restoration projects and related efforts prior to
25 construction; for restudy of authorized projects; and for

1 miscellaneous investigations and, when authorized by law,
2 surveys and detailed studies and plans and specifications
3 of projects prior to construction, \$142,000,000, to remain
4 available until expended: *Provided*, That, except as pro-
5 vided in section 101, the amounts made available under
6 this paragraph shall be expended as authorized by law for
7 the projects and activities specified in the text and table
8 under this heading in the report of the Committee on Ap-
9 propriations of the House of Representatives to accom-
10 pany this Act.

11 CONSTRUCTION

12 (INCLUDING TRANSFERS OF FUNDS)

13 For expenses necessary for the construction of river
14 and harbor, flood and storm damage reduction, shore pro-
15 tection, aquatic ecosystem restoration, and related
16 projects authorized by law; for conducting detailed studies
17 and plans and specifications of such projects (including
18 those involving participation by States, local governments,
19 or private groups) authorized or made eligible for selection
20 by law (but such detailed studies and plans and specifica-
21 tions shall not constitute a commitment of the Govern-
22 ment to construction), \$2,122,679,000 (increased by
23 \$14,000,000) (increased by \$7,000,000), to remain avail-
24 able until expended; of which such sums as are necessary
25 to cover the Federal share of construction costs for facili-

1 ties under the Dredged Material Disposal Facilities pro-
2 gram shall be derived from the Harbor Maintenance Trust
3 Fund as authorized by the Water Resources Development
4 Act of 1996 (Public Law 104–303); and of which such
5 sums as are necessary to cover one-half of the costs of
6 construction, replacement, rehabilitation, and expansion of
7 inland waterways projects shall be derived from the Inland
8 Waterways Trust Fund: *Provided*, That \$1,500,000 of the
9 funds appropriated under this heading in title I of division
10 C of the Omnibus Appropriations Act, 2009 (Public Law
11 111–8; 123 Stat. 601–609) is transferred to the Investiga-
12 tions account and, in addition to funds appropriated by
13 this Act, applied toward the cost of carrying out the Seven
14 Oaks Water Conservation Study, California: *Provided fur-*
15 *ther*, That, except as provided in section 101, the amounts
16 made available under this paragraph shall be expended as
17 authorized by law for the projects and activities specified
18 in the text and table under this heading in the report of
19 the Committee on Appropriations of the House of Rep-
20 resentatives to accompany this Act.

21 MISSISSIPPI RIVER AND TRIBUTARIES

22 For expenses necessary for flood damage reduction
23 projects and related efforts in the Mississippi River allu-
24 vial valley below Cape Girardeau, Missouri, as authorized
25 by law, \$251,375,000, to remain available until expended,

1 of which such sums as are necessary to cover the Federal
2 share of eligible operation and maintenance costs for in-
3 land harbors shall be derived from the Harbor Mainte-
4 nance Trust Fund: *Provided*, That, except as provided in
5 section 101, the amounts made available under this para-
6 graph shall be expended as authorized by law for the
7 projects and activities specified in the text and table under
8 this heading in the report of the Committee on Appropria-
9 tions of the House of Representatives to accompany this
10 Act.

11 OPERATION AND MAINTENANCE

12 For expenses necessary for the operation, mainte-
13 nance, and care of existing river and harbor, flood and
14 storm damage reduction, aquatic ecosystem restoration,
15 and related projects authorized by law; providing security
16 for infrastructure owned or operated by the Corps, includ-
17 ing administrative buildings and laboratories; maintaining
18 harbor channels provided by a State, municipality, or
19 other public agency that serve essential navigation needs
20 of general commerce, when authorized by law; surveying
21 and charting northern and northwestern lakes and con-
22 necting waters; clearing and straightening channels; and
23 removing obstructions to navigation, \$2,510,971,000, to
24 remain available until expended, of which such sums as
25 are necessary to cover the Federal share of eligible oper-

1 ation and maintenance costs for coastal harbors and chan-
2 nels and for inland harbors shall be derived from the Har-
3 bor Maintenance Trust Fund; of which such sums as be-
4 come available from the special account for the Corps es-
5 tablished by the Land and Water Conservation Act of
6 1965 (16 U.S.C. 460l–6a(i)) shall be derived from that
7 account for resource protection, research, interpretation,
8 and maintenance activities related to resource protection
9 in the areas at which outdoor recreation is available; and
10 of which such sums as become available from fees collected
11 under section 217 of the Water Resources Development
12 Act of 1996 (Public Law 104–303) shall be used to cover
13 the cost of operation and maintenance of the dredged ma-
14 terial disposal facilities for which such fees have been col-
15 lected: *Provided*, That, except as provided in section 101,
16 the amounts made available under this paragraph shall be
17 expended as authorized by law for the projects and activi-
18 ties specified in the text and table under this heading in
19 the report of the Committee on Appropriations of the
20 House of Representatives to accompany this Act.

21 **REGULATORY PROGRAM**

22 For expenses necessary for administration of laws
23 pertaining to regulation of navigable waters and wetlands,
24 \$190,000,000 (increased by \$1,800,000), to remain avail-
25 able until expended.

1 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

2 For expenses necessary to clean up contamination
3 from sites in the United States resulting from work per-
4 formed as part of the Nation's early atomic energy pro-
5 gram, \$134,000,000, to remain available until expended.

6 EXPENSES

7 For expenses necessary for the supervision and gen-
8 eral administration of the civil works program in the head-
9 quarters of the Corps and the offices of the Division Engi-
10 neers; and for the management and operation of the Hum-
11 phreys Engineer Center Support Activity, the Institute for
12 Water Resources, the Engineer Research and Develop-
13 ment Center, and the Corps Finance Center,
14 \$184,000,000 (reduced by \$14,000,000) (reduced by
15 \$10,800,000) (reduced by \$7,000,000), to remain avail-
16 able until expended, of which not more than \$5,000 may
17 be used for official reception and representation purposes
18 and only during the current fiscal year: *Provided*, That
19 no part of any other appropriation in this title shall be
20 available to fund the above activities: *Provided further*,
21 That any unobligated balances from prior appropriation
22 Acts for "Flood Control and Coastal Emergencies" may
23 be used to fund the supervision and general administration
24 of emergency operations, repairs, and other activities in
25 response to any flood, hurricane, or other natural disaster:

1 *Provided further*, That upon submission to the Congress
 2 of the fiscal year 2011 President's budget, the Chief of
 3 Engineers shall transmit to Congress the annual congress-
 4 sional budget justifications for fiscal year 2011: *Provided*
 5 *further*, That the amount herein appropriated shall be re-
 6 duced by \$100,000 per day for each day after initial sub-
 7 mission of the President's budget that the report has not
 8 been submitted to the Congress.

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

11 For the Office of Assistant Secretary of the Army
 12 (Civil Works) as authorized by 10 U.S.C. 3016(b)(3),
 13 \$6,000,000, to remain available until expended.

14 ADMINISTRATIVE PROVISION

15 The Revolving Fund, Corps of Engineers, shall be
 16 available during the current fiscal year for purchase (not
 17 to exceed 100 for replacement only) and hire of passenger
 18 motor vehicles for the civil works program.

19 GENERAL PROVISIONS, CORPS OF
 20 ENGINEERS—CIVIL

21 SEC. 101. REPROGRAMMING RESTRICTION.—(a)
 22 None of the funds provided in this title shall be available
 23 for obligation or expenditure through a reprogramming of
 24 funds that—

1 (1) creates or initiates a new program, project,
2 or activity;

3 (2) eliminates a program, project, or activity;

4 (3) increases funds or personnel for any pro-
5 gram, project, or activity for which funds are denied
6 or restricted by this Act;

7 (4) reduces funds that are directed to be used
8 for a specific program, project, or activity by this
9 Act;

10 (5) increases funds for any program, project, or
11 activity by more than \$2,000,000 or 10 percent,
12 whichever is less; or

13 (6) reduces funds for any program, project, or
14 activity by more than \$2,000,000 or 10 percent,
15 whichever is less.

16 (b) Subsection (a)(1) shall not apply to any project
17 or activity authorized under section 205 of the Flood Con-
18 trol Act of 1948, section 14 of the Flood Control Act of
19 1946, section 208 of the Flood Control Act of 1954, sec-
20 tion 107 of the River and Harbor Act of 1960, section
21 103 of the River and Harbor Act of 1962, section 111
22 of the River and Harbor Act of 1968, section 1135 of the
23 Water Resources Development Act of 1986, section 206
24 of the Water Resources Act of 1996, or section 204 of
25 the Water Resources Act of 1992.

1 (c) The Army Corps of Engineers shall submit re-
2 ports on a quarterly basis to the Committees on Appro-
3 priations of the House of Representatives and the Senate
4 detailing all the funds reprogrammed between programs,
5 projects, activities, or categories of funding. The first
6 quarterly report shall be submitted not later than 60 days
7 after the date of enactment of this Act.

8 SEC. 102. COMPETITIVE SOURCING.—None of the
9 funds in this Act, or previous Acts making funds available
10 for Energy and Water Development, shall be used to im-
11 plement any pending or future competitive sourcing ac-
12 tions under OMB Circular A–76 or High Performing Or-
13 ganizations for the Army Corps of Engineers.

14 SEC. 103. CONTRACT MODIFICATION.—None of the
15 funds made available in this title may be used to award
16 or modify any contract that commits funds beyond the
17 amounts appropriated for that program, project, or activ-
18 ity that remain unobligated, except that such amounts
19 may include any funds that have been made available
20 through reprogramming pursuant to section 101.

21 SEC. 104. INLAND WATERWAYS TRUST FUND.—
22 None of the funds in this Act, or previous Acts making
23 funds available for Energy and Water Development, shall
24 be used to award any continuing contract that commits
25 additional funding from the Inland Waterways Trust

1 Fund unless or until such time that a long-term mecha-
2 nism to enhance revenues in the Fund sufficient to meet
3 the cost-sharing authorized in the Water Resources Devel-
4 opment Act of 1986 (Public Law 99–662) is enacted.

5 SEC. 105. TWO HARBORS, MINNESOTA.—The project
6 for navigation, Two Harbors, Minnesota, being carried out
7 under section 107 of the River and Harbor Act of 1960
8 (33 U.S.C. 577), and modified by section 3101 of the
9 Water Resources Development Act of 2007 (121 Stat.
10 1133), is further modified to direct the Secretary to credit,
11 in accordance with section 221 of the Flood Control Act
12 of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal
13 share of the project the cost of planning, design, and con-
14 struction work carried out by the non-Federal interest for
15 the project before the date of execution of a partnership
16 agreement for the project.

17 SEC. 106. NORTHERN WISCONSIN.—Section 154(h)
18 of title I of division B of the Miscellaneous Appropriations
19 Act, 2001 (114 Stat. 2763A–254) (as enacted into law
20 by Public Law 106–554) is amended by striking
21 “\$40,000,000” and inserting “\$60,000,000”.

22 SEC. 107. MARTIN, KENTUCKY.—The Secretary is
23 directed to use such funds as are necessary, from amounts
24 made available in this Act under the heading “Construc-
25 tion”, to expedite acquisition of those properties located

1 in the vicinity of Martin, Kentucky, that were damaged
2 by the floodwaters in the May 2009 flood event and that
3 fall within Phases 3 and 4 of the mandatory and voluntary
4 acquisition elements identified in Plan A of the Chief of
5 Engineers, Town of Martin Nonstructural Project De-
6 tailed Project Report, Appendix T, Section 202 General
7 Plan, dated March 2000.

8 SEC. 108. WHITE RIVER MINIMUM FLOW, ARKAN-
9 SAS.—Section 132 of the Energy and Water Development
10 Appropriations Act of 2006 (119 Stat 2261) is amended—

11 (1) in subsection (a)(3), by striking “Corps of
12 Engineers” and inserting “Southwestern Power Ad-
13 ministration”;

14 (2) by adding at the end of subsection (a) the
15 following new paragraph:

16 “(5) PAYMENT TO NON-FEDERAL LICENSEE.—
17 Southwestern Power Administration shall com-
18 pensate the licensee of Federal Energy Regulatory
19 Commission Project No. 2221 pursuant to para-
20 graph (3) using receipts collected from the sale of
21 Federal power and energy related services. Pursuant
22 to paragraph (6), Southwestern Power Administra-
23 tion will begin collecting receipts in the Special Re-
24 ceipts and Disbursement account upon the date of
25 enactment of this paragraph. Payment to the li-

1 licensee of Federal Energy Regulatory Commission
2 Project No. 2221 shall be paid as soon as adequate
3 receipts are collected in the Special Receipts and
4 Disbursement Account to fully compensate the li-
5 censee, and in accordance with paragraph (2), such
6 payment shall be considered non-reimbursable.”;

7 (3) by adding at the end of subsection (a) the
8 following new paragraph:

9 “(6) The Southwestern Power Administration
10 shall compensate the licensee of Federal Energy
11 Regulatory Commission Project No. 2221 in annual
12 payments of not less than \$5,000,000, until the li-
13 censee of Federal Energy Regulatory Commission
14 Project No. 2221 is fully compensated pursuant to
15 paragraph (3). At the end of each fiscal year subse-
16 quent to implementation, any remaining balance to
17 be paid to the licensee of Project No. 2221 shall ac-
18 crue interest at the 30-year U.S. Treasury bond rate
19 in effect at the time of implementation of the White
20 River Minimum Flows project.”;

21 (4) by adding at the end of subsection (a) the
22 following new paragraph:

23 “(7) ESTABLISHMENT OF SPECIAL RECEIPT
24 AND DISBURSEMENT ACCOUNTS.—There is estab-
25 lished in the Treasury of the United States a special

1 receipt account and corresponding disbursement ac-
2 count to be made available to the Administrator of
3 the Southwestern Power Administration to disburse
4 pre-collected receipts from the sale of federal power
5 and energy and related services. The accounts are
6 authorized for the following uses:

7 “(A) Collect and disburse receipts for pur-
8 chase power and wheeling expenses incurred by
9 Southwestern Power Administration to pur-
10 chase replacement power and energy as a result
11 of implementation of the White River Minimum
12 Flows project.

13 “(B) Collect and disburse receipts related
14 to compensation of the licensee of Federal En-
15 ergy Regulatory Commission Project No. 2221.

16 “(C) Said special receipt and disbursement
17 account shall remain available for not more
18 than 12 months after the date of full compensa-
19 tion of the licensee of Federal Energy Regu-
20 latory Commission Project No. 2221.”; and

21 (5) by adding at the end of subsection (a) the
22 following new paragraph:

23 “(8) TIME OF IMPLEMENTATION.—For pur-
24 poses of paragraphs (3) and (4), ‘time of implemen-
25 tation’ shall mean the authorization of the special

1 receipt account and corresponding disbursement ac-
2 count described in paragraph (7).”.

3 TITLE II—DEPARTMENT OF THE INTERIOR

4 CENTRAL UTAH PROJECT

5 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

6 For carrying out activities authorized by the Central
7 Utah Project Completion Act, \$40,300,000, to remain
8 available until expended, of which \$1,500,000 shall be de-
9 posited into the Utah Reclamation Mitigation and Con-
10 servation Account for use by the Utah Reclamation Miti-
11 gation and Conservation Commission. In addition, for nec-
12 essary expenses incurred in carrying out related respon-
13 sibilities of the Secretary of the Interior, \$1,704,000, to
14 remain available until expended. For fiscal year 2010, the
15 Commission may use an amount not to exceed \$1,500,000
16 for administrative expenses.

17 BUREAU OF RECLAMATION

18 The following appropriations shall be expended to
19 execute authorized functions of the Bureau of Reclama-
20 tion:

21 WATER AND RELATED RESOURCES

22 (INCLUDING TRANSFERS OF FUNDS)

23 For management, development, and restoration of
24 water and related natural resources and for related activi-
25 ties, including the operation, maintenance, and rehabilita-

1 tion of reclamation and other facilities, participation in
2 fulfilling related Federal responsibilities to Native Ameri-
3 cans, and related grants to, and cooperative and other
4 agreements with, State and local governments, federally
5 recognized Indian tribes, and others, \$910,247,000, to re-
6 main available until expended, of which \$53,240,000 shall
7 be available for transfer to the Upper Colorado River
8 Basin Fund and \$17,936,000 shall be available for trans-
9 fer to the Lower Colorado River Basin Development Fund;
10 of which such amounts as may be necessary may be ad-
11 vanced to the Colorado River Dam Fund; of which not
12 more than \$500,000 is for high priority projects which
13 shall be carried out by the Youth Conservation Corps, as
14 authorized by section 106 of Public Law 91-378 (16
15 U.S.C. 1706; popularly known as the Youth Conservation
16 Corps Act of 1970): *Provided*, That such transfers may
17 be increased or decreased within the overall appropriation
18 under this heading: *Provided further*, That of the total
19 amount appropriated, the amount for program activities
20 that can be financed by the Reclamation Fund or the Bu-
21 reau of Reclamation special fee account established by sec-
22 tion 4(i) of the Land and Water Conservation Fund Act
23 of 1965 (16 U.S.C. 4601-6a(i)) shall be derived from that
24 Fund or account: *Provided further*, That funds contributed
25 under the Act of March 4, 1921 (43 U.S.C. 395) are avail-

1 able until expended for the purposes for which contrib-
2 uted: *Provided further*, That funds advanced under the Act
3 of January 12, 1927 (43 U.S.C. 397a) shall be credited
4 to this account and are available until expended for the
5 same purposes as the sums appropriated under this head-
6 ing: *Provided further*, That funds available for expenditure
7 for the Departmental Irrigation Drainage Program may
8 be expended by the Bureau of Reclamation for site remedi-
9 ation on a nonreimbursable basis: *Provided further*, That
10 \$4,000,000 of the funds appropriated under this heading
11 shall be deposited in the San Gabriel Basin Restoration
12 Fund established by section 110 of title I of appendix D
13 of Public Law 106–554: *Provided further*, That, except as
14 provided in section 201 of this Act, the amounts made
15 available under this paragraph shall be expended as au-
16 thorized by law for the projects and activities specified in
17 the text and table under this heading in the report of the
18 Committee on Appropriations of the House of Representa-
19 tives to accompany this Act: *Provided further*, That
20 \$5,000,000 of the funds appropriated under this heading
21 shall be available for the “Power Program Services” to
22 implement the Bureau of Reclamation’s hydropower facili-
23 ties installations identified under section 1834 of the En-
24 ergy Policy Act of 2005.

1 CENTRAL VALLEY PROJECT RESTORATION FUND

2 For carrying out the programs, projects, plans, habi-
3 tat restoration, improvement, and acquisition provisions of
4 the Central Valley Project Improvement Act, \$35,358,000,
5 to be derived from such sums as may be collected in the
6 Central Valley Project Restoration Fund pursuant to sec-
7 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law
8 102–575, to remain available until expended: *Provided*,
9 That the Bureau of Reclamation is directed to assess and
10 collect the full amount of the additional mitigation and
11 restoration payments authorized by section 3407(d) of
12 Public Law 102–575: *Provided further*, That none of the
13 funds made available under this heading may be used for
14 the acquisition or leasing of water for in-stream purposes
15 if the water is already committed to in-stream purposes
16 by a court adopted decree or order.

17 CALIFORNIA BAY-DELTA RESTORATION

18 (INCLUDING TRANSFERS OF FUNDS)

19 For carrying out activities authorized by the Water
20 Supply, Reliability, and Environmental Improvement Act,
21 consistent with plans to be approved by the Secretary of
22 the Interior, \$31,000,000 (increased by \$10,000,000), to
23 remain available until expended, of which such amounts
24 as may be necessary to carry out such activities may be
25 transferred to appropriate accounts of other participating

1 Federal agencies to carry out authorized purposes: *Pro-*
2 *vided*, That funds appropriated herein may be used for
3 the Federal share of the costs of CALFED Program man-
4 agement: *Provided further*, That the use of any funds pro-
5 vided to the California Bay-Delta Authority for program-
6 wide management and oversight activities shall be subject
7 to the approval of the Secretary of the Interior: *Provided*
8 *further*, That CALFED implementation shall be carried
9 out in a balanced manner with clear performance meas-
10 ures demonstrating concurrent progress in achieving the
11 goals and objectives of the Program.

12 POLICY AND ADMINISTRATION

13 For necessary expenses of policy, administration, and
14 related functions in the Office of the Commissioner, the
15 Denver office, and offices in the five regions of the Bureau
16 of Reclamation, to remain available until expended,
17 \$61,200,000 (reduced by \$10,000,000), to be derived from
18 the Reclamation Fund and be nonreimbursable as pro-
19 vided in section 4(o) of the Act of December 5, 1924 (43
20 U.S.C. 377): *Provided*, That no part of any other appro-
21 priation in this Act shall be available for activities or func-
22 tions budgeted as policy and administration expenses.

1 ADMINISTRATIVE PROVISION

2 Appropriations for the Bureau of Reclamation shall
3 be available for the purchase of not more than seven pas-
4 senger motor vehicles, which are for replacement only.

5 GENERAL PROVISIONS, DEPARTMENT OF THE
6 INTERIOR

7 SEC. 201. REPROGRAMMING RESTRICTION.—(a)

8 None of the funds provided in title II for Water and Re-
9 lated Resources shall be available for obligation or expend-
10 iture through a reprogramming of funds that—

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

13 (2) eliminates a program, project, or activity;

14 (3) increases funds for any program, project, or
15 activity for which funds have been denied or re-
16 stricted by this Act;

17 (4) reduces funds that are directed to be used
18 for a specific program, project, or activity by this
19 Act;

20 (5) transfers funds in excess of the following
21 limits:

22 (A) 15 percent for any program, project,
23 or activity for which \$2,000,000 or more is
24 available 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
5 the Facilities Operation, Maintenance, and Rehabili-
6 tation category or the Resources Management and
7 Development category to any program, project, or
8 activity in the other category; or

9 (7) transfers, when necessary to discharge legal
10 obligations of the Bureau of Reclamation, more than
11 \$5,000,000 to provide adequate funds for settled
12 contractor claims, increased contractor earnings due
13 to accelerated rates of operations, and real estate de-
14 ficiency judgments.

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

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

21 (d) The Bureau of Reclamation shall submit reports
22 on a quarterly basis to the Committees on Appropriations
23 of the House of Representatives and the Senate detailing
24 all the funds reprogrammed between programs, projects,
25 activities, or categories of funding. The first quarterly re-

1 port shall be submitted not later than 60 days after the
2 date of enactment of this Act.

3 SEC. 202. SAN LUIS UNIT.—(a) None of the funds
4 appropriated or otherwise made available by this Act may
5 be used to determine the final point of discharge for the
6 interceptor drain for the San Luis Unit until development
7 by the Secretary of the Interior and the State of California
8 of a plan, which shall conform to the water quality stand-
9 ards of the State of California as approved by the Admin-
10 istrator of the Environmental Protection Agency, to mini-
11 mize any detrimental effect of the San Luis drainage wa-
12 ters.

13 (b) The costs of the Kesterson Reservoir Cleanup
14 Program and the costs of the San Joaquin Valley Drain-
15 age Program shall be classified by the Secretary of the
16 Interior as reimbursable or nonreimbursable and collected
17 until fully repaid pursuant to the “Cleanup Program-Al-
18 ternative Repayment Plan” and the “SJVDP-Alternative
19 Repayment Plan” described in the report entitled “Repay-
20 ment Report, Kesterson Reservoir Cleanup Program and
21 San Joaquin Valley Drainage Program, February 1995”,
22 prepared by the Department of the Interior, Bureau of
23 Reclamation. Any future obligations of funds by the
24 United States relating to, or providing for, drainage serv-
25 ices or drainage studies for the San Luis Unit shall be fully

1 reimbursable by San Luis Unit beneficiaries of such serv-
 2 ice or studies pursuant to Federal reclamation law.

3 SEC. 203. CENTRAL VALLEY PROJECT.—Section
 4 3405(a)(1)(M) of Public Law 102–575 is amended—

5 (1) by striking “countries” and inserting “coun-
 6 ties”; and

7 (2) by inserting “a transfer between a San Joa-
 8 quin River Exchange Contractor and a Friant Divi-
 9 sion contractor, a transfer between a San Joaquin
 10 River Exchange Contractor and a south-of-Delta
 11 CVP agricultural water service contractor, and a
 12 transfer between a Friant Division contractor and a
 13 south-of-Delta CVP agricultural water service con-
 14 tractor,” after “under California law,”.

15 SEC. 204. DRAFT RECOVERY PLAN.—The Secretary
 16 of the Interior, acting through the Director of the Fish
 17 & Wildlife Service, is directed to expeditiously revise, final-
 18 ize, and implement the Draft Recovery Plan for the Giant
 19 Garter Snake (*Thamnophis gigas*).

20 TITLE III—DEPARTMENT OF ENERGY

21 ENERGY PROGRAMS

22 ENERGY EFFICIENCY AND RENEWABLE ENERGY

23 For Department of Energy expenses including the
 24 purchase, construction, and acquisition of plant and cap-
 25 ital equipment, and other expenses necessary for energy

1 efficiency and renewable energy activities in carrying out
2 the purposes of the Department of Energy Organization
3 Act (42 U.S.C. 7101 et seq.), including the acquisition or
4 condemnation of any real property or any facility or for
5 plant or facility acquisition, construction, or expansion,
6 \$2,250,000,000 (increased by \$45,000,000) (increased by
7 \$5,000,000) (increased by \$10,000,000), to remain avail-
8 able until expended: *Provided*, That, of the amount appro-
9 priated in this paragraph, \$500,000 shall be for research
10 and development of novel hydrogen energy carriers that
11 are liquid at standard temperature and pressure and store
12 hydrogen in bound chemical states rather than as free
13 molecules, to be awarded under full and open competition:
14 *Provided further*, That, of the amount appropriated in this
15 paragraph, \$500,000 shall be for development of a dem-
16 onstration plant for the production of biodiesel fuels from
17 crops that, to the greatest extent possible, are cultivated
18 on existing cropland during off-season rotations and mini-
19 mize land use per unit of fuel energy produced, to be
20 awarded under full and open competition: *Provided fur-*
21 *ther*, That, of the amount appropriated in this paragraph,
22 \$3,000,000 shall be for development of a parking canopy
23 facility with solar photovoltaic roof panels for electricity
24 generation to measure the viability of using photovoltaic
25 technologies in locations where environmental and space

1 limitations render conventional power generation costly, to
2 be awarded under full and open competition: *Provided fur-*
3 *ther*, That, of the amount appropriated in this paragraph,
4 \$153,560,000 shall be used for the projects specified in
5 the table that appears under the heading “Congressionally
6 Directed Energy Efficiency and Renewable Energy
7 Projects” in the report of the Committee on Appropria-
8 tions of the House of Representatives to accompany this
9 Act.

10 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

11 For Department of Energy expenses including the
12 purchase, construction, and acquisition of plant and cap-
13 ital equipment, and other expenses necessary for elec-
14 tricity delivery and energy reliability activities in carrying
15 out the purposes of the Department of Energy Organiza-
16 tion Act (42 U.S.C. 7101 et seq.), including the acquisi-
17 tion or condemnation of any real property or any facility
18 or for plant or facility acquisition, construction, or expan-
19 sion, \$208,008,000 (reduced by \$15,000,000), to remain
20 available until expended: *Provided*, That, of the amount
21 appropriated in this paragraph, \$7,600,000 shall be used
22 for the projects specified in the table that appears under
23 the heading “Congressionally Directed Electricity Delivery
24 and Energy Reliability Projects” in the report of the Com-

1 mittee on Appropriations of the House of Representatives
2 to accompany this Act.

3 NUCLEAR ENERGY

4 For Department of Energy expenses including the
5 purchase, construction, and acquisition of plant and cap-
6 ital equipment, and other expenses necessary for nuclear
7 energy activities in carrying out the purposes of the De-
8 partment of Energy Organization Act (42 U.S.C. 7101 et
9 seq.), including the acquisition or condemnation of any
10 real property or any facility or for plant or facility acqui-
11 sition, construction, or expansion, and the purchase of not
12 more than 36 passenger motor vehicles, including one am-
13 bulance, all for replacement only, \$812,000,000, to remain
14 available until expended: *Provided*, That, of the amount
15 appropriated in this paragraph, \$500,000 shall be used
16 for the projects specified in the table that appears under
17 the heading “Congressionally Directed Nuclear Energy
18 Projects” in the report of the Committee on Appropria-
19 tions of the House of Representatives to accompany this
20 Act.

21 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

22 For necessary expenses in carrying out fossil energy
23 research and development activities, under the authority
24 of the Department of Energy Organization Act (42 U.S.C.
25 7101 et seq.), including the acquisition of interest, includ-

1 ing defeasible and equitable interests in any real property
2 or any facility or for plant or facility acquisition or expan-
3 sion, and for conducting inquiries, technological investiga-
4 tions, and research concerning the extraction, processing,
5 use, and disposal of mineral substances without objection-
6 able social and environmental costs (30 U.S.C. 3, 1602,
7 and 1603), \$617,565,000, to remain available until ex-
8 pended: *Provided*, That funds appropriated for prior solici-
9 tations under the Clean Coal Technology Program, Power
10 Plant Improvement Initiative, Clean Coal Power Initiative,
11 and FutureGen, but not required by the Department to
12 meet its obligations on projects selected under such solici-
13 tations, may be utilized for the Clean Coal Power Initia-
14 tive, pursuant to title IV of Public Law 109–58, in accord-
15 ance with the requirements of this Act rather than the
16 Acts under which the funds were appropriated: *Provided*
17 *further*, That no Clean Coal Power Initiative project may
18 be selected for which full funding is not available to pro-
19 vide for the total project: *Provided further*, That if a Clean
20 Coal Power Initiative project, selected after enactment of
21 this Act for negotiation under this or any other Act in
22 any fiscal year, is not awarded within 2 years from the
23 date the application was selected, negotiations shall cease
24 and the Federal funds committed to the application shall
25 be retained by the Department for future coal-related re-

1 search, development, and demonstration projects, except
2 that the time limit may be extended at the Secretary's dis-
3 cretion for matters outside the control of the applicant,
4 or if the Secretary determines that extension of the time
5 limit is in the public interest: *Provided further*, That the
6 Secretary may not delegate this responsibility for applica-
7 tions greater than \$10,000,000: *Provided further*, That fi-
8 nancial assistance for costs in excess of those estimated
9 as of the date of award of original Clean Coal Power Ini-
10 tiative financial assistance may not be provided in excess
11 of the proportion of costs borne by the Government in the
12 original agreement and shall be limited to 25 percent of
13 the original financial assistance: *Provided further*, That
14 funds shall be expended in accordance with the provisions
15 governing the use of funds contained under the heading
16 "Clean Coal Technology" in Public Law 99-190 (42
17 U.S.C. 5903d): *Provided further*, That any technology se-
18 lected under these programs shall be considered a Clean
19 Coal Technology, and any project selected under these
20 programs shall be considered a Clean Coal Technology
21 Project, for the purposes of 42 U.S.C. 7651n, and chap-
22 ters 51, 52, and 60 of title 40 of the Code of Federal
23 Regulations: *Provided further*, That funds available for the
24 Clean Coal Power Initiative may be used to support any
25 technology relating to carbon capture and storage or bene-

1 ficial uses of carbon dioxide, without regard to the 70 and
2 30 percent funding allocations specified in section
3 402(b)(1)(A) and (2)(A) of the Energy Policy Act of 2005
4 (42 U.S.C. 15962(b)(1)(A) and (2)(A)): *Provided further*,
5 That, of the amount appropriated in this paragraph,
6 \$750,000 shall be for development of technologies for inte-
7 gration into gasification systems for the low-cost produc-
8 tion of synthesis gas, to be awarded under full and open
9 competition: *Provided further*, That, of the amount appro-
10 priated in this paragraph, \$500,000 shall be for develop-
11 ment of fuel cell technologies for conversion of commer-
12 cially available fuels and biofuels into electricity, to be
13 awarded under full and open competition: *Provided fur-*
14 *ther*, That, of the amount appropriated in this paragraph,
15 \$300,000 shall be for development of control technologies
16 for increased performance in synthesis gas combustion ap-
17 plications, to be awarded under full and open competition:
18 *Provided further*, That, of the amount appropriated in this
19 paragraph, \$8,000,000 shall be used for the projects speci-
20 fied in the table that appears under the heading “Congres-
21 sionally Directed Fossil Energy Research and Develop-
22 ment Projects” in the report of the Committee on Appro-
23 priations of the House of Representatives to accompany
24 this Act.

1 NAVAL PETROLEUM AND OIL SHALE RESERVES

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

9 STRATEGIC PETROLEUM RESERVE

10 For necessary expenses for Strategic Petroleum Re-
11 serve facility development and operations and program
12 management activities pursuant to the Energy Policy and
13 Conservation Act (42 U.S.C. 6201 et seq.), \$228,573,000,
14 to remain available until expended.

15 NORTHEAST HOME HEATING OIL RESERVE

16 For necessary expenses for Northeast Home Heating
17 Oil Reserve storage, operation, and management activities
18 pursuant to the Energy Policy and Conservation Act (42
19 U.S.C. 6201 et seq.), \$11,300,000, to remain available
20 until expended.

21 ENERGY INFORMATION ADMINISTRATION

22 For necessary expenses in carrying out the activities
23 of the Energy Information Administration, \$121,858,000,
24 to remain available until expended.

1 NON-DEFENSE ENVIRONMENTAL CLEANUP

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 non-de-
5 fense environmental cleanup activities in carrying out the
6 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,
10 \$237,517,000, to remain available until expended.

11 URANIUM ENRICHMENT DECONTAMINATION AND
12 DECOMMISSIONING FUND

13 For necessary expenses in carrying out uranium en-
14 richment facility decontamination and decommissioning,
15 remedial actions, and other activities under title II of the
16 Atomic Energy Act of 1954, and title X, subtitle A, of
17 the Energy Policy Act of 1992, \$559,377,000, to be de-
18 rived from the Uranium Enrichment Decontamination and
19 Decommissioning Fund, to remain available until ex-
20 pended.

21 SCIENCE

22 (INCLUDING TRANSFER OF FUNDS)

23 For Department of Energy expenses including the
24 purchase, construction, and acquisition of plant and cap-
25 ital equipment, and other expenses necessary for science

1 activities in carrying out the purposes of the Department
2 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
3 cluding the acquisition or condemnation of any real prop-
4 erty or facility or for plant or facility acquisition, construc-
5 tion, or expansion, and purchase of not more than 50 pas-
6 senger motor vehicles for replacement only, including one
7 law enforcement vehicle, two ambulances, and three buses,
8 \$4,943,587,000, to remain available until expended: *Pro-*
9 *vided*, That \$15,000,000 appropriated under this heading
10 under prior appropriation Acts for the Advanced Research
11 Projects Agency—Energy is hereby transferred to the
12 “Advanced Research Projects Agency—Energy” account:
13 *Provided further*, That, of the amount appropriated in this
14 paragraph, \$37,740,000 shall be used for the projects
15 specified in the table that appears under the heading
16 “Congressionally Directed Science Projects” in the report
17 of the Committee on Appropriations of the House of Rep-
18 resentatives to accompany this Act.

19 NUCLEAR WASTE DISPOSAL

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) (“NWPA”), including the acquisition of real
23 property or facility construction or expansion,
24 \$98,400,000, to remain available until expended, and to
25 be derived from the Nuclear Waste Fund: *Provided*, That

1 of the funds made available in this Act for Nuclear Waste
2 Disposal, \$5,000,000 shall be provided to the Office of the
3 Attorney General of the State of Nevada solely for expend-
4 itures, other than salaries and expenses of State employ-
5 ees, to conduct scientific oversight responsibilities and par-
6 ticipate in licensing activities pursuant to the NWPA: *Pro-*
7 *vided further*, That notwithstanding the lack of a written
8 agreement with the State of Nevada under section 117(c)
9 of the NWPA, \$1,000,000 shall be provided to Nye Coun-
10 ty, Nevada, for on-site oversight activities under section
11 117(d) of such Act: *Provided further*, That \$9,000,000
12 shall be provided to affected units of local government, as
13 defined in the NWPA, to conduct appropriate activities
14 and participate in licensing activities: *Provided further*,
15 That, of the \$9,000,000 provided, 7.5 percent of the funds
16 shall be made available to affected units of local govern-
17 ment in California with the balance made available to af-
18 fected units of local government in Nevada for distribution
19 as determined by the Nevada units of local government:
20 *Provided further*, That this funding shall be provided to
21 affected units of local government, as defined in the
22 NWPA: *Provided further*, That \$500,000 shall be provided
23 to the Timbisha-Shoshone Tribe solely for expenditures,
24 other than salaries and expenses of tribal employees, to
25 conduct appropriate activities and participate in licensing

1 activities under section 118(b) of the NWPA: *Provided*
2 *further*, That notwithstanding the provisions of chapters
3 65 and 75 of title 31, United States Code, the Department
4 shall have no monitoring, auditing, or other oversight
5 rights or responsibilities over amounts provided to affected
6 units of local government: *Provided further*, That the
7 funds for the State of Nevada shall be made available sole-
8 ly to the Office of the Attorney General by direct payment
9 and to units of local government by direct payment: *Pro-*
10 *vided further*, That within 90 days of the completion of
11 each Federal fiscal year, the Office of the Attorney Gen-
12 eral of the State of Nevada and each of the affected units
13 of local government shall provide certification to the De-
14 partment of Energy that all funds expended from such
15 payments have been expended for activities authorized by
16 the NWPA and this Act: *Provided further*, That failure
17 to provide such certification shall cause such entity to be
18 prohibited from any further funding provided for similar
19 activities: *Provided further*, That none of the funds herein
20 appropriated may be: (1) used directly or indirectly to in-
21 fluence legislative action, except for normal and recognized
22 executive-legislative communications, on any matter pend-
23 ing before Congress or a State legislature or for lobbying
24 activity as provided in 18 U.S.C. 1913; (2) used for litiga-
25 tion expenses; or (3) used to support multi-State efforts

1 or other coalition building activities inconsistent with the
2 restrictions contained in this Act: *Provided further*, That
3 all proceeds and recoveries realized by the Secretary in
4 carrying out activities authorized by the NWPA, including
5 any proceeds from the sale of assets, shall be available
6 without further appropriation and shall remain available
7 until expended: *Provided further*, That no funds provided
8 in this Act or any previous Act may be used to pursue
9 repayment or collection of funds provided in any fiscal
10 year to affected units of local government for oversight
11 activities that had been previously approved by the De-
12 partment of Energy or to withhold payment of any such
13 funds: *Provided further*, That of the funds made available
14 in this Act for Nuclear Waste Disposal, \$5,000,000 shall
15 be provided to create a Blue Ribbon Commission to con-
16 sider all alternatives for nuclear waste disposal.

17 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
18 PROGRAM

19 Such sums as are derived from amounts received
20 from borrowers pursuant to section 1702(b)(2) of the En-
21 ergy Policy Act of 2005 under this heading in prior Acts
22 shall be collected in accordance with section 502(7) of the
23 Congressional Budget Act of 1974: *Provided*, That for
24 necessary administrative expenses to carry out this Loan
25 Guarantee program, \$43,000,000 is appropriated, to re-

1 main available until expended: *Provided further*, That
 2 \$43,000,000 of the fees collected pursuant to section
 3 1702(h) of the Energy Policy Act of 2005 shall be credited
 4 as offsetting collections to this account to cover adminis-
 5 trative expenses and shall remain available until expended,
 6 so as to result in a final fiscal year 2010 appropriations
 7 from the general fund estimated at not more than \$0: *Pro-*
 8 *vided further*, That fees collected under section 1702(h)
 9 in excess of the amount appropriated for administrative
 10 expenses shall not be available until appropriated.

11 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
 12 LOANS PROGRAM

13 For administrative expenses in carrying out the Ad-
 14 vanced Technology Vehicles Manufacturing Loans Pro-
 15 gram, \$20,000,000, to remain available until expended.

16 DEPARTMENTAL ADMINISTRATION

17 For salaries and expenses of the Department of En-
 18 ergy necessary for departmental administration in car-
 19 rying out the purposes of the Department of Energy Orga-
 20 nization Act (42 U.S.C. 7101 et seq.), including the hire
 21 of passenger motor vehicles and official reception and rep-
 22 resentation expenses not to exceed \$30,000, \$289,684,000
 23 (reduced by \$30,000,000) (reduced by \$5,000,000) (re-
 24 duced by \$10,000,000), to remain available until ex-
 25 pended, plus such additional amounts as necessary to

1 cover increases in the estimated amount of cost of work
2 for others notwithstanding the provisions of the Anti-Defi-
3 ciency Act (31 U.S.C. 1511 et seq.): *Provided*, That such
4 increases in cost of work are offset by revenue increases
5 of the same or greater amount, to remain available until
6 expended: *Provided further*, That moneys received by the
7 Department for miscellaneous revenues estimated to total
8 \$119,740,000 in fiscal year 2010 may be retained and
9 used for operating expenses within this account, and may
10 remain available until expended, as authorized by section
11 201 of Public Law 95–238, notwithstanding the provisions
12 of 31 U.S.C. 3302: *Provided further*, That the sum herein
13 appropriated shall be reduced by the amount of miscella-
14 neous revenues received during 2010, and any related ap-
15 propriated receipt account balances remaining from prior
16 years' miscellaneous revenues, so as to result in a final
17 fiscal year 2010 appropriation from the general fund esti-
18 mated at not more than \$169,944,000 (reduced by
19 \$30,000,000) (reduced by \$5,000,000) (reduced by
20 \$10,000,000).

21 OFFICE OF THE INSPECTOR GENERAL

22 For necessary expenses of the Office of the Inspector
23 General in carrying out the provisions of the Inspector
24 General Act of 1978, \$51,927,000, to remain available
25 until expended.

1 ATOMIC ENERGY DEFENSE ACTIVITIES

2 NATIONAL NUCLEAR SECURITY

3 ADMINISTRATION

4 WEAPONS ACTIVITIES

5 For Department of Energy expenses, including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment and other incidental expenses necessary for
8 atomic energy defense weapons activities in carrying out
9 the purposes of the Department of Energy Organization
10 Act (42 U.S.C. 7101 et seq.), including the acquisition or
11 condemnation of any real property or any facility or for
12 plant or facility acquisition, construction, or expansion,
13 and the purchase of not more than one ambulance;
14 \$6,320,000,000, to remain available until expended: *Pro-*
15 *vided*, That, of the amount appropriated in this para-
16 graph, \$3,000,000 shall be used for the projects specified
17 under the heading “Congressionally Directed Weapons Ac-
18 tivities Projects” in the report of the Committee on Appro-
19 priations of the House of Representatives to accompany
20 this Act.

21 DEFENSE NUCLEAR NONPROLIFERATION

22 For Department of Energy expenses, including the
23 purchase, construction, and acquisition of plant and cap-
24 ital equipment and other incidental expenses necessary for
25 defense nuclear nonproliferation activities, in carrying out

1 the purposes of the Department of Energy Organization
2 Act (42 U.S.C. 7101 et seq.), including the acquisition or
3 condemnation of any real property or any facility or for
4 plant or facility acquisition, construction, or expansion,
5 and the purchase of not more than one passenger motor
6 vehicle for replacement only, \$1,471,175,000, to remain
7 available until expended: *Provided*, That, of the amount
8 appropriated in this paragraph, \$250,000 shall be used
9 for the projects specified under the heading “Congressional
10 ally Directed Defense Nuclear Nonproliferation Projects”
11 in the report of the Committee on Appropriations of the
12 House of Representatives to accompany this Act.

13 NAVAL REACTORS

14 For Department of Energy expenses necessary for
15 naval reactors activities to carry out the Department of
16 Energy 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
19 equipment, facilities, and facility expansion,
20 \$1,003,133,000, to remain available until expended.

21 OFFICE OF THE ADMINISTRATOR

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses of the Office of the Administrator
24 in the National Nuclear Security Administration,
25 including official reception and representation expenses

1 not to exceed \$12,000, \$420,754,000, to remain available
2 until expended: *Provided*, That \$10,000,000 previously ap-
3 propriated for cleanup efforts at Argonne National Lab
4 shall be transferred to “Non-Defense Environmental
5 Cleanup”: *Provided further*, That, of the amount appro-
6 priated in this paragraph, \$13,000,000 shall be used for
7 the projects specified in the table that appears under the
8 heading “Congressionally Directed Office of the Adminis-
9 trator (NNSA) Projects” in the report of the Committee
10 on Appropriations of the House of Representatives to ac-
11 company this Act.

12 ENVIRONMENTAL AND OTHER DEFENSE

13 ACTIVITIES

14 DEFENSE ENVIRONMENTAL CLEANUP

15 (INCLUDING TRANSFER OF FUNDS)

16 For Department of Energy expenses, including the
17 purchase, construction, and acquisition of plant and cap-
18 ital equipment and other expenses necessary for atomic
19 energy defense environmental cleanup activities in car-
20 rying out the purposes of the Department of Energy Orga-
21 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
22 sition or condemnation of any real property or any facility
23 or for plant or facility acquisition, construction, or expan-
24 sion, and the purchase of not more than four ambulances
25 and three passenger motor vehicles for replacement only,

1 \$5,381,842,000, to remain available until expended, of
2 which \$463,000,000 shall be transferred to the “Uranium
3 Enrichment Decontamination and Decommissioning
4 Fund”.

5 OTHER DEFENSE ACTIVITIES

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 atomic
9 energy defense, other defense activities, and classified ac-
10 tivities, in carrying out the purposes of the Department
11 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
12 cluding the acquisition or condemnation of any real prop-
13 erty or any facility or for plant or facility acquisition, con-
14 struction, or expansion, and the purchase of not more than
15 12 passenger motor vehicles for replacement only,
16 \$1,518,002,000 (reduced by \$2,500,000), to remain avail-
17 able until expended: *Provided*, That, of the funds provided
18 herein, \$504,238,000 is for project 99–D–143 Mixed
19 Oxide Fuel Fabrication Facility, Savannah River Site,
20 South Carolina; \$70,000,000 is for project 99–D–141–02
21 Waste Solidification Building, Savannah River Site, South
22 Carolina; \$84,296,000 for MOX operations; and
23 \$7,000,000 for WSB operation: *Provided further*, That the
24 Department of Energy shall adhere strictly to Department
25 of Energy Order 413.3A for Project 99–D–143: *Provided*

1 *further*, That, of the amount appropriated in this para-
2 graph, \$2,000,000 shall be used for the projects specified
3 in the table that appears under the heading “Congression-
4 ally Directed Other Defense Activities Projects” in the re-
5 port of the Committee on Appropriations of the House of
6 Representatives to accompany this Act.

7 DEFENSE NUCLEAR WASTE DISPOSAL

8 For nuclear waste disposal activities to carry out the
9 purposes of the Nuclear Waste Policy Act of 1982 (Public
10 Law 97–425), including the acquisition of real property
11 or facility construction or expansion, \$98,400,000, to re-
12 main available until expended.

13 POWER MARKETING ADMINISTRATIONS

14 BONNEVILLE POWER ADMINISTRATION FUND

15 Expenditures from the Bonneville Power Administra-
16 tion Fund, established pursuant to the Federal Columbia
17 River Transmission System Act (Public Law 93–454), are
18 approved for the Leaburg Fish Sorter, the Okanogan
19 Basin Locally Adapted Steelhead Supplementation Pro-
20 gram, and the Crystal Springs Hatchery Facilities, and,
21 in addition, for official reception and representation ex-
22 penses in an amount not to exceed \$1,500. During fiscal
23 year 2010, no new direct loan obligations may be made
24 from such Fund.

1 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
2 ADMINISTRATION

3 For necessary expenses of operation and maintenance
4 of power transmission facilities and of marketing electric
5 power and energy, including transmission wheeling and
6 ancillary services pursuant to section 5 of the Flood Con-
7 trol Act of 1944 (16 U.S.C. 825s), as applied to the south-
8 eastern power area, \$7,638,000, to remain available until
9 expended: *Provided*, That notwithstanding 31 U.S.C. 3302
10 and section 5 of the Flood Control Act of 1944 (16 U.S.C.
11 825s), up to \$7,638,000 collected by the Southeastern
12 Power Administration from the sale of power and related
13 services shall be credited to this account as discretionary
14 offsetting collections, to remain available until expended
15 for the sole purpose of funding the annual expenses of the
16 Southeastern Power Administration: *Provided further*,
17 That the sum herein appropriated for annual expenses
18 shall be reduced as collections are received during the fis-
19 cal year so as to result in a final fiscal year 2010 appro-
20 priation estimated at not more than \$0: *Provided further*,
21 That, notwithstanding 31 U.S.C. 3302, up to \$70,806,000
22 collected by the Southeastern Power Administration pur-
23 suant to the Flood Control Act of 1944 to recover pur-
24 chase 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 notwithstanding the provisions of 31 U.S.C. 3302 and sec-
4 tion 5 of the Flood Control Act of 1944 (16 U.S.C. 825s),
5 all funds collected by the Southeastern Power Administra-
6 tion that are applicable to the repayment of the annual
7 expenses of this account in this and subsequent fiscal
8 years shall be credited to this account as discretionary off-
9 setting collections for the sole purpose of funding such ex-
10 penses, with such funds remaining available until ex-
11 pended: *Provided further*, That for purposes of this appro-
12 priation, annual expenses means expenditures that are
13 generally recovered in the same year that they are in-
14 curred (excluding purchase power and wheeling expenses).

15 OPERATION AND MAINTENANCE, SOUTHWESTERN

16 POWER ADMINISTRATION

17 For necessary expenses of operation and maintenance
18 of power transmission facilities and of marketing electric
19 power and energy, for construction and acquisition of
20 transmission lines, substations and appurtenant facilities,
21 and for administrative expenses, including official recep-
22 tion and representation expenses in an amount not to ex-
23 ceed \$1,500 in carrying out section 5 of the Flood Control
24 Act of 1944 (16 U.S.C. 825s), as applied to the South-
25 western Power Administration, \$44,944,000, to remain

1 available until expended: *Provided*, That notwithstanding
2 31 U.S.C. 3302 and section 5 of the Flood Control Act
3 of 1944 (16 U.S.C. 825s), up to \$31,868,000 collected
4 by the Southwestern Power Administration from the sale
5 of power and related services shall be credited to this ac-
6 count as discretionary offsetting collections, to remain
7 available until expended, for the sole purpose of funding
8 the annual expenses of the Southwestern Power Adminis-
9 tration: *Provided further*, That the sum herein appro-
10 priated for annual expenses shall be reduced as collections
11 are received during the fiscal year so as to result in a final
12 fiscal year 2010 appropriation estimated at not more than
13 \$13,076,000: *Provided further*, That, notwithstanding 31
14 U.S.C. 3302, up to \$38,000,000 collected by the South-
15 western Power Administration pursuant to the Flood Con-
16 trol Act of 1944 to recover purchase power and wheeling
17 expenses shall be credited to this account as offsetting col-
18 lections, to remain available until expended for the sole
19 purpose of making purchase power and wheeling expendi-
20 tures: *Provided further*, That notwithstanding 31 U.S.C.
21 3302 and section 5 of the Flood Control Act of 1944 (16
22 U.S.C. 825s), all funds collected by the Southwestern
23 Power Administration that are applicable to the repay-
24 ment of the annual expenses of this account in this and
25 subsequent fiscal years shall be credited to this account

1 as discretionary offsetting collections for the sole purpose
2 of funding such expenses, with such funds remaining
3 available until expended: *Provided further*, That for pur-
4 poses of this appropriation, annual expenses means ex-
5 penditures that are generally recovered in the same year
6 that they are incurred (excluding purchase power and
7 wheeling expenses).

8 CONSTRUCTION, REHABILITATION, OPERATION AND
9 MAINTENANCE, WESTERN AREA POWER ADMINIS-
10 TRATION

11 For carrying out the functions authorized by title III,
12 section 302(a)(1)(E) of the Act of August 4, 1977 (42
13 U.S.C. 7152), and other related activities including con-
14 servation and renewable resources programs as author-
15 ized, including official reception and representation ex-
16 penses in an amount not to exceed \$1,500; \$256,711,000,
17 to remain available until expended, of which \$245,216,000
18 shall be derived from the Department of the Interior Rec-
19 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
20 3302, section 5 of the Flood Control Act of 1944 (16
21 U.S.C. 825s), and section 1 of the Interior Department
22 Appropriation Act, 1939 (43 U.S.C. 392a), up to
23 \$147,530,000 collected by the Western Area Power Ad-
24 ministration from the sale of power and related services
25 shall be credited to this account as discretionary offsetting

1 collections, to remain available until expended, for the sole
2 purpose of funding the annual expenses of the Western
3 Area Power Administration: *Provided further*, That the
4 sum herein appropriated for annual expenses shall be re-
5 duced as collections are received during the fiscal year so
6 as to result in a final fiscal year 2010 appropriation esti-
7 mated at not more than \$109,181,000, of which
8 \$97,686,000 is derived from the Reclamation Fund: *Pro-*
9 *vided further*, That of the amount herein appropriated,
10 \$7,584,000 is for deposit into the Utah Reclamation Miti-
11 gation and Conservation Account pursuant to title IV of
12 the Reclamation Projects Authorization and Adjustment
13 Act of 1992: *Provided further*, That notwithstanding 31
14 U.S.C. 3302, up to \$349,807,000 collected by the Western
15 Area Power Administration pursuant to the Flood Control
16 Act of 1944 and the Reclamation Project Act of 1939 (43
17 U.S.C. 485 et seq.) to recover purchase power and wheel-
18 ing expenses shall be credited to this account as offsetting
19 collections, to remain available until expended for the sole
20 purpose of making purchase power and wheeling expendi-
21 tures: *Provided further*, That of the amount herein appro-
22 priated, up to \$18,612,000 is provided on a nonreimburs-
23 able basis for environmental remediation at the Basic Sub-
24 station site in Henderson, Nevada: *Provided further*, That
25 notwithstanding 31 U.S.C. 3302, section 5 of the Flood

1 Control Act of 1944 (16 U.S.C. 825s), and section 1 of
2 the Interior Department Appropriation Act, 1939 (43
3 U.S.C. 392a), funds collected by the Western Area Power
4 Administration from the sale of power and related services
5 that are applicable to the repayment of the annual ex-
6 penses of this account in this and subsequent fiscal years
7 shall be credited to this account as discretionary offsetting
8 collections for the sole purpose of funding such expenses,
9 with such funds remaining available until expended: *Pro-*
10 *vided further*, That for purposes of this appropriation, an-
11 nual expenses means expenditures that are generally re-
12 covered in the same year that they are incurred (excluding
13 purchase power and wheeling expenses).

14 FALCON AND AMISTAD OPERATING AND MAINTENANCE
15 FUND

16 For operation, maintenance, and emergency costs for
17 the hydroelectric facilities at the Falcon and Amistad
18 Dams, \$2,568,000, to remain available until expended,
19 and to be derived from the Falcon and Amistad Operating
20 and Maintenance Fund of the Western Area Power Ad-
21 ministration, as provided in section 2 of the Act of June
22 18, 1954 (43 U.S.C. 485g): *Provided*, That notwith-
23 standing the provisions of such Act and of 31 U.S.C.
24 3302, up to \$2,348,000 collected by the Western Area
25 Power Administration from the sale of power and related

1 services from the Falcon and Amistad Dams shall be cred-
2 ited to this account as discretionary offsetting collections,
3 to remain available until expended for the sole purpose
4 of funding the annual expenses of the hydroelectric facili-
5 ties of these Dams and associated Western Area Power
6 Administration activities: *Provided further*, That the sum
7 herein appropriated for annual expenses shall be reduced
8 as collections are received during the fiscal year so as to
9 result in a final fiscal year 2010 appropriation estimated
10 at not more than \$220,000: *Provided further*, That not-
11 withstanding the provisions of section 2 of the Act of June
12 18, 1954 (43 U.S.C. 485g) and 31 U.S.C. 3302, all funds
13 collected by the Western Area Power Administration from
14 the sale of power and related services from the Falcon and
15 Amistad Dams that are applicable to the repayment of the
16 annual expenses of the hydroelectric facilities of these
17 Dams and associated Western Area Power Administration
18 activities in this and subsequent fiscal years shall be cred-
19 ited to this account as discretionary offsetting collections
20 for the sole purpose of funding such expenses, with such
21 funds remaining available until expended: *Provided fur-*
22 *ther*, That for purposes of this appropriation, annual ex-
23 penses means expenditures that are generally recovered in
24 the same year that they are incurred.

1 FEDERAL ENERGY REGULATORY COMMISSION
2 SALARIES AND EXPENSES

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

20 GENERAL PROVISIONS, DEPARTMENT OF
21 ENERGY

22 SEC. 301. UNFUNDED REQUESTS FOR PRO-
23 POSALS.—None of the funds appropriated by this Act may
24 be used to prepare or initiate Requests For Proposals

1 (RFPs) for a program if the program has not been funded
2 by Congress.

3 SEC. 302. DEPARTMENT OF ENERGY DEFENSE NU-
4 CLEAR FACILITIES WORKFORCE RESTRUCTURING.—None
5 of the funds appropriated by this Act may be used—

6 (1) to augment the funds made available for ob-
7 ligation by this Act for severance payments and
8 other benefits and community assistance grants
9 under section 4604 of the Atomic Energy Defense
10 Act (50 U.S.C. 2704) unless the Department of En-
11 ergy submits a reprogramming request to the appro-
12 priate congressional committees;

13 (2) to provide enhanced severance payments or
14 other benefits for employees of the Department of
15 Energy under such section; or

16 (3) to develop or implement a workforce re-
17 structuring plan that covers employees of the De-
18 partment of Energy.

19 SEC. 303. UNEXPENDED BALANCES.—The unex-
20 pended balances of prior appropriations provided for ac-
21 tivities in this Act may be available to the same appropria-
22 tion accounts for such activities established pursuant to
23 this title. Available balances may be merged with funds
24 in the applicable established accounts and thereafter may

1 be accounted for as one fund for the same time period
2 as originally enacted.

3 SEC. 304. BONNEVILLE POWER AUTHORITY SERV-
4 ICE TERRITORY.—None of the funds in this or any other
5 Act for the Administrator of the Bonneville Power Admin-
6 istration may be used to enter into any agreement to per-
7 form energy efficiency services outside the legally defined
8 Bonneville service territory, with the exception of services
9 provided internationally, including services provided on a
10 reimbursable basis, unless the Administrator certifies in
11 advance that such services are not available from private
12 sector businesses.

13 SEC. 305. USER FACILITIES.—(a) When the Depart-
14 ment of Energy makes a user facility available to univer-
15 sities or other potential users, or seeks input from univer-
16 sities or other potential users regarding significant charac-
17 teristics or equipment in a user facility or a proposed user
18 facility, the Department shall ensure broad public notice
19 of such availability or such need for input to universities
20 and other potential users.

21 (b) When the Department of Energy considers the
22 participation of a university or other potential user as a
23 formal partner in the establishment or operation of a user
24 facility, the Department shall employ full and open com-
25 petition in selecting such a partner.

1 (c) For purposes of this section, the term “user facil-
2 ity” includes—

3 (1) a user facility as described in section
4 2203(a)(2) of the Energy Policy Act of 1992 (42
5 U.S.C. 13503(a)(2));

6 (2) a National Nuclear Security Administration
7 Defense Programs Technology Deployment Center/
8 User Facility; and

9 (3) any other Departmental facility designated
10 by the Department as a user facility.

11 SEC. 306. INTELLIGENCE ACTIVITIES.—Funds ap-
12 propriated by this or any other Act, or made available by
13 the transfer of funds in this Act, for intelligence activities
14 are deemed to be specifically authorized by the Congress
15 for purposes of section 504 of the National Security Act
16 of 1947 (50 U.S.C. 414) during fiscal year 2010 until the
17 enactment of the Intelligence Authorization Act for fiscal
18 year 2010.

19 SEC. 307. LABORATORY DIRECTED RESEARCH AND
20 DEVELOPMENT.—Of the funds made available by the De-
21 partment of Energy for activities at government-owned,
22 contractor-operated laboratories funded in this Act, the
23 Secretary may authorize a specific amount, not to exceed
24 7 percent of such funds, to be used by such laboratories
25 for laboratory directed research and development: *Pro-*

1 *vided*, That the Secretary may also authorize a specific
2 amount, not to exceed 4 percent of such funds, to be used
3 by the plant manager of a covered nuclear weapons pro-
4 duction plant or the manager of the Nevada Site Office
5 for plant or site directed research and development.

6 SEC. 308. LIMITED TRANSFER AUTHORITY TO AD-
7 DRESS PENSION REQUIREMENTS.—(a) If the Secretary of
8 Energy determines that additional funds are needed to re-
9 imburse the costs of defined benefit pension plans for con-
10 tractor employees, the Secretary may transfer not more
11 than one percent from each appropriation made available
12 in this Act to any other appropriation available to the Sec-
13 retary in the same Act for such reimbursements.

14 (b) In carrying out a transfer under this section, the
15 Secretary shall use each appropriation made available to
16 the Department in that fiscal year as a source for the
17 transfer and shall reduce each appropriation by an equal
18 percentage, except that appropriations for which the Sec-
19 retary determines there exists a need for additional funds
20 for pension plan costs in that fiscal year, as well as appro-
21 priations made available for Naval Petroleum and Oil
22 Shale Reserves, Strategic Petroleum Reserve, Northeast
23 Home Heating Oil Reserve, the Power Marketing Admin-
24 istrations, the Energy Information Administration, Ura-
25 nium Enrichment Decontamination and Decommissioning

1 Fund, Nuclear Waste Disposal, Defense Nuclear Waste
2 Disposal, and Office of the Inspector General, shall not
3 be subject to this requirement.

4 (c) This transfer authority is in addition to any other
5 transfer authority provided in this or any other Act.

6 (d) The Secretary shall notify the Committees on Ap-
7 propriations of the House of Representatives and the Sen-
8 ate in writing not less than 30 days in advance of each
9 transfer authorized by this section.

10 SEC. 309. CONGRESSIONAL NOTIFICATION REQUIRE-
11 MENT.—None of the funds made available by this Act may
12 be used to make a grant allocation, discretionary grant
13 award, discretionary contract award, or other transaction
14 agreement or to issue a letter of intent totaling in excess
15 of \$1,000,000, or to announce publicly the intention to
16 make such an allocation, award, or agreement or to issue
17 such a letter, including a contract covered by the Federal
18 Acquisition Regulation, unless the Secretary of Energy no-
19 tifies the Committees on Appropriations of the House of
20 Representatives and the Senate at least 3 full business
21 days in advance of making such an allocation, award, or
22 agreement or issuing such a letter: *Provided*, That if the
23 Secretary of Energy determines that compliance with this
24 section would pose a substantial risk to human life, health,
25 or safety, an award may be made without such notifica-

1 tion, and the Committees on Appropriations of the House
2 of Representatives and the Senate shall be notified not
3 later than 5 full business days after such an allocation,
4 award, or agreement is made or letter issued.

5 SEC. 310. WAGE RATE REQUIREMENTS.—Section
6 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512)
7 is amended by adding at the end the following new sub-
8 section:

9 “(k) WAGE RATE REQUIREMENTS.—All laborers and
10 mechanics employed by contractors and subcontractors in
11 the performance of construction work financed in whole
12 or in part by a loan guaranteed under this title shall be
13 paid wages at rates not less than those prevailing on
14 projects of a character similar in the locality as deter-
15 mined by the Secretary of Labor in accordance with sub-
16 chapter IV of chapter 31 of title 40, United States Code.
17 With respect to the labor standards in this subsection, the
18 Secretary of Labor shall have the authority and functions
19 set forth in Reorganization Plan Numbered 14 of 1950
20 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title
21 40, United States Code.”.

22 SEC. 311. BONNEVILLE POWER ADMINISTRATION
23 FUND.—(a) Subject to subsection (b), no funds appro-
24 priated or otherwise made available by this Act or any
25 other Act may be used to record transactions relating to

1 the increase in borrowing authority or bonds outstanding
2 at any time under the Federal Columbia River Trans-
3 mission System Act (16 U.S.C. 838 et seq.) referred to
4 in section 401 of division A of the American Recovery and
5 Reinvestment Act of 2009 (Public Law 111–5; 123 Stat.
6 140) under a funding account, subaccount, or fund symbol
7 other than the Bonneville Power Administration Fund
8 Treasury account fund symbol.

9 (b) Funds appropriated or otherwise made available
10 by this Act or any other Act may be used to ensure, for
11 purposes of meeting applicable reporting provisions of the
12 American Recovery and Reinvestment Act of 2009 (Public
13 Law 111–5; 123 Stat. 115), that the Bonneville Power
14 Administration uses a fund symbol other than the Bonne-
15 ville Power Administration Fund Treasury account fund
16 symbol solely to report accrued expenditures of projects
17 attributed by the Administrator of the Bonneville Power
18 Administration to the increased borrowing authority.

19 (c) This section is effective for fiscal year 2010 and
20 subsequent fiscal years.

21 SEC. 312. ADVANCED TECHNOLOGY VEHICLES MAN-
22 UFACTURING LOANS PROGRAM.—(a) ULTRA EFFICIENT
23 VEHICLES.—Section 136 of the Energy Independence and
24 Security Act of 2007 (42 U.S.C. 17013) is amended—

25 (1) in subsection (a)—

1 (A) in paragraph (1), by inserting “an
2 ultra efficient vehicle or” after “means”; and

3 (B) by adding at the end the following new
4 paragraph:

5 “(5) ULTRA EFFICIENT VEHICLE.—The term
6 ‘ultra efficient vehicle’ means a fully closed compart-
7 ment vehicle designed to carry at least 2 adult pas-
8 sengers that achieves—

9 “(A) at least 75 miles per gallon while op-
10 erating on gasoline or diesel fuel;

11 “(B) at least 75 miles per gallon equiva-
12 lent while operating as a hybrid electric-gasoline
13 or electric-diesel vehicle; or

14 “(C) at least 75 miles per gallon equivalent
15 while operating as a fully electric vehicle.”;

16 (2) in subsection (b)—

17 (A) by inserting “, ultra efficient vehicle
18 manufacturers,” after “automobile manufactur-
19 ers”;

20 (B) in paragraph (1)—

21 (i) by striking “or” at the end of sub-
22 paragraph (A);

23 (ii) by striking “and” at the end of
24 subparagraph (B) and inserting “or”; and

1 (iii) by adding at the end the fol-
2 lowing new subparagraph:

3 “(C) ultra efficient vehicles; and”; and

4 (C) in paragraph (2), by inserting “, ultra
5 efficient vehicles,” after “qualifying vehicles”;

6 (3) in subsection (g), by inserting “or are uti-
7 lized primarily for the manufacture of ultra efficient
8 vehicles” after “20 years”; and

9 (4) in subsection (h)(1)(B), by striking “auto-
10 mobiles” the first place it appears and inserting
11 “ultra efficient vehicles, automobiles,”.

12 (b) RECONSIDERATION OF PRIOR APPLICATIONS.—

13 The Secretary of Energy shall reconsider applications for
14 assistance under section 136 of the Energy Independence
15 and Security Act of 2007 (42 U.S.C. 17013) that were—

16 (1) timely filed under that section before Janu-
17 ary 1, 2009;

18 (2) rejected on the basis that the vehicles to
19 which the proposal related were not advanced tech-
20 nology vehicles; and

21 (3) related to ultra efficient vehicles.

22 TITLE IV—INDEPENDENT AGENCIES

23 APPALACHIAN REGIONAL COMMISSION

24 For expenses necessary to carry out the programs au-
25 thorized by the Appalachian Regional Development Act of

1 1965, for necessary expenses for the Federal Co-Chairman
2 and the Alternate on the Appalachian Regional Commis-
3 sion, for payment of the Federal share of the administra-
4 tive expenses of the Commission, including services as au-
5 thorized by 5 U.S.C. 3109, and hire of passenger motor
6 vehicles, \$76,000,000, to remain available until expended:
7 *Provided*, That any congressionally directed spending shall
8 be taken from within that State's allocation in the fiscal
9 year in which it is provided.

10 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

11 SALARIES AND EXPENSES

12 For necessary expenses of the Defense Nuclear Fa-
13 cilities Safety Board in carrying out activities authorized
14 by the Atomic Energy Act of 1954, as amended by section
15 1441 of Public Law 100-456, \$26,086,000, to remain
16 available until expended.

17 DELTA REGIONAL AUTHORITY

18 SALARIES AND EXPENSES

19 For necessary expenses of the Delta Regional Author-
20 ity and to carry out its activities, as authorized by the
21 Delta Regional Authority Act of 2000, notwithstanding
22 sections 382C(b)(2), 382F(d), 382M, and 382N of such
23 Act, \$13,000,000, to remain available until expended.

1 DENALI COMMISSION

2 For expenses of the Denali Commission, including the
3 purchase, construction, and acquisition of plant and cap-
4 ital equipment, as necessary, and other expenses,
5 \$11,965,000, to remain available until expended, notwith-
6 standing the limitations contained in section 306(g) of the
7 Denali Commission Act of 1998.

8 NORTHERN BORDER REGIONAL COMMISSION

9 For necessary expenses of the Northern Border Re-
10 gional Commission in carrying out activities authorized by
11 40 U.S.C. 15303(1), \$500,000 (increased by \$2,500,000),
12 to remain available until expended.

13 SOUTHEAST CRESCENT REGIONAL COMMISSION

14 For necessary expenses of the Southeast Crescent Re-
15 gional Commission in carrying out activities authorized by
16 40 U.S.C. 15303(1), \$500,000, to remain available until
17 expended.

18 NUCLEAR REGULATORY COMMISSION

19 SALARIES AND EXPENSES

20 For necessary expenses of the Commission in car-
21 rying out the purposes of the Energy Reorganization Act
22 of 1974 and the Atomic Energy Act of 1954, including
23 official representation expenses (not to exceed \$25,000),
24 \$1,061,000,000, to remain available until expended: *Pro-*
25 *vided*, That of the amount appropriated herein,

1 \$56,000,000 shall be derived from the Nuclear Waste
2 Fund: *Provided further*, That revenues from licensing fees,
3 inspection services, and other services and collections esti-
4 mated at \$878,102,000 in fiscal year 2010 shall be re-
5 tained and used for necessary salaries and expenses in this
6 account, notwithstanding 31 U.S.C. 3302, and shall re-
7 main available until expended: *Provided further*, That the
8 sum herein appropriated shall be reduced by the amount
9 of revenues received during fiscal year 2010 so as to result
10 in a final fiscal year 2010 appropriation estimated at not
11 more than \$182,898,000.

12 OFFICE OF INSPECTOR GENERAL

13 For necessary expenses of the Office of Inspector
14 General in carrying out the provisions of the Inspector
15 General Act of 1978, \$10,102,000, to remain available
16 until September 30, 2011: *Provided*, That revenues from
17 licensing fees, inspection services, and other services and
18 collections estimated at \$9,092,000 in fiscal year 2010
19 shall be retained and be available until expended, for nec-
20 essary salaries and expenses in this account, notwith-
21 standing 31 U.S.C. 3302: *Provided further*, That the sum
22 herein appropriated shall be reduced by the amount of rev-
23 enues received during fiscal year 2010 so as to result in
24 a final fiscal year 2010 appropriation estimated at not
25 more than \$1,010,000.

1 NUCLEAR WASTE TECHNICAL REVIEW BOARD
2 SALARIES AND EXPENSES

3 For necessary expenses of the Nuclear Waste Tech-
4 nical Review Board, as authorized by section 5051 of Pub-
5 lic Law 100–203, \$3,891,000, to be derived from the Nu-
6 clear Waste Fund, and to remain available until expended.

7 OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA
8 NATURAL GAS TRANSPORTATION PROJECTS

9 For necessary expenses for the Office of the Federal
10 Coordinator for Alaska Natural Gas Transportation
11 Projects pursuant to the Alaska Natural Gas Pipeline Act
12 of 2004, \$4,466,000: *Provided*, That any fees, charges, or
13 commissions received pursuant to section 802 of Public
14 Law 110–140 in fiscal year 2010 in excess of \$4,683,000
15 shall not be available for obligation until appropriated in
16 a subsequent Act of Congress.

17 GENERAL PROVISIONS, INDEPENDENT
18 AGENCIES

19 SEC. 401. NUCLEAR REGULATORY COMMISSION RE-
20 PORTING REQUIREMENT.—The Nuclear Regulatory Com-
21 mission shall, not later than 60 days after the date of en-
22 actment of this Act, provide a report to the Committees
23 on Appropriations of the House of Representatives and the
24 Senate identifying barriers to and its recommendations for

1 streamlining the issuance of a Combined Construction and
2 Operating License for qualified new nuclear reactors.

3 TITLE V—GENERAL PROVISIONS

4 SEC. 501. LOBBYING RESTRICTION.—None of the
5 funds appropriated by this Act may be used in any way,
6 directly or indirectly, to influence congressional action on
7 any legislation or appropriation matters pending before
8 Congress, other than to communicate to Members of Con-
9 gress as described in 18 U.S.C. 1913.

10 SEC. 502. DELTA REGIONAL AUTHORITY.—Section
11 382B(c)(1) of the Consolidated Farm and Rural Develop-
12 ment Act (7 U.S.C. 2009aa-1) is amended to read as fol-
13 lows:

14 “(1) IN GENERAL.—A decision by the Authority
15 shall require the affirmative vote of the Federal co-
16 chairperson and a majority of the State members
17 (not including any member representing a State that
18 is delinquent under subsection (g)(2)(C)) to be effec-
19 tive.”.

20 SEC. 503. LIGHT BULB RESTRICTION.—None of the
21 funds made available in this Act may be used to purchase
22 light bulbs unless the light bulbs are “Energy Star” quali-
23 fied or have the “Federal Energy Management Program”
24 designation.

1 SEC. 504. PASSENGER MOTOR VEHICLES.—None of
2 the funds made available in this Act may be used to pur-
3 chase passenger motor vehicles other than those manufac-
4 tured by Ford, General Motors, or Chrysler.

5 This Act may be cited as the “Energy and Water De-
6 velopment and Related Agencies Appropriations Act,
7 2010”.

Passed the House of Representatives July 17, 2009.

Attest: LORRAINE C. MILLER,
Clerk.

Calendar No. 116

11TH CONGRESS
1ST Session

H. R. 3183

AN ACT

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

JULY 20, 2009

Received; read twice and placed on the calendar