

111TH CONGRESS  
1ST SESSION

# H. R. 3183

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IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2009

Ordered to be printed with the amendment of the Senate

[Strike out all after the enacting clause and insert the part printed in italic]

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

1           TITLE I—CORPS OF ENGINEERS—CIVIL  
2                           DEPARTMENT OF THE ARMY  
3                           CORPS OF ENGINEERS—CIVIL

4           The following appropriations shall be expended under  
5 the direction of the Secretary of the Army and the super-  
6 vision of the Chief of Engineers for authorized civil func-  
7 tions of the Department of the Army pertaining to rivers  
8 and harbors, flood and storm damage reduction, shore  
9 protection, aquatic ecosystem restoration, and related ef-  
10 forts.

11   INVESTIGATIONS

12           For expenses necessary when authorized by law for  
13 the collection and study of basic information pertaining  
14 to river and harbor, flood and storm damage reduction,  
15 shore protection, aquatic ecosystem restoration, and re-  
16 lated needs; for surveys and detailed studies and plans and  
17 specifications of proposed river and harbor, flood and  
18 storm damage reduction, shore protection, and aquatic  
19 ecosystem restoration projects and related efforts prior to  
20 construction; for restudy of authorized projects; and for  
21 miscellaneous investigations and, when authorized by law,  
22 surveys and detailed studies and plans and specifications  
23 of projects prior to construction, \$142,000,000, to remain  
24 available until expended: *Provided*, That, except as pro-  
25 vided in section 101, the amounts made available under

1 this paragraph shall be expended as authorized by law for  
2 the projects and activities specified in the text and table  
3 under this heading in the report of the Committee on Ap-  
4 propriations of the House of Representatives to accom-  
5 pany this Act.

6 CONSTRUCTION

7 (INCLUDING TRANSFERS OF FUNDS)

8 For expenses necessary for the construction of river  
9 and harbor, flood and storm damage reduction, shore pro-  
10 tection, aquatic ecosystem restoration, and related  
11 projects authorized by law; for conducting detailed studies  
12 and plans and specifications of such projects (including  
13 those involving participation by States, local governments,  
14 or private groups) authorized or made eligible for selection  
15 by law (but such detailed studies and plans and specifica-  
16 tions shall not constitute a commitment of the Govern-  
17 ment to construction), \$2,122,679,000 (increased by  
18 \$14,000,000) (increased by \$7,000,000), to remain avail-  
19 able until expended; of which such sums as are necessary  
20 to cover the Federal share of construction costs for facili-  
21 ties under the Dredged Material Disposal Facilities pro-  
22 gram shall be derived from the Harbor Maintenance Trust  
23 Fund as authorized by the Water Resources Development  
24 Act of 1996 (Public Law ~~104-303~~); and of which such  
25 sums as are necessary to cover one-half of the costs of

1 construction, replacement, rehabilitation, and expansion of  
2 inland waterways projects shall be derived from the Inland  
3 Waterways Trust Fund: *Provided*, That \$1,500,000 of the  
4 funds appropriated under this heading in title I of division  
5 C of the Omnibus Appropriations Act, 2009 (Pub. L. 111–  
6 8; 123 Stat. 601–609) is transferred to the Investigations  
7 account and, in addition to funds appropriated by this Act,  
8 applied toward the cost of carrying out the Seven Oaks  
9 Water Conservation Study, California: *Provided further*,  
10 That, except as provided in section 101, the amounts  
11 made available under this paragraph shall be expended as  
12 authorized by law for the projects and activities specified  
13 in the text and table under this heading in the report of  
14 the Committee on Appropriations of the House of Rep-  
15 resentatives to accompany this Act.

16                   MISSISSIPPI RIVER AND TRIBUTARIES

17       For expenses necessary for flood damage reduction  
18 projects and related efforts in the Mississippi River allu-  
19 vial valley below Cape Girardeau, Missouri, as authorized  
20 by law, \$251,375,000, to remain available until expended,  
21 of which such sums as are necessary to cover the Federal  
22 share of eligible operation and maintenance costs for in-  
23 land harbors shall be derived from the Harbor Mainte-  
24 nance Trust Fund: *Provided*, That, except as provided in  
25 section 101, the amounts made available under this para-

1 graph shall be expended as authorized by law for the  
2 projects and activities specified in the text and table under  
3 this heading in the report of the Committee on Appropria-  
4 tions of the House of Representatives to accompany this  
5 Act.

6                                   OPERATION AND MAINTENANCE

7       For expenses necessary for the operation, mainte-  
8 nance, and care of existing river and harbor, flood and  
9 storm damage reduction, aquatic ecosystem restoration,  
10 and related projects authorized by law; providing security  
11 for infrastructure owned or operated by the Corps, includ-  
12 ing administrative buildings and laboratories; maintaining  
13 harbor channels provided by a State, municipality, or  
14 other public agency that serve essential navigation needs  
15 of general commerce; when authorized by law; surveying  
16 and charting northern and northwestern lakes and con-  
17 necting waters; clearing and straightening channels; and  
18 removing obstructions to navigation, \$2,510,971,000, to  
19 remain available until expended; of which such sums as  
20 are necessary to cover the Federal share of eligible oper-  
21 ation and maintenance costs for coastal harbors and chan-  
22 nels and for inland harbors shall be derived from the Har-  
23 bor Maintenance Trust Fund; of which such sums as be-  
24 come available from the special account for the Corps es-  
25 tablished by the Land and Water Conservation Act of

1 1965 (~~16 U.S.C. 4601-6a(i)~~) shall be derived from that  
2 account for resource protection, research, interpretation,  
3 and maintenance activities related to resource protection  
4 in the areas at which outdoor recreation is available; and  
5 of which such sums as become available from fees collected  
6 under section 217 of the Water Resources Development  
7 Act of 1996 (~~Public Law 104-303~~) shall be used to cover  
8 the cost of operation and maintenance of the dredged ma-  
9 terial disposal facilities for which such fees have been col-  
10 lected: *Provided*, That, except as provided in section 101,  
11 the amounts made available under this paragraph shall be  
12 expended as authorized by law for the projects and activi-  
13 ties specified in the text and table under this heading in  
14 the report of the Committee on Appropriations of the  
15 House of Representatives to accompany this Act.

16 **REGULATORY PROGRAM**

17 For expenses necessary for administration of laws  
18 pertaining to regulation of navigable waters and wetlands,  
19 \$190,000,000 (~~increased by \$1,800,000~~), to remain avail-  
20 able until expended.

21 **FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM**

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

## EXPENSES

1  
2 For expenses necessary for the supervision and gen-  
3 eral administration of the civil works program in the head-  
4 quarters of the Corps and the offices of the Division Engi-  
5 neers; and for the management and operation of the Hum-  
6 phreys Engineer Center Support Activity; the Institute for  
7 Water Resources; the Engineer Research and Develop-  
8 ment Center, and the Corps Finance Center,  
9 \$184,000,000 (reduced by \$14,000,000) (reduced by  
10 \$10,800,000) (reduced by \$7,000,000), to remain avail-  
11 able until expended; of which not more than \$5,000 may  
12 be used for official reception and representation purposes  
13 and only during the current fiscal year: *Provided*, That  
14 no part of any other appropriation in this title shall be  
15 available to fund the above activities: *Provided further*,  
16 That any unobligated balances from prior appropriation  
17 Acts for "Flood Control and Coastal Emergencies" may  
18 be used to fund the supervision and general administration  
19 of emergency operations; repairs; and other activities in  
20 response to any flood; hurricane; or other natural disaster:  
21 *Provided further*, That upon submission to the Congress  
22 of the fiscal year 2011 President's budget; the Chief of  
23 Engineers shall transmit to Congress the annual congres-  
24 sional budget justifications for fiscal year 2011: *Provided*  
25 *further*, That the amount herein appropriated shall be re-

1 duced by \$100,000 per day for each day after initial sub-  
 2 mission of the President's budget that the report has not  
 3 been submitted to the Congress.

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

6 For the Office of Assistant Secretary of the Army  
 7 (Civil Works) as authorized by 10 U.S.C. 3016(b)(3),  
 8 \$6,000,000, to remain available until expended.

9 ADMINISTRATIVE PROVISION

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

14 GENERAL PROVISIONS, CORPS OF  
 15 ENGINEERS—CIVIL

16 SEC. 101. REPROGRAMMING RESTRICTION.—(a)

17 None of the funds provided in this title shall be available  
 18 for obligation or expenditure through a reprogramming of  
 19 funds that—

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

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

23 (3) increases funds or personnel for any pro-  
 24 gram, project, or activity for which funds are denied  
 25 or restricted by this Act;



1           (4) reduces funds that are directed to be used  
2           for a specific program, project, or activity by this  
3           Act;

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

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

10          (b) Subsection (a)(1) shall not apply to any project  
11          or activity authorized under section 205 of the Flood Con-  
12          trol Act of 1948, section 14 of the Flood Control Act of  
13          1946, section 208 of the Flood Control Act of 1954, sec-  
14          tion 107 of the River and Harbor Act of 1960, section  
15          103 of the River and Harbor Act of 1962, section 111  
16          of the River and Harbor Act of 1968, section 1135 of the  
17          Water Resources Development Act of 1986, section 206  
18          of the Water Resources Act of 1996, or section 204 of  
19          the Water Resources Act of 1992.

20          (c) The Army Corps of Engineers shall submit re-  
21          ports on a quarterly basis to the Committees on Appro-  
22          priations of the House of Representatives and the Senate  
23          detailing all the funds reprogrammed between programs,  
24          projects, activities, or categories of funding. The first

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

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

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

16       SEC. 104. INLAND WATERWAYS TRUST FUND.—  
17 None of the funds in this Act, or previous Acts making  
18 funds available for Energy and Water Development, shall  
19 be used to award any continuing contract that commits  
20 additional funding from the Inland Waterways Trust  
21 Fund unless or until such time that a long-term mecha-  
22 nism to enhance revenues in the Fund sufficient to meet  
23 the cost-sharing authorized in the Water Resources Devel-  
24 opment Act of 1986 (Public Law 99-662) is enacted.

1        SEC. 105. TWO HARBORS, MINNESOTA.—The project  
2 for navigation, Two Harbors, Minnesota, being carried out  
3 under section 107 of the River and Harbor Act of 1960  
4 (~~33~~ U.S.C. 577), and modified by section ~~3101~~ of the  
5 Water Resources Development Act of 2007 (~~121~~ Stat.  
6 ~~1133~~), is further modified to direct the Secretary to credit,  
7 in accordance with section ~~221~~ of the Flood Control Act  
8 of 1970 (~~42~~ U.S.C. ~~1962d–5b~~), toward the non-Federal  
9 share of the project the cost of planning, design, and con-  
10 struction work carried out by the non-Federal interest for  
11 the project before the date of execution of a partnership  
12 agreement for the project.

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

18        SEC. 107. MARTIN, KENTUCKY.—The Secretary is  
19 directed to use such funds as are necessary, from amounts  
20 made available in this Act under the heading “Construe-  
21 tion”, to expedite acquisition of those properties located  
22 in the vicinity of Martin, Kentucky, that were damaged  
23 by the floodwaters in the May 2009 flood event and that  
24 fall within Phases 3 and 4 of the mandatory and voluntary  
25 acquisition elements identified in Plan A of the Chief of

1 Engineers, Town of Martin Nonstructural Project De-  
2 tailed Project Report, Appendix T, Section 202 General  
3 Plan, dated March 2000.

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

7           (1) in subsection (a)(3), by striking “Corps of  
8 Engineers” and inserting “Southwestern Power Ad-  
9 ministration”;

10          (2) by adding at the end of subsection (a) the  
11 following new paragraph:

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

1        licensee, and in accordance with paragraph (2), such  
2        payment shall be considered non-reimbursable.”;

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

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

17            (4) by adding at the end of subsection (a) the  
18        following new paragraph:

19            “(7) ESTABLISHMENT OF SPECIAL RECEIPT  
20        AND DISBURSEMENT ACCOUNTS.—There is estab-  
21        lished in the Treasury of the United States a special  
22        receipt account and corresponding disbursement ac-  
23        count to be made available to the Administrator of  
24        the Southwestern Power Administration to disburse  
25        pre-collected receipts from the sale of federal power

1 and energy and related services. The accounts are  
2 authorized for the following uses:

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

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

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

17 (5) by adding at the end of subsection (a) the  
18 following new paragraph:

19 “(8) TIME OF IMPLEMENTATION.—For pur-  
20 poses of paragraphs (3) and (4), ‘time of implemen-  
21 tation’ shall mean the authorization of the special  
22 receipt account and corresponding disbursement ac-  
23 count described in paragraph (7).”.

## 1 TITLE II—DEPARTMENT OF THE INTERIOR

## 2 CENTRAL UTAH PROJECT

## 3 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

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

## 15 BUREAU OF RECLAMATION

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

## 19 WATER AND RELATED RESOURCES

## 20 (INCLUDING TRANSFERS OF FUNDS)

21 For management, development, and restoration of  
22 water and related natural resources and for related activi-  
23 ties, including the operation, maintenance, and rehabilita-  
24 tion of reclamation and other facilities, participation in  
25 fulfilling related Federal responsibilities to Native Ameri-

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



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

23 CENTRAL VALLEY PROJECT RESTORATION FUND

24 For carrying out the programs, projects, plans, habi-  
25 tat restoration, improvement, and acquisition provisions of

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

14 CALIFORNIA BAY-DELTA RESTORATION

15 (INCLUDING TRANSFERS OF FUNDS)

16 For carrying out activities authorized by the Water  
17 Supply, Reliability, and Environmental Improvement Act,  
18 consistent with plans to be approved by the Secretary of  
19 the Interior, \$31,000,000 (increased by \$10,000,000), to  
20 remain available until expended, of which such amounts  
21 as may be necessary to carry out such activities may be  
22 transferred to appropriate accounts of other participating  
23 Federal agencies to carry out authorized purposes: *Pro-*  
24 *vided*, That funds appropriated herein may be used for  
25 the Federal share of the costs of CALFED Program man-

1 agement: *Provided further*, That the use of any funds pro-  
2 vided to the California Bay-Delta Authority for program-  
3 wide management and oversight activities shall be subject  
4 to the approval of the Secretary of the Interior: *Provided*  
5 *further*, That CALFED implementation shall be carried  
6 out in a balanced manner with clear performance meas-  
7 ures demonstrating concurrent progress in achieving the  
8 goals and objectives of the Program.

9 POLICY AND ADMINISTRATION

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

20 ADMINISTRATIVE PROVISION

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

1 GENERAL PROVISIONS, DEPARTMENT OF THE  
2 INTERIOR

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

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

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

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

10 (3) increases funds for any program, project, or  
11 activity for which funds have been denied or re-  
12 stricted by this Act;

13 (4) reduces funds that are directed to be used  
14 for a specific program, project, or activity by this  
15 Act;

16 (5) transfers funds in excess of the following  
17 limits:

18 (A) 15 percent for any program, project,  
19 or activity for which \$2,000,000 or more is  
20 available at the beginning of the fiscal year; or

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

24 (6) transfers more than \$500,000 from either  
25 the Facilities Operation, Maintenance, and Rehabili-

1        tation category or the Resources Management and  
2        Development category to any program, project, or  
3        activity in the other category; or

4            (7) transfers, when necessary to discharge legal  
5        obligations of the Bureau of Reclamation, more than  
6        \$5,000,000 to provide adequate funds for settled  
7        contractor claims; increased contractor earnings due  
8        to accelerated rates of operations; and real estate de-  
9        ficiency judgments.

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

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

16        (d) The Bureau of Reclamation shall submit reports  
17        on a quarterly basis to the Committees on Appropriations  
18        of the House of Representatives and the Senate detailing  
19        all the funds reprogrammed between programs, projects,  
20        activities, or categories of funding. The first quarterly re-  
21        port shall be submitted not later than 60 days after the  
22        date of enactment of this Act.

23        SEC. 202. SAN LUIS UNIT.—(a) None of the funds  
24        appropriated or otherwise made available by this Act may  
25        be used to determine the final point of discharge for the

1 interceptor drain for the San Luis Unit until development  
2 by the Secretary of the Interior and the State of California  
3 of a plan, which shall conform to the water quality stand-  
4 ards of the State of California as approved by the Admin-  
5 istrator of the Environmental Protection Agency, to mini-  
6 mize any detrimental effect of the San Luis drainage  
7 waters.

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

23 SEC. 203. CENTRAL VALLEY PROJECT.—Section  
24 3405(a)(1)(M) of Public Law 102-575 is amended—

1           (1) by striking “countries” and inserting “counties”; and  
 2

3           (2) by inserting “a transfer between a San Joaquin River Exchange Contractor and a Friant Division contractor, a transfer between a San Joaquin River Exchange Contractor and a south-of-Delta CVP agricultural water service contractor, and a transfer between a Friant Division contractor and a south-of-Delta CVP agricultural water service contractor,” after “under California law,”.

11       SEC. 204. DRAFT RECOVERY PLAN.—The Secretary  
 12 of the Interior, acting through the Director of the Fish  
 13 & Wildlife Service, is directed to expeditiously revise, finalize, and implement the Draft Recovery Plan for the Giant  
 14 Garter Snake (*Thamnophis gigas*).

16           TITLE III—DEPARTMENT OF ENERGY

17                           ENERGY PROGRAMS

18           ENERGY EFFICIENCY AND RENEWABLE ENERGY

19       For Department of Energy expenses including the  
 20 purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy  
 21 efficiency and renewable energy activities in carrying out  
 22 the purposes of the Department of Energy Organization  
 23 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
 24 condemnation of any real property or any facility or for  
 25

1 plant or facility acquisition, construction, or expansion,  
2 \$2,250,000,000 (increased by \$45,000,000) (increased by  
3 \$5,000,000) (increased by \$10,000,000), to remain avail-  
4 able until expended: *Provided*, That, of the amount appro-  
5 priated in this paragraph, \$500,000 shall be for research  
6 and development of novel hydrogen energy carriers that  
7 are liquid at standard temperature and pressure and store  
8 hydrogen in bound chemical states rather than as free  
9 molecules, to be awarded under full and open competition:  
10 *Provided further*, That, of the amount appropriated in this  
11 paragraph, \$500,000 shall be for development of a dem-  
12 onstration plant for the production of biodiesel fuels from  
13 crops that, to the greatest extent possible, are cultivated  
14 on existing cropland during off-season rotations and mini-  
15 mize land use per unit of fuel energy produced, to be  
16 awarded under full and open competition: *Provided fur-*  
17 *ther*, That, of the amount appropriated in this paragraph,  
18 \$3,000,000 shall be for development of a parking canopy  
19 facility with solar photovoltaic roof panels for electricity  
20 generation to measure the viability of using photovoltaic  
21 technologies in locations where environmental and space  
22 limitations render conventional power generation costly, to  
23 be awarded under full and open competition: *Provided fur-*  
24 *ther*, That, of the amount appropriated in this paragraph,  
25 \$153,560,000 shall be used for the projects specified in



1 the table that appears under the heading “Congressionally  
2 Directed Energy Efficiency and Renewable Energy  
3 Projects” in the report of the Committee on Appropria-  
4 tions of the House of Representatives to accompany this  
5 Act.

6       ELECTRICITY DELIVERY AND ENERGY RELIABILITY

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

23                                   NUCLEAR ENERGY

24       For Department of Energy expenses including the  
25 purchase, construction, and acquisition of plant and cap-

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

16 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

17 For necessary expenses in carrying out fossil energy  
18 research and development activities, under the authority  
19 of the Department of Energy Organization Act (42 U.S.C.  
20 7101 et seq.); including the acquisition of interest, includ-  
21 ing defeasible and equitable interests in any real property  
22 or any facility or for plant or facility acquisition or expan-  
23 sion, and for conducting inquiries, technological investiga-  
24 tions, and research concerning the extraction, processing,  
25 use, and disposal of mineral substances without objection-

1 able social and environmental costs (30 U.S.C. 3, 1602,  
2 and 1603), \$617,565,000, to remain available until ex-  
3 pended: *Provided*, That funds appropriated for prior solici-  
4 tations under the Clean Coal Technology Program, Power  
5 Plant Improvement Initiative, Clean Coal Power Initiative,  
6 and FutureGen, but not required by the Department to  
7 meet its obligations on projects selected under such solici-  
8 tations, may be utilized for the Clean Coal Power Initia-  
9 tive, pursuant to title IV of Public Law 109-58, in accord-  
10 ance with the requirements of this Act rather than the  
11 Acts under which the funds were appropriated: *Provided*  
12 *further*, That no Clean Coal Power Initiative project may  
13 be selected for which full funding is not available to pro-  
14 vide for the total project: *Provided further*, That if a Clean  
15 Coal Power Initiative project, selected after enactment of  
16 this Act for negotiation under this or any other Act in  
17 any fiscal year, is not awarded within 2 years from the  
18 date the application was selected, negotiations shall cease  
19 and the Federal funds committed to the application shall  
20 be retained by the Department for future coal-related re-  
21 search, development, and demonstration projects, except  
22 that the time limit may be extended at the Secretary's dis-  
23 cretion for matters outside the control of the applicant,  
24 or if the Secretary determines that extension of the time  
25 limit is in the public interest: *Provided further*, That the

1 Secretary may not delegate this responsibility for applica-  
2 tions greater than \$10,000,000: *Provided further*, That fi-  
3 nancial assistance for costs in excess of those estimated  
4 as of the date of award of original Clean Coal Power Ini-  
5 tiative financial assistance may not be provided in excess  
6 of the proportion of costs borne by the Government in the  
7 original agreement and shall be limited to 25 percent of  
8 the original financial assistance: *Provided further*, That  
9 funds shall be expended in accordance with the provisions  
10 governing the use of funds contained under the heading  
11 “Clean Coal Technology” in Public Law 99–190 (42  
12 U.S.C. 5903d): *Provided further*, That any technology se-  
13 lected under these programs shall be considered a Clean  
14 Coal Technology, and any project selected under these  
15 programs shall be considered a Clean Coal Technology  
16 Project, for the purposes of 42 U.S.C. 7651n, and chap-  
17 ters 51, 52, and 60 of title 40 of the Code of Federal  
18 Regulations: *Provided further*, That funds available for the  
19 Clean Coal Power Initiative may be used to support any  
20 technology relating to carbon capture and storage or bene-  
21 ficial uses of carbon dioxide, without regard to the 70 and  
22 30 percent funding allocations specified in section  
23 402(b)(1)(A) and (2)(A) of the Energy Policy Act of 2005  
24 (42 U.S.C. 15962(b)(1)(A) and (2)(A)): *Provided further*,  
25 That, of the amount appropriated in this paragraph,

1 \$750,000 shall be for development of technologies for inte-  
2 gration into gasification systems for the low-cost produc-  
3 tion of synthesis gas, to be awarded under full and open  
4 competition: *Provided further*, That, of the amount appro-  
5 priated in this paragraph, \$500,000 shall be for develop-  
6 ment of fuel cell technologies for conversion of commer-  
7 cially available fuels and biofuels into electricity, to be  
8 awarded under full and open competition: *Provided fur-*  
9 *ther*, That, of the amount appropriated in this paragraph,  
10 \$300,000 shall be for development of control technologies  
11 for increased performance in synthesis gas combustion ap-  
12 plications, to be awarded under full and open competition:  
13 *Provided further*, That, of the amount appropriated in this  
14 paragraph, \$8,000,000 shall be used for the projects speci-  
15 fied in the table that appears under the heading “Congres-  
16 sionally Directed Fossil Energy Research and Develop-  
17 ment Projects” in the report of the Committee on Appro-  
18 priations of the House of Representatives to accompany  
19 this Act.

20 NAVAL PETROLEUM AND OIL SHALE RESERVES

21 For expenses necessary to carry out naval petroleum  
22 and oil shale reserve activities, including the hire of pas-  
23 senger motor vehicles, \$23,627,000, to remain available  
24 until expended: *Provided*, That, notwithstanding any other  
25 provision of law, unobligated funds remaining from prior

1 years shall be available for all naval petroleum and oil  
2 shale reserve activities.

3                   STRATEGIC PETROLEUM RESERVE

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

9                   NORTHEAST HOME HEATING OIL RESERVE

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

15                   ENERGY INFORMATION ADMINISTRATION

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

19                   NON-DEFENSE ENVIRONMENTAL CLEANUP

20          For Department of Energy expenses, including the  
21 purchase, construction, and acquisition of plant and cap-  
22 ital equipment and other expenses necessary for non-de-  
23 fense environmental cleanup activities in carrying out the  
24 purposes of the Department of Energy Organization Act  
25 (42 U.S.C. 7101 et seq.), including the acquisition or con-

1 demnation of any real property or any facility or for plant  
2 or facility acquisition, construction, or expansion,  
3 ~~\$237,517,000~~, to remain available until expended.

4           URANIUM ENRICHMENT DECONTAMINATION AND  
5                           DECOMMISSIONING FUND

6           For necessary expenses in carrying out uranium en-  
7 richment facility decontamination and decommissioning,  
8 remedial actions, and other activities under title II of the  
9 Atomic Energy Act of 1954, and title X, subtitle A, of  
10 the Energy Policy Act of 1992, ~~\$559,377,000~~, to be de-  
11 rived from the Uranium Enrichment Decontamination and  
12 Decommissioning Fund, to remain available until ex-  
13 pended.

14   SCIENCE  
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 science  
19 activities in carrying out the purposes of the Department  
20 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
21 cluding the acquisition or condemnation of any real prop-  
22 erty or facility or for plant or facility acquisition, construc-  
23 tion, or expansion, and purchase of not more than 50 pas-  
24 senger motor vehicles for replacement only, including one  
25 law enforcement vehicle, two ambulances, and three buses,

1 ~~\$4,943,587,000~~, to remain available until expended: *Pro-*  
2 *vided*, That ~~\$15,000,000~~ appropriated under this heading  
3 under prior appropriation Acts for the Advanced Research  
4 Projects Agency—Energy is hereby transferred to the  
5 “Advanced Research Projects Agency—Energy” account:  
6 *Provided further*, That, of the amount appropriated in this  
7 paragraph, ~~\$37,740,000~~ shall be used for the projects  
8 specified in the table that appears under the heading  
9 “Congressionally Directed Science Projects” in the report  
10 of the Committee on Appropriations of the House of Rep-  
11 resentatives to accompany this Act.

#### 12 NUCLEAR WASTE DISPOSAL

13 For nuclear waste disposal activities to carry out the  
14 purposes of the Nuclear Waste Policy Act of 1982 (Public  
15 Law 97-425) (“NWPA”), including the acquisition of real  
16 property or facility construction or expansion,  
17 ~~\$98,400,000~~, to remain available until expended, and to  
18 be derived from the Nuclear Waste Fund: *Provided*, That  
19 of the funds made available in this Act for Nuclear Waste  
20 Disposal, ~~\$5,000,000~~ shall be provided to the Office of the  
21 Attorney General of the State of Nevada solely for expend-  
22 itures, other than salaries and expenses of State employ-  
23 ees, to conduct scientific oversight responsibilities and par-  
24 ticipate in licensing activities pursuant to the NWPA: *Pro-*  
25 *vided further*, That notwithstanding the lack of a written



1 agreement with the State of Nevada under section 117(c)  
2 of the NWPA, \$1,000,000 shall be provided to Nye Coun-  
3 ty, Nevada, for on-site oversight activities under section  
4 117(d) of such Act. *Provided further,* That \$9,000,000  
5 shall be provided to affected units of local government, as  
6 defined in the NWPA, to conduct appropriate activities  
7 and participate in licensing activities: *Provided further,*  
8 That, of the \$9,000,000 provided, 7.5 percent of the funds  
9 shall be made available to affected units of local govern-  
10 ment in California with the balance made available to af-  
11 fected units of local government in Nevada for distribution  
12 as determined by the Nevada units of local government:  
13 *Provided further,* That this funding shall be provided to  
14 affected units of local government, as defined in the  
15 NWPA: *Provided further,* That \$500,000 shall be provided  
16 to the Timbisha-Shoshone Tribe solely for expenditures,  
17 other than salaries and expenses of tribal employees, to  
18 conduct appropriate activities and participate in licensing  
19 activities under section 118(b) of the NWPA: *Provided*  
20 *further,* That notwithstanding the provisions of chapters  
21 65 and 75 of title 31, United States Code, the Department  
22 shall have no monitoring, auditing, or other oversight  
23 rights or responsibilities over amounts provided to affected  
24 units of local government: *Provided further,* That the  
25 funds for the State of Nevada shall be made available sole-

1 ly to the Office of the Attorney General by direct payment  
2 and to units of local government by direct payment: *Pro-*  
3 *vided further*; That within 90 days of the completion of  
4 each Federal fiscal year, the Office of the Attorney Gen-  
5 eral of the State of Nevada and each of the affected units  
6 of local government shall provide certification to the De-  
7 partment of Energy that all funds expended from such  
8 payments have been expended for activities authorized by  
9 the NWPA and this Act: *Provided further*; That failure  
10 to provide such certification shall cause such entity to be  
11 prohibited from any further funding provided for similar  
12 activities: *Provided further*; That none of the funds herein  
13 appropriated may be: (1) used directly or indirectly to in-  
14 fluence legislative action, except for normal and recognized  
15 executive-legislative communications, on any matter pend-  
16 ing before Congress or a State legislature or for lobbying  
17 activity as provided in 18 U.S.C. 1913; (2) used for litiga-  
18 tion expenses; or (3) used to support multi-State efforts  
19 or other coalition building activities inconsistent with the  
20 restrictions contained in this Act: *Provided further*; That  
21 all proceeds and recoveries realized by the Secretary in  
22 carrying out activities authorized by the NWPA, including  
23 any proceeds from the sale of assets, shall be available  
24 without further appropriation and shall remain available  
25 until expended: *Provided further*; That no funds provided

1 in this Act or any previous Act may be used to pursue  
2 repayment or collection of funds provided in any fiscal  
3 year to affected units of local government for oversight  
4 activities that had been previously approved by the De-  
5 partment of Energy or to withhold payment of any such  
6 funds: *Provided further*, That of the funds made available  
7 in this Act for Nuclear Waste Disposal, \$5,000,000 shall  
8 be provided to create a Blue Ribbon Commission to con-  
9 sider all alternatives for nuclear waste disposal.

10 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE  
11 PROGRAM

12 Such sums as are derived from amounts received  
13 from borrowers pursuant to section 1702(b)(2) of the En-  
14 ergy Policy Act of 2005 under this heading in prior Acts  
15 shall be collected in accordance with section 502(7) of the  
16 Congressional Budget Act of 1974: *Provided*, That for  
17 necessary administrative expenses to carry out this Loan  
18 Guarantee program, \$43,000,000 is appropriated, to re-  
19 main available until expended: *Provided further*, That  
20 \$43,000,000 of the fees collected pursuant to section  
21 1702(h) of the Energy Policy Act of 2005 shall be credited  
22 as offsetting collections to this account to cover adminis-  
23 trative expenses and shall remain available until expended,  
24 so as to result in a final fiscal year 2010 appropriations  
25 from the general fund estimated at not more than \$0: *Pro-*

1 *vided further*, That fees collected under section 1702(h)  
 2 in excess of the amount appropriated for administrative  
 3 expenses shall not be available until appropriated.

4     ADVANCED TECHNOLOGY VEHICLES MANUFACTURING  
 5   LOANS PROGRAM

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

9                                   DEPARTMENTAL ADMINISTRATION

10            For salaries and expenses of the Department of En-  
 11 ergy necessary for departmental administration in ear-  
 12 rying out the purposes of the Department of Energy Orga-  
 13 nization Act (42 U.S.C. 7101 et seq.), including the hire  
 14 of passenger motor vehicles and official reception and rep-  
 15 resentation expenses not to exceed \$30,000, \$289,684,000  
 16 (reduced by \$30,000,000) (reduced by \$5,000,000) (re-  
 17 duced by \$10,000,000), to remain available until ex-  
 18 pended, plus such additional amounts as necessary to  
 19 cover increases in the estimated amount of cost of work  
 20 for others notwithstanding the provisions of the Anti-Defi-  
 21 ciency Act (31 U.S.C. 1511 et seq.): *Provided*, That such  
 22 increases in cost of work are offset by revenue increases  
 23 of the same or greater amount, to remain available until  
 24 expended: *Provided further*, That moneys received by the  
 25 Department for miscellaneous revenues estimated to total

1 \$119,740,000 in fiscal year 2010 may be retained and  
2 used for operating expenses within this account, and may  
3 remain available until expended, as authorized by section  
4 201 of Public Law 95-238, notwithstanding the provisions  
5 of 31 U.S.C. 3302: *Provided further*, That the sum herein  
6 appropriated shall be reduced by the amount of miscella-  
7 neous revenues received during 2010, and any related ap-  
8 propriated receipt account balances remaining from prior  
9 years' miscellaneous revenues, so as to result in a final  
10 fiscal year 2010 appropriation from the general fund esti-  
11 mated at not more than \$169,944,000 (reduced by  
12 \$30,000,000) (reduced by \$5,000,000) (reduced by  
13 \$10,000,000).

14           OFFICE OF THE INSPECTOR GENERAL

15           For necessary expenses of the Office of the Inspector  
16 General in carrying out the provisions of the Inspector  
17 General Act of 1978, \$51,927,000, to remain available  
18 until expended.

19           ATOMIC ENERGY DEFENSE ACTIVITIES

20                   NATIONAL NUCLEAR SECURITY

21                           ADMINISTRATION

22                                   WEAPONS ACTIVITIES

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

1 atomic energy defense weapons 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 and the purchase of not more than one ambulance;  
7 \$6,320,000,000, to remain available until expended: *Pro-*  
8 *vided*, That, of the amount appropriated in this para-  
9 graph, \$3,000,000 shall be used for the projects specified  
10 under the heading “Congressionally Directed Weapons Ac-  
11 tivities Projects” in the report of the Committee on Appro-  
12 priations of the House of Representatives to accompany  
13 this Act.

#### 14 DEFENSE NUCLEAR NONPROLIFERATION

15 For Department of Energy expenses, including the  
16 purchase, construction, and acquisition of plant and cap-  
17 ital equipment and other incidental expenses necessary for  
18 defense nuclear nonproliferation activities, in carrying out  
19 the purposes of the Department of Energy Organization  
20 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
21 condemnation of any real property or any facility or for  
22 plant or facility acquisition, construction, or expansion,  
23 and the purchase of not more than one passenger motor  
24 vehicle for replacement only, \$1,471,175,000, to remain  
25 available until expended: *Provided*, That, of the amount

1 appropriated in this paragraph, \$250,000 shall be used  
2 for the projects specified under the heading “Congressional  
3 ally Directed Defense Nuclear Nonproliferation Projects”  
4 in the report of the Committee on Appropriations of the  
5 House of Representatives to accompany this Act.

#### 6 NAVAL REACTORS

7 For Department of Energy expenses necessary for  
8 naval reactors activities to carry out the Department of  
9 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-  
10 ing the acquisition (by purchase, condemnation, construc-  
11 tion, or otherwise) of real property, plant, and capital  
12 equipment, facilities, and facility expansion,  
13 \$1,003,133,000, to remain available until expended.

#### 14 OFFICE OF THE ADMINISTRATOR

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses of the Office of the Adminis-  
17 trator in the National Nuclear Security Administration,  
18 including official reception and representation expenses  
19 not to exceed \$12,000, \$420,754,000, to remain available  
20 until expended: *Provided*, That \$10,000,000 previously ap-  
21 propriated for cleanup efforts at Argonne National Lab  
22 shall be transferred to “Non-Defense Environmental  
23 Cleanup”: *Provided further*, That, of the amount appro-  
24 priated in this paragraph, \$13,000,000 shall be used for  
25 the projects specified in the table that appears under the

1 heading “Congressionally Directed Office of the Adminis-  
2 trator (NNSA) Projects” in the report of the Committee  
3 on Appropriations of the House of Representatives to ac-  
4 company this Act.

5 ENVIRONMENTAL AND OTHER DEFENSE  
6 ACTIVITIES

7 DEFENSE ENVIRONMENTAL CLEANUP  
8 (INCLUDING TRANSFER OF FUNDS)

9 For Department of Energy expenses, including the  
10 purchase, construction, and acquisition of plant and cap-  
11 ital equipment and other expenses necessary for atomic  
12 energy defense environmental cleanup activities in ear-  
13 rying out the purposes of the Department of Energy Orga-  
14 nization Act (42 U.S.C. 7101 et seq.), including the acqui-  
15 sition or condemnation of any real property or any facility  
16 or for plant or facility acquisition, construction, or expan-  
17 sion, and the purchase of not more than four ambulances  
18 and three passenger motor vehicles for replacement only,  
19 \$5,381,842,000, to remain available until expended, of  
20 which \$463,000,000 shall be transferred to the “Uranium  
21 Enrichment Decontamination and Decommissioning  
22 Fund”.

23 OTHER DEFENSE ACTIVITIES

24 For Department of Energy expenses, including the  
25 purchase, construction, and acquisition of plant and cap-



1 ital equipment and other expenses, necessary for atomic  
2 energy defense, other defense activities, and classified ac-  
3 tivities, in carrying out the purposes of the Department  
4 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
5 cluding the acquisition or condemnation of any real prop-  
6 erty or any facility or for plant or facility acquisition, con-  
7 struction, or expansion, and the purchase of not more than  
8 12 passenger motor vehicles for replacement only,  
9 \$1,518,002,000 (reduced by \$2,500,000), to remain avail-  
10 able until expended: *Provided*, That, of the funds provided  
11 herein, \$504,238,000 is for project 99-D-143 Mixed  
12 Oxide Fuel Fabrication Facility, Savannah River Site,  
13 South Carolina; \$70,000,000 is for project 99-D-141-02  
14 Waste Solidification Building, Savannah River Site, South  
15 Carolina; \$84,296,000 for MOX operations; and  
16 \$7,000,000 for WSB operation: *Provided further*, That the  
17 Department of Energy shall adhere strictly to Department  
18 of Energy Order 413.3A for Project 99-D-143: *Provided*  
19 *further*, That, of the amount appropriated in this para-  
20 graph, \$2,000,000 shall be used for the projects specified  
21 in the table that appears under the heading “Congression-  
22 ally Directed Other Defense Activities Projects” in the re-  
23 port of the Committee on Appropriations of the House of  
24 Representatives to accompany this Act.

1                   DEFENSE NUCLEAR WASTE DISPOSAL

2           For nuclear waste disposal activities to carry out the  
3 purposes of the Nuclear Waste Policy Act of 1982 (Public  
4 Law 97-425), including the acquisition of real property  
5 or facility construction or expansion, \$98,400,000, to re-  
6 main available until expended.

7                   POWER MARKETING ADMINISTRATIONS

8                   BONNEVILLE POWER ADMINISTRATION FUND

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

19 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER  
20                   ADMINISTRATION

21           For necessary expenses of operation and maintenance  
22 of power transmission facilities and of marketing electric  
23 power and energy, including transmission wheeling and  
24 ancillary services pursuant to section 5 of the Flood Con-  
25 trol Act of 1944 (16 U.S.C. 825s), as applied to the south-

1 eastern power area, \$7,638,000, to remain available until  
2 expended: *Provided*, That notwithstanding 31 U.S.C. 3302  
3 and section 5 of the Flood Control Act of 1944 (16 U.S.C.  
4 825s), up to \$7,638,000 collected by the Southeastern  
5 Power Administration from the sale of power and related  
6 services shall be credited to this account as discretionary  
7 offsetting collections, to remain available until expended  
8 for the sole purpose of funding the annual expenses of the  
9 Southeastern Power Administration: *Provided further*,  
10 That the sum herein appropriated for annual expenses  
11 shall be reduced as collections are received during the fis-  
12 cal year so as to result in a final fiscal year 2010 appro-  
13 priation estimated at not more than \$0: *Provided further*,  
14 That, notwithstanding 31 U.S.C. 3302, up to \$70,806,000  
15 collected by the Southeastern Power Administration pur-  
16 suant to the Flood Control Act of 1944 to recover pur-  
17 chase power and wheeling expenses shall be credited to  
18 this account as offsetting collections, to remain available  
19 until expended for the sole purpose of making purchase  
20 power and wheeling expenditures: *Provided further*, That  
21 notwithstanding the provisions of 31 U.S.C. 3302 and sec-  
22 tion 5 of the Flood Control Act of 1944 (16 U.S.C. 825s),  
23 all funds collected by the Southeastern Power Administra-  
24 tion that are applicable to the repayment of the annual  
25 expenses of this account in this and subsequent fiscal

1 years shall be credited to this account as discretionary off-  
2 setting collections for the sole purpose of funding such ex-  
3 penses, with such funds remaining available until ex-  
4 pended: *Provided further*, That for purposes of this appro-  
5 priation, annual expenses means expenditures that are  
6 generally recovered in the same year that they are in-  
7 curred (excluding purchase power and wheeling expenses).

8           OPERATION AND MAINTENANCE, SOUTHWESTERN  
9                           POWER ADMINISTRATION

10           For necessary expenses of operation and maintenance  
11 of power transmission facilities and of marketing electric  
12 power and energy, for construction and acquisition of  
13 transmission lines, substations and appurtenant facilities,  
14 and for administrative expenses, including official recep-  
15 tion and representation expenses in an amount not to ex-  
16 ceed \$1,500 in carrying out section 5 of the Flood Control  
17 Act of 1944 (16 U.S.C. 825s), as applied to the South-  
18 western Power Administration, \$44,944,000, to remain  
19 available until expended: *Provided*, That notwithstanding  
20 31 U.S.C. 3302 and section 5 of the Flood Control Act  
21 of 1944 (16 U.S.C. 825s), up to \$31,868,000 collected  
22 by the Southwestern Power Administration from the sale  
23 of power and related services shall be credited to this ac-  
24 count as discretionary offsetting collections, to remain  
25 available until expended, for the sole purpose of funding

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

1 CONSTRUCTION, REHABILITATION, OPERATION AND  
2 MAINTENANCE, WESTERN AREA POWER ADMINIS-  
3 TRATION

4 For carrying out the functions authorized by title III,  
5 section ~~302(a)(1)(E)~~ of the Act of August 4, 1977 (42  
6 U.S.C. 7152), and other related activities including con-  
7 servation and renewable resources programs as author-  
8 ized, including official reception and representation ex-  
9 penses in an amount not to exceed \$1,500; \$256,711,000,  
10 to remain available until expended, of which \$245,216,000  
11 shall be derived from the Department of the Interior Rec-  
12 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.  
13 ~~3302~~, section 5 of the Flood Control Act of 1944 (16  
14 U.S.C. 825s), and section 1 of the Interior Department  
15 Appropriation Act, 1939 (~~43~~ U.S.C. 392a), up to  
16 \$147,530,000 collected by the Western Area Power Ad-  
17 ministration from the sale of power and related services  
18 shall be credited to this account as discretionary offsetting  
19 collections, to remain available until expended, for the sole  
20 purpose of funding the annual expenses of the Western  
21 Area Power Administration: *Provided further*, That the  
22 sum herein appropriated for annual expenses shall be re-  
23 duced as collections are received during the fiscal year so  
24 as to result in a final fiscal year 2010 appropriation esti-  
25 mated at not more than \$109,181,000, of which

1 \$97,686,000 is derived from the Reclamation Fund: *Pro-*  
2 *vided further,* That of the amount herein appropriated,  
3 \$7,584,000 is for deposit into the Utah Reclamation Miti-  
4 gation and Conservation Account pursuant to title IV of  
5 the Reclamation Projects Authorization and Adjustment  
6 Act of 1992: *Provided further,* That notwithstanding 31  
7 U.S.C. 3302, up to \$349,807,000 collected by the Western  
8 Area Power Administration pursuant to the Flood Control  
9 Act of 1944 and the Reclamation Project Act of 1939 (43  
10 U.S.C. 485 et seq.) to recover purchase power and wheel-  
11 ing expenses shall be credited to this account as offsetting  
12 collections, to remain available until expended for the sole  
13 purpose of making purchase power and wheeling expendi-  
14 tures: *Provided further,* That of the amount herein appro-  
15 priated, up to \$18,612,000 is provided on a nonreimburs-  
16 able basis for environmental remediation at the Basic Sub-  
17 station site in Henderson, Nevada: *Provided further,* That  
18 notwithstanding 31 U.S.C. 3302, section 5 of the Flood  
19 Control Act of 1944 (16 U.S.C. 825s), and section 4 of  
20 the Interior Department Appropriation Act, 1939 (43  
21 U.S.C. 392a), funds collected by the Western Area Power  
22 Administration from the sale of power and related services  
23 that are applicable to the repayment of the annual ex-  
24 penses of this account in this and subsequent fiscal years  
25 shall be credited to this account as discretionary offsetting

1 collections for the sole purpose of funding such expenses,  
2 with such funds remaining available until expended: *Pro-*  
3 *vided further*, That for purposes of this appropriation, an-  
4 nual expenses means expenditures that are generally re-  
5 covered in the same year that they are incurred (excluding  
6 purchase power and wheeling expenses).

7 FALCON AND AMISTAD OPERATING AND MAINTENANCE  
8 FUND

9 For operation, maintenance, and emergency costs for  
10 the hydroelectric facilities at the Falcon and Amistad  
11 Dams, \$2,568,000, to remain available until expended,  
12 and to be derived from the Falcon and Amistad Operating  
13 and Maintenance Fund of the Western Area Power Ad-  
14 ministration, as provided in section 2 of the Act of June  
15 18, 1954 (43 U.S.C. 485g): *Provided*, That notwith-  
16 standing the provisions of such Act and of 31 U.S.C.  
17 3302, up to \$2,348,000 collected by the Western Area  
18 Power Administration from the sale of power and related  
19 services from the Falcon and Amistad Dams shall be cred-  
20 ited to this account as discretionary offsetting collections,  
21 to remain available until expended for the sole purpose  
22 of funding the annual expenses of the hydroelectric facili-  
23 ties of these Dams and associated Western Area Power  
24 Administration activities: *Provided further*, That the sum  
25 herein appropriated for annual expenses shall be reduced



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

18 FEDERAL ENERGY REGULATORY COMMISSION

19 SALARIES AND EXPENSES

20 For necessary expenses of the Federal Energy Regu-  
21 latory Commission to carry out the provisions of the De-  
22 partment of Energy Organization Act (42 U.S.C. 7101 et  
23 seq.), including services as authorized by 5 U.S.C. 3109,  
24 the hire of passenger motor vehicles, and official reception  
25 and representation expenses not to exceed \$3,000,

1 ~~\$298,000,000~~, to remain available until expended: *Pro-*  
2 *vided*, That notwithstanding any other provision of law,  
3 not to exceed ~~\$298,000,000~~ of revenues from fees and an-  
4 nual charges and other services and collections in fiscal  
5 year 2010 shall be retained and used for necessary ex-  
6 penses in this account and shall remain available until ex-  
7 pended: *Provided further*, That the sum herein appro-  
8 priated from the general fund shall be reduced as revenues  
9 are received during fiscal year 2010 so as to result in a  
10 final fiscal year 2010 appropriation from the general fund  
11 estimated at not more than \$0.

12       GENERAL PROVISIONS, DEPARTMENT OF  
13                                   ENERGY

14       SEC. 301. UNFUNDED REQUESTS FOR PRO-  
15 POSALS.—None of the funds appropriated by this Act may  
16 be used to prepare or initiate Requests For Proposals  
17 (RFPs) for a program if the program has not been funded  
18 by Congress.

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

22               (1) to augment the funds made available for ob-  
23 ligation by this Act for severance payments and  
24 other benefits and community assistance grants  
25 under section 4604 of the Atomic Energy Defense

1 Act (50 U.S.C. 2704) unless the Department of En-  
2 ergy submits a reprogramming request to the appro-  
3 priate congressional committees;

4 (2) to provide enhanced severance payments or  
5 other benefits for employees of the Department of  
6 Energy under such section; or

7 (3) to develop or implement a workforce re-  
8 structuring plan that covers employees of the De-  
9 partment of Energy.

10 SEC. 303. UNEXPENDED BALANCES.—The unex-  
11 pended balances of prior appropriations provided for ac-  
12 tivities in this Act may be available to the same appropria-  
13 tion accounts for such activities established pursuant to  
14 this title. Available balances may be merged with funds  
15 in the applicable established accounts and thereafter may  
16 be accounted for as one fund for the same time period  
17 as originally enacted.

18 SEC. 304. BONNEVILLE POWER AUTHORITY SERV-  
19 ICE TERRITORY.—None of the funds in this or any other  
20 Act for the Administrator of the Bonneville Power Admin-  
21 istration may be used to enter into any agreement to per-  
22 form energy efficiency services outside the legally defined  
23 Bonneville service territory, with the exception of services  
24 provided internationally, including services provided on a  
25 reimbursable basis, unless the Administrator certifies in

1 advance that such services are not available from private  
2 sector businesses.

3       SEC. 305. USER FACILITIES.—(a) When the Depart-  
4 ment of Energy makes a user facility available to univer-  
5 sities or other potential users, or seeks input from univer-  
6 sities or other potential users regarding significant charac-  
7 teristics or equipment in a user facility or a proposed user  
8 facility, the Department shall ensure broad public notice  
9 of such availability or such need for input to universities  
10 and other potential users.

11       (b) When the Department of Energy considers the  
12 participation of a university or other potential user as a  
13 formal partner in the establishment or operation of a user  
14 facility, the Department shall employ full and open com-  
15 petition in selecting such a partner.

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

18           (1) a user facility as described in section  
19 2203(a)(2) of the Energy Policy Act of 1992 (42  
20 U.S.C. 13503(a)(2));

21           (2) a National Nuclear Security Administration  
22 Defense Programs Technology Deployment Center/  
23 User Facility; and

24           (3) any other Departmental facility designated  
25 by the Department as a user facility.

1       SEC. 306. INTELLIGENCE ACTIVITIES.—Funds ap-  
2       propriated by this or any other Act, or made available by  
3       the transfer of funds in this Act, for intelligence activities  
4       are deemed to be specifically authorized by the Congress  
5       for purposes of section 504 of the National Security Act  
6       of 1947 (50 U.S.C. 414) during fiscal year 2010 until the  
7       enactment of the Intelligence Authorization Act for fiscal  
8       year 2010.

9       SEC. 307. LABORATORY DIRECTED RESEARCH AND  
10      DEVELOPMENT.—Of the funds made available by the De-  
11      partment of Energy for activities at government-owned,  
12      contractor-operated laboratories funded in this Act, the  
13      Secretary may authorize a specific amount, not to exceed  
14      7 percent of such funds, to be used by such laboratories  
15      for laboratory directed research and development: *Pro-*  
16      *vided,* That the Secretary may also authorize a specific  
17      amount, not to exceed 4 percent of such funds, to be used  
18      by the plant manager of a covered nuclear weapons pro-  
19      duction plant or the manager of the Nevada Site Office  
20      for plant or site directed research and development.

21      SEC. 308. LIMITED TRANSFER AUTHORITY TO AD-  
22      DRESS PENSION REQUIREMENTS.—(a) If the Secretary of  
23      Energy determines that additional funds are needed to re-  
24      imburse the costs of defined benefit pension plans for con-  
25      tractor employees, the Secretary may transfer not more

1 than one percent from each appropriation made available  
2 in this Act to any other appropriation available to the Sec-  
3 retary in the same Act for such reimbursements.

4 (b) In carrying out a transfer under this section, the  
5 Secretary shall use each appropriation made available to  
6 the Department in that fiscal year as a source for the  
7 transfer and shall reduce each appropriation by an equal  
8 percentage, except that appropriations for which the Sec-  
9 retary determines there exists a need for additional funds  
10 for pension plan costs in that fiscal year, as well as appro-  
11 priations made available for Naval Petroleum and Oil  
12 Shale Reserves, Strategic Petroleum Reserve, Northeast  
13 Home Heating Oil Reserve, the Power Marketing Admin-  
14 istrations, the Energy Information Administration, Ura-  
15 nium Enrichment Decontamination and Decommissioning  
16 Fund, Nuclear Waste Disposal, Defense Nuclear Waste  
17 Disposal, and Office of the Inspector General, shall not  
18 be subject to this requirement.

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

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

1        SEC. 309. CONGRESSIONAL NOTIFICATION REQUIRE-  
2        MENT.—None of the funds made available by this Act may  
3        be used to make a grant allocation, discretionary grant  
4        award, discretionary contract award, or other transaction  
5        agreement or to issue a letter of intent totaling in excess  
6        of \$1,000,000, or to announce publicly the intention to  
7        make such an allocation, award, or agreement or to issue  
8        such a letter, including a contract covered by the Federal  
9        Acquisition Regulation, unless the Secretary of Energy no-  
10       tifies the Committees on Appropriations of the House of  
11       Representatives and the Senate at least 3 full business  
12       days in advance of making such an allocation, award, or  
13       agreement or issuing such a letter. *Provided*, That if the  
14       Secretary of Energy determines that compliance with this  
15       section would pose a substantial risk to human life, health,  
16       or safety, an award may be made without such notifica-  
17       tion, and the Committees on Appropriations of the House  
18       of Representatives and the Senate shall be notified not  
19       later than 5 full business days after such an allocation,  
20       award, or agreement is made or letter issued.

21       SEC. 310. WAGE RATE REQUIREMENTS.—Section  
22       1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512)  
23       is amended by adding at the end the following new sub-  
24       section:

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

14       SEC. 311. BONNEVILLE POWER ADMINISTRATION  
15 FUND.—(a) Subject to subsection (b), no funds appro-  
16 priated or otherwise made available by this Act or any  
17 other Act may be used to record transactions relating to  
18 the increase in borrowing authority or bonds outstanding  
19 at any time under the Federal Columbia River Trans-  
20 mission System Act (16 U.S.C. 838 et seq.) referred to  
21 in section 401 of division A of the American Recovery and  
22 Reinvestment Act of 2009 (Public Law 111–5; 123 Stat.  
23 140) under a funding account, subaccount, or fund symbol  
24 other than the Bonneville Power Administration Fund  
25 Treasury account fund symbol.



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

11           (c) This section is effective for fiscal year 2010 and  
 12 subsequent fiscal years.

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

17                   (1) in subsection (a)—

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

20                           (B) by adding at the end the following new  
 21 paragraph:

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

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

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

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

8           (2) in subsection (b)—

9           (A) by inserting “; ultra efficient vehicle  
10           manufacturers,” after “automobile manufactur-  
11           ers”;

12           (B) in paragraph (1)—

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

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

17           (iii) by adding at the end the fol-  
18           lowing new subparagraph:

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

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

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

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

4           (b) RECONSIDERATION OF PRIOR APPLICATIONS.—

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

8           (1) timely filed under that section before Janu-  
 9           ary 1, 2009;

10          (2) rejected on the basis that the vehicles to  
 11          which the proposal related were not advanced tech-  
 12          nology vehicles; and

13          (3) related to ultra efficient vehicles.

14           TITLE IV—INDEPENDENT AGENCIES

15           APPALACHIAN REGIONAL COMMISSION

16          For expenses necessary to carry out the programs au-  
 17          thorized by the Appalachian Regional Development Act of  
 18          1965, for necessary expenses for the Federal Co-Chairman  
 19          and the Alternate on the Appalachian Regional Commis-  
 20          sion, for payment of the Federal share of the administra-  
 21          tive expenses of the Commission, including services as au-  
 22          thorized by 5 U.S.C. 3109, and hire of passenger motor  
 23          vehicles, \$76,000,000, to remain available until expended:  
 24          *Provided*, That any congressionally directed spending shall

1 be taken from within that State's allocation in the fiscal  
2 year in which it is provided.

3       DEFENSE NUCLEAR FACILITIES SAFETY BOARD

4                       SALARIES AND EXPENSES

5       For necessary expenses of the Defense Nuclear Fa-  
6 cilities Safety Board in carrying out activities authorized  
7 by the Atomic Energy Act of 1954, as amended by section  
8 1441 of Public Law 100-456, \$26,086,000, to remain  
9 available until expended.

10                   DELTA REGIONAL AUTHORITY

11                       SALARIES AND EXPENSES

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

17                   DENALI COMMISSION

18       For expenses of the Denali Commission, including the  
19 purchase, construction, and acquisition of plant and cap-  
20 ital equipment, as necessary, and other expenses,  
21 \$11,965,000, to remain available until expended, notwith-  
22 standing the limitations contained in section 306(g) of the  
23 Denali Commission Act of 1998.

## 1           NORTHERN BORDER REGIONAL COMMISSION

2           For necessary expenses of the Northern Border Re-  
3 gional Commission in carrying out activities authorized by  
4 40 U.S.C. 15303(1), \$500,000 (increased by \$2,500,000),  
5 to remain available until expended.

## 6           SOUTHEAST CRESCENT REGIONAL COMMISSION

7           For necessary expenses of the Southeast Crescent Re-  
8 gional Commission in carrying out activities authorized by  
9 40 U.S.C. 15303(1), \$500,000, to remain available until  
10 expended.

## 11           NUCLEAR REGULATORY COMMISSION

## 12                           SALARIES AND EXPENSES

13           For necessary expenses of the Commission in ear-  
14 rying out the purposes of the Energy Reorganization Act  
15 of 1974 and the Atomic Energy Act of 1954, including  
16 official representation expenses (not to exceed \$25,000),  
17 \$1,061,000,000, to remain available until expended: *Pro-*  
18 *vided*, That of the amount appropriated herein,  
19 \$56,000,000 shall be derived from the Nuclear Waste  
20 Fund: *Provided further*, That revenues from licensing fees,  
21 inspection services, and other services and collections esti-  
22 mated at \$878,102,000 in fiscal year 2010 shall be re-  
23 tained and used for necessary salaries and expenses in this  
24 account, notwithstanding 31 U.S.C. 3302, and shall re-  
25 main available until expended: *Provided further*, That the

1 sum herein appropriated shall be reduced by the amount  
2 of revenues received during fiscal year 2010 so as to result  
3 in a final fiscal year 2010 appropriation estimated at not  
4 more than \$182,898,000.

5 OFFICE OF INSPECTOR GENERAL

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

19 NUCLEAR WASTE TECHNICAL REVIEW BOARD

20 SALARIES AND EXPENSES

21 For necessary expenses of the Nuclear Waste Tech-  
22 nical Review Board, as authorized by section 5051 of Pub-  
23 lic Law 100-203, \$3,891,000, to be derived from the Nu-  
24 clear Waste 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  
4 Coordinator for Alaska Natural Gas Transportation  
5 Projects pursuant to the Alaska Natural Gas Pipeline Act  
6 of 2004, \$4,466,000: *Provided*, That any fees, charges, or  
7 commissions received pursuant to section 802 of Public  
8 Law 110–140 in fiscal year 2010 in excess of \$4,683,000  
9 shall not be available for obligation until appropriated in  
10 a subsequent Act of Congress.

11 GENERAL PROVISIONS, INDEPENDENT  
12 AGENCIES

13 SEC. 401. NUCLEAR REGULATORY COMMISSION RE-  
14 PORTING REQUIREMENT.—The Nuclear Regulatory Com-  
15 mission shall, not later than 60 days after the date of en-  
16 actment of this Act, provide a report to the Committees  
17 on Appropriations of the House of Representatives and the  
18 Senate identifying barriers to and its recommendations for  
19 streamlining the issuance of a Combined Construction and  
20 Operating License for qualified new nuclear reactors.

21 TITLE V—GENERAL PROVISIONS

22 SEC. 501. LOBBYING RESTRICTION.—None of the  
23 funds appropriated by this Act may be used in any way,  
24 directly or indirectly, to influence congressional action on  
25 any legislation or appropriation matters pending before

1 Congress, other than to communicate to Members of Con-  
2 gress as described in 18 U.S.C. 1913.

3       SEC. 502. DELTA REGIONAL AUTHORITY.—Section  
4 382B(c)(1) of the Consolidated Farm and Rural Develop-  
5 ment Act (7 U.S.C. 2009aa-1) is amended to read as fol-  
6 lows:

7               “(1) IN GENERAL.—A decision by the Authority  
8 shall require the affirmative vote of the Federal co-  
9 chairperson and a majority of the State members  
10 (not including any member representing a State that  
11 is delinquent under subsection (g)(2)(C)) to be effec-  
12 tive.”.

13       SEC. 503. LIGHT BULB RESTRICTION.—None of the  
14 funds made available in this Act may be used to purchase  
15 light bulbs unless the light bulbs are “Energy Star” quali-  
16 fied or have the “Federal Energy Management Program”  
17 designation.

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

22       This Act may be cited as the “Energy and Water De-  
23 velopment and Related Agencies Appropriations Act,  
24 2010”.



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-*  
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 pro-*  
14 *tection, aquatic ecosystem restoration, and related efforts.*

15 *GENERAL INVESTIGATIONS*

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

1 *studies, and plans and specifications of projects prior to*  
2 *construction, \$170,000,000, to remain available until ex-*  
3 *pended.*

4 *CONSTRUCTION, GENERAL*

5 *For expenses necessary for the construction of river*  
6 *and harbor, flood and storm damage reduction, shore pro-*  
7 *tection, aquatic ecosystem restoration, and related projects*  
8 *authorized by law; for conducting detailed studies, and*  
9 *plans and specifications, of such projects (including those*  
10 *involving participation by States, local governments, or*  
11 *private groups) authorized or made eligible for selection by*  
12 *law (but such detailed studies, and plans and specifications,*  
13 *shall not constitute a commitment of the Government to*  
14 *construction); \$1,924,000,000, to remain available until ex-*  
15 *pended; of which such sums as are necessary to cover the*  
16 *Federal share of construction costs for facilities under the*  
17 *Dredged Material Disposal Facilities program shall be de-*  
18 *rived from the Harbor Maintenance Trust Fund as author-*  
19 *ized by Public Law 104–303; and of which such sums as*  
20 *are necessary pursuant to Public Law 99–662 shall be de-*  
21 *rived from the Inland Waterways Trust Fund, to cover one-*  
22 *half of the costs of construction, replacement, rehabilitation,*  
23 *and expansion of inland waterways projects (including*  
24 *only Chickamauga Lock, Tennessee; Kentucky Lock and*  
25 *Dam, Tennessee River, Kentucky; Lock and Dams 2, 3, and*

1 4 Monongahela River, Pennsylvania; Markland Locks and  
2 Dam, Kentucky and Indiana; Olmsted Lock and Dam, Illi-  
3 nois and Kentucky; and Emsworth Locks and Dam, Ohio  
4 River, Pennsylvania) shall be derived from the Inland Wa-  
5 terways Trust Fund: Provided, That the Chief of Engineers  
6 is directed to use \$18,000,000 of the funds appropriated  
7 herein for the Dallas Floodway Extension, Texas, project,  
8 including the Cadillac Heights feature, generally in accord-  
9 ance with the Chief of Engineers report dated December 7,  
10 1999: Provided further, That the Chief of Engineers is di-  
11 rected to use \$1,500,000 of funds available for the  
12 Greenbrier Basin, Marlinton, West Virginia, Local Protec-  
13 tion Project to continue engineering and design efforts, exe-  
14 cute a project partnership agreement, and initiate construc-  
15 tion of the project substantially in accordance with Alter-  
16 native 1 as described in the Corps of Engineers Final De-  
17 tailed Project Report and Environmental Impact State-  
18 ment for Marlinton, West Virginia Local Protection Project  
19 dated September 2008: Provided further, That the Federal  
20 and non-Federal shares shall be determined in accordance  
21 with the ability-to-pay provisions prescribed in section  
22 103(m) of the Water Resources Development Act of 1986,  
23 as amended: Provided further, That the Chief of Engineers  
24 is directed to use \$2,750,000 of the funds appropriated here-  
25 in for planning, engineering, design or construction of the

1 *Grundy, Buchanan County, and Dickenson County, Vir-*  
2 *ginia, elements of the Levisa and Tug Forks of the Big*  
3 *Sandy River and Upper Cumberland River Project: Pro-*  
4 *vided further, That the Chief of Engineers is directed to use*  
5 *\$4,000,000 of the funds appropriated herein to continue*  
6 *planning, engineering, design or construction of the Lower*  
7 *Mingo County, Upper Mingo County, Wayne County,*  
8 *McDowell County, West Virginia, elements of the Levisa*  
9 *and Tug Forks of the Big Sandy River and Upper Cum-*  
10 *berland River Project: Provided further, That none of the*  
11 *funds made available by this Act may be used to carry out*  
12 *any portion of the Delaware River Main Channel Deep-*  
13 *ening Project identified in the committee report accom-*  
14 *panying this Act that is located in the State of Delaware*  
15 *until the date on which the government of the State of Dela-*  
16 *ware issues an applicable project permit for the Delaware*  
17 *River Main Channel Deepening Project.*

18 *MISSISSIPPI RIVER AND TRIBUTARIES*

19 *For expenses necessary for flood damage reduction*  
20 *projects and related efforts in the Mississippi River alluvial*  
21 *valley below Cape Girardeau, Missouri, as authorized by*  
22 *law, \$340,000,000, to remain available until expended, of*  
23 *which such sums as are necessary to cover the Federal share*  
24 *of eligible operation and maintenance costs for inland har-*  
25 *bors shall be derived from the Harbor Maintenance Trust*

1 *Fund: Provided, That the Secretary of the Army, acting*  
2 *through the Chief of Engineers is directed to use*  
3 *\$10,000,000 appropriated herein for construction of water*  
4 *withdrawal features of the Grand Prairie, Arkansas,*  
5 *project.*

6 *OPERATION AND MAINTENANCE*

7 *For expenses necessary for the operation, maintenance,*  
8 *and care of existing river and harbor, flood and storm dam-*  
9 *age reduction, aquatic ecosystem restoration, and related*  
10 *projects authorized by law; providing security for infra-*  
11 *structure owned or operated by the Corps, including admin-*  
12 *istrative buildings and laboratories; maintaining harbor*  
13 *channels provided by a State, municipality, or other public*  
14 *agency that serve essential navigation needs of general com-*  
15 *merce, where authorized by law; surveying and charting*  
16 *northern and northwestern lakes and connecting waters;*  
17 *clearing and straightening channels; and removing obstruc-*  
18 *tions to navigation, \$2,450,000,000, to remain available*  
19 *until expended, of which such sums as are necessary to cover*  
20 *the Federal share of eligible operation and maintenance*  
21 *costs for coastal harbors and channels, and for inland har-*  
22 *bors shall be derived from the Harbor Maintenance Trust*  
23 *Fund; of which such sums as become available from the spe-*  
24 *cial account for the Corps established by the Land and*  
25 *Water Conservation Act of 1965, as amended (16 U.S.C.*

1 460l–6a(i)), shall be derived from that account for resource  
2 protection, research, interpretation, and maintenance ac-  
3 tivities related to resource protection in the areas at which  
4 outdoor recreation is available; and of which such sums as  
5 become available from fees collected under section 217 of the  
6 Water Resources Development Act of 1996 (Public Law  
7 104–303), shall be used to cover the cost of operation and  
8 maintenance of the dredged material disposal facilities for  
9 which such fees have been collected: Provided, That 1 per-  
10 cent of the total amount of funds provided for each of the  
11 programs, projects or activities funded under this heading  
12 shall not be allocated to a field operating activity prior to  
13 the beginning of the fourth quarter of the fiscal year and  
14 shall be available for use by the Chief of Engineers to fund  
15 such emergency activities as the Chief of Engineers deter-  
16 mines to be necessary and appropriate; and that the Chief  
17 of Engineers shall allocate during the fourth quarter any  
18 remaining funds which have not been used for emergency  
19 activities proportionally in accordance with the amounts  
20 provided for the programs, projects or activities.

21 *REGULATORY PROGRAM*

22 *For expenses necessary for administration of laws per-*  
23 *taining to regulation of navigable waters and wetlands,*  
24 *\$190,000,000, to remain available 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, \$140,000,000, to remain available until expended.*

6 *GENERAL EXPENSES*

7 *For expenses necessary for the supervision and general*  
8 *administration of the civil works program in the head-*  
9 *quarters of the United States Army Corps of Engineers, and*  
10 *the offices of the Division Engineers; and for the manage-*  
11 *ment and operation of the Humphreys Engineer Center*  
12 *Support Activity, the Institute for Water Resources, the*  
13 *United States Army Engineer Research and Development*  
14 *Center, and the United States Army Corps of Engineers Fi-*  
15 *nance Center, \$186,000,000, to remain available until ex-*  
16 *pended, of which not to exceed \$5,000 may be used for offi-*  
17 *cial reception and representation purposes and only during*  
18 *the current fiscal year: Provided, That no part of any other*  
19 *appropriation provided in title I of this Act shall be avail-*  
20 *able to fund the civil works activities of the Office of the*  
21 *Chief of Engineers or the civil works executive direction and*  
22 *management activities of the division offices: Provided fur-*  
23 *ther, That any Flood Control and Coastal Emergencies ap-*  
24 *propriation may be used to fund the supervision and gen-*  
25 *eral administration of emergency operations, repairs, and*

1 *other activities in response to any flood, hurricane, or other*  
2 *natural disaster.*

3 *OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL*  
4 *WORKS)*

5 *For the Office of Assistant Secretary of the Army*  
6 *(Civil Works) as authorized by 10 U.S.C. 3016(b)(3),*  
7 *\$5,000,000, to remain available until expended.*

8 *ADMINISTRATIVE PROVISION*

9 *The Revolving Fund, Corps of Engineers, shall be*  
10 *available during the current fiscal year for purchase (not*  
11 *to exceed 100 for replacement only) and hire of passenger*  
12 *motor vehicles for the civil works program.*

13 *GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL*

14 *SEC. 101. (a) None of the funds provided in title I*  
15 *of this Act, or provided by previous appropriations Acts*  
16 *to the agencies or entities funded in title I of this Act that*  
17 *remain available for obligation or expenditure in fiscal year*  
18 *2010, shall be available for obligation or expenditure*  
19 *through a reprogramming of funds that:*

20 *(1) creates or initiates a new program, project,*  
21 *or activity;*

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

23 *(3) increases funds or personnel for any pro-*  
24 *gram, project, or activity for which funds have been*  
25 *denied or restricted by this Act, unless prior approval*



1 *is received from the House and Senate Committees on*  
2 *Appropriations;*

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

7 *(5) augments or reduces existing programs,*  
8 *projects or activities in excess of the amounts con-*  
9 *tained in subsections 6 through 10, unless prior ap-*  
10 *proval is received from the House and Senate Com-*  
11 *mittees on Appropriations;*

12 *(6) INVESTIGATIONS.—For a base level over*  
13 *\$100,000, reprogramming of 25 percent of the base*  
14 *amount up to a limit of \$150,000 per project, study*  
15 *or activity is allowed: Provided, That for a base level*  
16 *less than \$100,000, the reprogramming limit is*  
17 *\$25,000: Provided further, That up to \$25,000 may be*  
18 *reprogrammed into any continuing study or activity*  
19 *that did not receive an appropriation for existing ob-*  
20 *ligations and concomitant administrative expenses;*

21 *(7) CONSTRUCTION.—For a base level over*  
22 *\$2,000,000, reprogramming of 15 percent of the base*  
23 *amount up to a limit of \$3,000,000 per project, study*  
24 *or activity is allowed: Provided, That for a base level*  
25 *less than \$2,000,000, the reprogramming limit is*

1       \$300,000: *Provided further, That up to \$3,000,000*  
2       *may be reprogrammed for settled contractor claims,*  
3       *changed conditions, or real estate deficiency judg-*  
4       *ments: Provided further, That up to \$300,000 may be*  
5       *reprogrammed into any continuing study or activity*  
6       *that did not receive an appropriation for existing ob-*  
7       *ligations and concomitant administrative expenses;*

8               (8) *OPERATION AND MAINTENANCE.—Unlimited*  
9       *reprogramming authority is granted in order for the*  
10       *Corps to be able to respond to emergencies: Provided,*  
11       *That the Chief of Engineers must notify the House*  
12       *and Senate Committees on Appropriations of these*  
13       *emergency actions as soon thereafter as practicable:*  
14       *Provided further, That for a base level over*  
15       *\$1,000,000, reprogramming of 15 percent of the base*  
16       *amount a limit of \$5,000,000 per project, study or ac-*  
17       *tivity is allowed: Provided further, That for a base*  
18       *level less than \$1,000,000, the reprogramming limit is*  
19       *\$150,000: Provided further, That \$150,000 may be re-*  
20       *programmed into any continuing study or activity*  
21       *that did not receive an appropriation;*

22               (9) *MISSISSIPPI RIVER AND TRIBUTARIES.—The*  
23       *same reprogramming guidelines for the Investiga-*  
24       *tions, Construction, and Operation and Maintenance*

1        *portions of the Mississippi River and Tributaries Ac-*  
2        *count as listed above; and*

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

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

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

15                (1) *A table for each appropriation with a sepa-*  
16        *rate column to display the President’s budget request,*  
17        *adjustments made by Congress, adjustments due to*  
18        *enacted rescissions, if appropriate, and the fiscal year*  
19        *enacted level;*

20                (2) *A delineation in the table for each appro-*  
21        *riation both by object class and program, project*  
22        *and activity as detailed in the budget appendix for*  
23        *the respective appropriations; and*

24                (3) *An identification of items of special congres-*  
25        *sional interest.*

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

7        *SEC. 103. Within 90 days of the date of the Chief of*  
8 *Engineers Report on a water resource matter, the Assistant*  
9 *Secretary of the Army (Civil Works) shall submit the report*  
10 *to the appropriate authorizing and appropriating commit-*  
11 *tees of the Congress.*

12        *WATER REALLOCATION, LAKE CUMBERLAND, KENTUCKY*

13        *SEC. 104. (a) IN GENERAL.—Subject to subsection (b),*  
14 *none of the funds made available by this Act may be used*  
15 *to carry out any water reallocation project or component*  
16 *under the Wolf Creek Project, Lake Cumberland, Kentucky,*  
17 *authorized under the Act of June 28, 1938 (52 Stat. 1215,*  
18 *ch. 795) and the Act of July 24, 1946 (60 Stat. 636, ch.*  
19 *595).*

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

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

8       *SEC. 106. Section 592(g) of Public Law 106–53 (113*  
9 *Stat. 380), as amended by section 120 of Public Law 108–*  
10 *137 (117 Stat. 1837) and section 5097 of Public Law 110–*  
11 *114 (121 Stat. 1233), is further amended by striking*  
12 *“\$110,000,000” and inserting “\$200,000,000” in lieu there-*  
13 *of.*

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

22       *SEC. 108. Section 595(h) of Public Law 106–53 (113*  
23 *Stat. 384), as amended by section 5067 of Public Law 110–*  
24 *114 (121 Stat. 1219), is further amended by—*

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

5           (2) *striking “\$50,000,000” and inserting*  
6           *“\$100,000,000” in lieu thereof.*

7           *SEC. 109. The project for flood damage reduction, Des*  
8           *Moines and Raccoon Rivers, Des Moines Iowa, authorized*  
9           *by section 1001(21) of the Water Resources Development Act*  
10          *of 2007 (121 Stat. 1053), is modified to authorize the Sec-*  
11          *retary to construct the project at a total cost of \$16,500,000*  
12          *with an estimated Federal cost of \$10,725,000 and an esti-*  
13          *mated non-Federal cost of \$5,775,000.*

14          *SEC. 110. The project for flood damage reduction,*  
15          *Breckenridge, Minnesota, authorized by section 320 of the*  
16          *Water Resources Development Act of 2000 (Public Law*  
17          *106–541; 114 Stat. 2605), is modified to authorize the Sec-*  
18          *retary to construct the project at a total cost of \$39,360,000*  
19          *with an estimated Federal cost of \$25,000,000 and an esti-*  
20          *mated non-Federal cost of \$14,360,000.*

21          *SEC. 111. Section 122 of title I of division D of the*  
22          *Consolidated Appropriations Resolution, 2003 (Public Law*  
23          *108–7; 117 Stat. 141) is amended by striking*  
24          *“\$10,000,000” and inserting “\$27,000,000” in lieu thereof.*

1        *SEC. 112. The Secretary of the Army is authorized to*  
2 *carry out structural and non-structural projects for storm*  
3 *damage prevention and reduction, coastal erosion, and ice*  
4 *and glacial damage in Alaska, including relocation of af-*  
5 *ected communities and construction of replacement facili-*  
6 *ties: Provided, That the non-Federal share of any project*  
7 *carried out pursuant to this section shall be no more than*  
8 *35 percent of the total cost of the project and shall be subject*  
9 *to the ability of the non-Federal interest to pay, as deter-*  
10 *mined in accordance with 33 U.S.C. 2213(m).*

11        *SEC. 113. Section 3111(1) of the Water Resources De-*  
12 *velopment Act, 2007 (Public Law 110–114; 121 Stat. 1041)*  
13 *is amended by inserting after the word “before”, the fol-*  
14 *lowing: “, on and after”.*

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

1 (RESCISSION)

2       *SEC. 115. The amount of \$2,100,000 made available*  
3 *in division C, of Public Law 111–8, under the heading*  
4 *“Mississippi River and Tributaries” for site restoration of*  
5 *the St. Johns Bayou-New Madrid Floodway, Missouri,*  
6 *project less any funds needed for contract termination, are*  
7 *hereby rescinded and \$2,100,000 is appropriated under the*  
8 *heading “Mississippi River and Tributaries” for the Mis-*  
9 *issippi Channel Improvement, Arkansas, Illinois, Ken-*  
10 *tucky, Louisiana, Mississippi, Missouri, and Tennessee con-*  
11 *struction project.*

12 (RESCISSION)

13       *SEC. 116. The amount of \$1,800,000 made available*  
14 *in division C, of Public Law 111–8, under the heading*  
15 *“Construction, General” for site restoration of the St. Johns*  
16 *Bayou-New Madrid Floodway, Missouri, project less any*  
17 *funds needed for contract termination, and are hereby re-*  
18 *scinded and \$1,800,000 is appropriated under the heading*  
19 *“Construction, General” for section 206 (Public Law 104–*  
20 *303), Aquatic Ecosystem Restoration, as amended.*

21       *PROJECT FOR PERMANENT PUMPS AND CLOSURE*

22       *STRUCTURES, LAKE PONTCHARTRAIN, LOUISIANA*

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

24               (1) *PROJECT.—The term “project” means the*  
25 *project for permanent pumps and closure structures*



1       *at or near the lakefront at Lake Pontchartrain and*  
2       *modifications to the 17th Street, Orleans Avenue, and*  
3       *London Avenue canals in and near the city of New*  
4       *Orleans that is—*

5               *(A) authorized by the matter under the*  
6               *heading “GENERAL PROJECTS” in section 204 of*  
7               *the Flood Control Act of 1965 (Public Law 89–*  
8               *298; 79 Stat. 1077); and*

9               *(B) modified by—*

10               *(i) the matter under the heading*  
11               *“FLOOD CONTROL AND COASTAL EMER-*  
12               *GENCIES (INCLUDING RESCISSION OF*  
13               *FUNDS)” under the heading “CORPS OF EN-*  
14               *GINEERS—CIVIL” under the heading “DE-*  
15               *PARTMENT OF THE ARMY” under the*  
16               *heading “DEPARTMENT OF DE-*  
17               *FENSE—CIVIL” of chapter 3 of title II of*  
18               *the Emergency Supplemental Appropria-*  
19               *tions Act for Defense, the Global War on*  
20               *Terror, and Hurricane Recovery, 2006*  
21               *(Public Law 109–234; 120 Stat. 454);*

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

1                   (iii) *the matter under the heading*  
2                   “*FLOOD CONTROL AND COASTAL EMER-*  
3                   *GENCIES*” *under the heading “CORPS OF*  
4                   *ENGINEERS—CIVIL*” *under the heading*  
5                   “*DEPARTMENT OF THE ARMY*” *under*  
6                   *the heading “DEPARTMENT OF DE-*  
7                   *FENSE—CIVIL*” *of chapter 3 of title III of*  
8                   *the Supplemental Appropriations Act, 2008*  
9                   *(Public Law 110–252; 122 Stat. 2349).*

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

12                         (A) *prepared by the Secretary that contains*  
13                         *the results of the investigation required under*  
14                         *section 4303 of the U.S. Troop Readiness, Vet-*  
15                         *erans’ Care, Katrina Recovery, and Iraq Ac-*  
16                         *countability Appropriations Act, 2007 (Public*  
17                         *Law 110–28; 121 Stat. 154); and*

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

19                  (3) *SECRETARY.*—*The term “Secretary” means*  
20                  *the Secretary of the Army, acting through the Chief*  
21                  *of Engineers.*

22                  (b) *STUDY.*—

23                         (1) *IN GENERAL.*—*In implementing the project,*  
24                         *not later than 1 year after the date of enactment of*  
25                         *this Act, the Secretary shall complete a study of the*

1        *residual risks associated with the options identified as*  
2        *“Option 1”, “Option 2”, and “Option 2a”, as de-*  
3        *scribed in the pumping station report.*

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

7                        (A) *is most technically advantageous;*

8                        (B) *is most effective from an operational*  
9        *perspective in providing the greatest long-term*  
10        *reliability in reducing the risk of flooding to the*  
11        *New Orleans area;*

12                      (C) *is most advantageous considering the*  
13        *engineering challenges and construction complex-*  
14        *ities of each option; and*

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

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

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

21                              (i) *the results of the study under para-*  
22        *graph (1); and*

23                              (ii) *each cost estimate completed for*  
24        *each option described in paragraph (1).*

25                      (B) *REPORT.—*

1           (i) *IN GENERAL.*—Not later than 90  
2           days after the date of completion of the  
3           independent external peer review under sub-  
4           paragraph (A), in accordance with clause  
5           (ii), the Secretary shall submit a report  
6           to—

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

9                   (II) *the Committee on Appropria-*  
10                  *tions of the Senate;*

11                  (III) *the Committee on Transpor-*  
12                  *tation and Infrastructure of the House*  
13                  *of Representatives; and*

14                  (IV) *the Committee on Appropria-*  
15                  *tions of the House of Representatives.*

16           (ii) *CONTENTS.*—The report described  
17           in clause (i) shall contain—

18                   (I) *the results of the study de-*  
19                   *scribed in paragraph (1);*

20                   (II) *a description of the findings*  
21                   *of the independent external peer review*  
22                   *carried out under subparagraph (A);*  
23                   *and*

1                   (III) a written response for any  
2                   recommendations adopted or not  
3                   adopted from the peer review.

4                   (4) *SUSPENSION OF CERTAIN ACTIVITIES.*—The  
5                   Secretary shall suspend each activity of the Secretary  
6                   that would result in the design and construction of  
7                   any pumping station covered by the pumping station  
8                   report unless the activity is consistent with each op-  
9                   tion described in paragraph (1).

10                  (5) *FEASIBILITY REPORT.*—Within 18 months of  
11                  enactment of this Act, the Secretary shall submit to  
12                  the Committee on Environment and Public Works of  
13                  the Senate and the Committee on Transportation and  
14                  Infrastructure of the House of Representatives a re-  
15                  port that contains a feasibility level of analysis (in-  
16                  cluding a cost estimate) for the project, as modified  
17                  under this subsection.

18                  (6) *FUNDING.*—In carrying out this subsection,  
19                  the Secretary shall use amounts made available to  
20                  modify the 17th Street, Orleans Avenue, and London  
21                  Avenue drainage canals and install pumps and clo-  
22                  sure structures at or near the lakefront in the first  
23                  proviso in the matter under the heading “FLOOD CON-  
24                  TROL AND COASTAL EMERGENCIES (INCLUDING RE-  
25                  SCISSION OF FUNDS)” under the heading “CORPS OF

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

8 *TEN MILE CREEK WATER PRESERVE AREA*

9 *SEC. 118. Section 528(b)(3)(C)(ii) of the Water Re-*  
10 *sources Development Act of 1996 (110 Stat. 3769; 121 Stat.*  
11 *1270) is amended—*

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

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

15 *“(III) TEN MILE CREEK WATER*  
16 *PRESERVE AREA.—The Federal share*  
17 *of the cost of the Ten Mile Creek Water*  
18 *Preserve Area may exceed \$25,000,000*  
19 *by an amount equal to not more than*  
20 *\$3,500,000, which shall be used to pay*  
21 *the Federal share of the cost of—*

22 *“(aa) the completion of a*  
23 *post authorization change report;*  
24 *and*

1                                   “(bb) the maintenance of the  
2                                   *Ten Mile Creek Water Preserve*  
3                                   *Area in caretaker status through*  
4                                   *fiscal year 2013.”.*

5           *SEC. 119. As soon as practicable after the date of en-*  
6 *actment of this Act, from funds made available before the*  
7 *date of enactment of this Act for the Tampa Harbor Big*  
8 *Bend Channel project, the Secretary of the Army may reim-*  
9 *burse the non-Federal sponsor of the Tampa Harbor Big*  
10 *Bend Channel project for the Federal share of the dredging*  
11 *work carried out for the project.*

12                                   *TITLE II*

13                                   *DEPARTMENT OF THE INTERIOR*

14                                   *CENTRAL UTAH PROJECT*

15                                   *CENTRAL UTAH PROJECT COMPLETION ACCOUNT*

16           *For carrying out activities authorized by the Central*  
17 *Utah Project Completion Act, \$40,300,000, to remain avail-*  
18 *able until expended, of which \$1,500,000 shall be deposited*  
19 *into the Utah Reclamation Mitigation and Conservation*  
20 *Account for use by the Utah Reclamation Mitigation and*  
21 *Conservation Commission. In addition, for necessary ex-*  
22 *penses incurred in carrying out related responsibilities of*  
23 *the Secretary of the Interior, \$1,704,000, to remain avail-*  
24 *able until expended. For fiscal year 2010, the Commission*

1 *may use an amount not to exceed \$1,500,000 for adminis-*  
2 *trative expenses.*

3 *BUREAU OF RECLAMATION*

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

6 *WATER AND RELATED RESOURCES*

7 *(INCLUDING TRANSFERS OF FUNDS)*

8 *For management, development, and restoration of*  
9 *water and related natural resources and for related activi-*  
10 *ties, including the operation, maintenance, and rehabilita-*  
11 *tion of reclamation and other facilities, participation in*  
12 *fulfilling related Federal responsibilities to Native Ameri-*  
13 *cans, and related grants to, and cooperative and other*  
14 *agreements with, State and local governments, federally rec-*  
15 *ognized Indian tribes, and others, \$993,125,000, to remain*  
16 *available until expended, of which \$53,240,000 shall be*  
17 *available for transfer to the Upper Colorado River Basin*  
18 *Fund and \$17,936,000 shall be available for transfer to the*  
19 *Lower Colorado River Basin Development Fund; of which*  
20 *such amounts as may be necessary may be advanced to the*  
21 *Colorado River Dam Fund; of which not more than*  
22 *\$500,000 is for high priority projects which shall be carried*  
23 *out by the Youth Conservation Corps, as authorized by 16*  
24 *U.S.C. 1706: Provided, That such transfers may be in-*  
25 *creased or decreased within the overall appropriation under*



1 *this heading: Provided further, That of the total appro-*  
2 *priated, the amount for program activities that can be fi-*  
3 *nanced by the Reclamation Fund or the Bureau of Rec-*  
4 *lamation special fee account established by 16 U.S.C. 460l-*  
5 *6a(i) shall be derived from that Fund or account: Provided*  
6 *further, That funds contributed under 43 U.S.C. 395 are*  
7 *available until expended for the purposes for which contrib-*  
8 *uted: Provided further, That funds advanced under 43*  
9 *U.S.C. 397a shall be credited to this account and are avail-*  
10 *able until expended for the same purposes as the sums ap-*  
11 *propriated under this heading: Provided further, That*  
12 *funds available for expenditure for the Departmental Irri-*  
13 *gation Drainage Program may be expended by the Bureau*  
14 *of Reclamation for site remediation on a nonreimbursable*  
15 *basis.*

16 *CENTRAL VALLEY PROJECT RESTORATION FUND*

17 *For carrying out the programs, projects, plans, habitat*  
18 *restoration, improvement, and acquisition provisions of the*  
19 *Central Valley Project Improvement Act, \$35,358,000, to be*  
20 *derived from such sums as may be collected in the Central*  
21 *Valley Project Restoration Fund pursuant to sections*  
22 *3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575,*  
23 *to remain available until expended: Provided, That the Bu-*  
24 *reau of Reclamation is directed to assess and collect the full*  
25 *amount of the additional mitigation and restoration pay-*

1 ments authorized by section 3407(d) of Public Law 102–  
2 575: Provided further, That none of the funds made avail-  
3 able under this heading may be used for the acquisition or  
4 leasing of water for in-stream purposes if the water is al-  
5 ready committed to in-stream purposes by a court adopted  
6 decree or order.

7 CALIFORNIA BAY-DELTA RESTORATION

8 (INCLUDING TRANSFERS OF FUNDS)

9 For carrying out activities authorized by the Water  
10 Supply, Reliability, and Environmental Improvement Act,  
11 consistent with plans to be approved by the Secretary of  
12 the Interior, \$41,000,000, to remain available until ex-  
13 pended, of which such amounts as may be necessary to  
14 carry out such activities may be transferred to appropriate  
15 accounts of other participating Federal agencies to carry  
16 out authorized purposes: Provided, That funds appro-  
17 priated herein may be used for the Federal share of the costs  
18 of CALFED Program management: Provided further, That  
19 the use of any funds provided to the California Bay-Delta  
20 Authority for program-wide management and oversight ac-  
21 tivities shall be subject to the approval of the Secretary of  
22 the Interior: Provided further, That CALFED implementa-  
23 tion shall be carried out in a balanced manner with clear  
24 performance measures demonstrating concurrent progress  
25 in achieving the goals and objectives of the Program.

1 *POLICY AND ADMINISTRATION*

2 *For necessary expenses of policy, administration, and*  
3 *related functions in the Office of the Commissioner, the*  
4 *Denver office, and offices in the five regions of the Bureau*  
5 *of Reclamation, to remain available until expended,*  
6 *\$61,200,000, to be derived from the Reclamation Fund and*  
7 *be nonreimbursable as provided in 43 U.S.C. 377: Provided,*  
8 *That no part of any other appropriation in this Act shall*  
9 *be available for activities or functions budgeted as policy*  
10 *and administration expenses.*

11 *ADMINISTRATIVE PROVISION*

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

15 *GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR*

16 *SEC. 201. (a) None of the funds provided in title II*  
17 *of this Act for Water and Related Resources, or provided*  
18 *by previous appropriations Acts to the agencies or entities*  
19 *funded in title II of this Act for Water and Related Re-*  
20 *sources that remain available for obligation or expenditure*  
21 *in fiscal year 2010, shall be available for obligation or ex-*  
22 *penditure through a reprogramming of funds that—*

23 *(1) initiates or creates a new program, project,*  
24 *or activity;*

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

1           (3) increases funds for any program, project, or  
2           activity for which funds have been denied or restricted  
3           by this Act, unless prior approval is received from the  
4           Committees on Appropriations of the House of Rep-  
5           resentatives and the Senate;

6           (4) restarts or resumes any program, project or  
7           activity for which funds are not provided in this Act,  
8           unless prior approval is received from the Committees  
9           on Appropriations of the House of Representatives  
10          and the Senate;

11          (5) transfers funds in excess of the following lim-  
12          its, unless prior approval is received from the Com-  
13          mittees on Appropriations of the House of Represent-  
14          atives and the Senate:

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

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

21          (6) transfers more than \$500,000 from either the  
22          Facilities Operation, Maintenance, and Rehabilita-  
23          tion category or the Resources Management and De-  
24          velopment category to any program, project, or activ-  
25          ity in the other category, unless prior approval is re-

1        *ceived from the Committees on Appropriations of the*  
2        *House of Representatives and the Senate; or*

3            *(7) transfers, where necessary to discharge legal*  
4        *obligations of the Bureau of Reclamation, more than*  
5        *\$5,000,000 to provide adequate funds for settled con-*  
6        *tractor claims, increased contractor earnings due to*  
7        *accelerated rates of operations, and real estate defi-*  
8        *ciency judgments, unless prior approval is received*  
9        *from the Committees on Appropriations of the House*  
10       *of Representatives and the Senate.*

11       *(b) Subsection (a)(5) shall not apply to any transfer*  
12       *of funds within the Facilities Operation, Maintenance, and*  
13       *Rehabilitation category.*

14       *(c) For purposes of this section, the term “transfer”*  
15       *means any movement of funds into or out of a program,*  
16       *project, or activity.*

17       *(d) The Bureau of Reclamation shall submit reports*  
18       *on a quarterly basis to the Committees on Appropriations*  
19       *of the House of Representatives and the Senate detailing*  
20       *all the funds reprogrammed between programs, projects, ac-*  
21       *tivities, or categories of funding. The first quarterly report*  
22       *shall be submitted not later than 60 days after the date of*  
23       *enactment of this Act.*

24       *SEC. 202. (a) None of the funds appropriated or other-*  
25       *wise made available by this Act may be used to determine*

1 *the final point of discharge for the interceptor drain for*  
2 *the San Luis Unit until development by the Secretary of*  
3 *the Interior and the State of California of a plan, which*  
4 *shall conform to the water quality standards of the State*  
5 *of California as approved by the Administrator of the Envi-*  
6 *ronmental Protection Agency, to minimize any detrimental*  
7 *effect of the San Luis drainage waters.*

8       **(b)** *The costs of the Kesterson Reservoir Cleanup Pro-*  
9 *gram and the costs of the San Joaquin Valley Drainage*  
10 *Program shall be classified by the Secretary of the Interior*  
11 *as reimbursable or nonreimbursable and collected until fully*  
12 *repaid pursuant to the “Cleanup Program-Alternative Re-*  
13 *payment Plan” and the “SJVDP-Alternative Repayment*  
14 *Plan” described in the report entitled “Repayment Report,*  
15 *Kesterson Reservoir Cleanup Program and San Joaquin*  
16 *Valley Drainage Program, February 1995”, prepared by*  
17 *the Department of the Interior, Bureau of Reclamation.*  
18 *Any future obligations of funds by the United States relat-*  
19 *ing to, or providing for, drainage service or drainage stud-*  
20 *ies for the San Luis Unit shall be fully reimbursable by*  
21 *San Luis Unit beneficiaries of such service or studies pur-*  
22 *suant to Federal reclamation law.*

23       **SEC. 203.** *None of the funds appropriated or otherwise*  
24 *made available by this or any other Act may be used to*  
25 *pay the salaries and expenses of personnel to purchase or*

1 *lease water in the Middle Rio Grande or the Carlsbad*  
2 *Projects in New Mexico unless said purchase or lease is in*  
3 *compliance with the purchase requirements of section 202*  
4 *of Public Law 106–60.*

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

10 *SEC. 205. Section 9 of the Fort Peck Reservation Rural*  
11 *Water System Act of 2000 (Public Law 106–382; 114 Stat.*  
12 *1457) is amended by striking “over a period of 10 fiscal*  
13 *years” each place it appears in subsections (a)(1) and (b)*  
14 *and inserting “through fiscal year 2015”.*

15 *SEC. 206. Section 208(a) of the Energy and Water De-*  
16 *velopment Appropriations Act, 2006 (Public Law 109–103;*  
17 *119 Stat. 2268), is amended—*

18 *(1) in paragraph (1)—*

19 *(A) by redesignating clauses (i) through (iv)*  
20 *of subparagraph (B) as subclauses (I) through*  
21 *(IV), respectively, and indenting the subclauses*  
22 *appropriately;*

23 *(B) by redesignating subparagraphs (A)*  
24 *and (B) as clauses (i) and (ii), respectively, and*  
25 *indenting the clauses appropriately;*

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

3                   “(a) ACTION BY SECRETARY.—

4                   “(1) PROVISION OF FUNDS.—

5                   “(A) IN GENERAL.—Using”;

6                   (D) in subparagraph (A) (as so redesign-  
7                   ated)—

8                   (i) in the matter preceding clause (i)  
9                   (as so redesignated), by inserting “or the  
10                  National Fish and Wildlife Foundation”  
11                  after “University of Nevada”;

12                  (ii) in clause (i) (as so redesignated),  
13                  by striking “, Nevada; and” and inserting  
14                  a semicolon;

15                  (iii) in clause (ii)(IV) (as so redesign-  
16                  ated), by striking the period at the end  
17                  and inserting “; and”; and

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

19                  “(iii) to design and implement con-  
20                  servation and stewardship measures to ad-  
21                  dress impacts from activities carried out—

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

23                  “(II) in conjunction with willing  
24                  landowners.”; and

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



1                   “(B) *NATIONAL FISH AND WILDLIFE FOUN-*  
2                   *DATION.—*

3                   “(i) *DATE OF PROVISION.—The Sec-*  
4                   *retary shall provide funds to the National*  
5                   *Fish and Wildlife Foundation pursuant to*  
6                   *subparagraph (A) in an advance payment*  
7                   *of the available amount—*

8                   “(I) *on the date of enactment of*  
9                   *the Energy and Water Development*  
10                  *and Related Agencies Appropriations*  
11                  *Act, 2010; or*

12                  “(II) *as soon as practicable after*  
13                  *that date of enactment.*

14                  “(ii) *REQUIREMENTS.—*

15                  “(I) *IN GENERAL.—Except as pro-*  
16                  *vided in subclause (II), the funds pro-*  
17                  *vided under clause (i) shall be subject*  
18                  *to the National Fish and Wildlife*  
19                  *Foundation Establishment Act (16*  
20                  *U.S.C. 3701 et seq.), in accordance*  
21                  *with section 10(b)(1) of that Act (16*  
22                  *U.S.C. 3709(b)(1)).*

23                  “(II) *EXCEPTIONS.—Sections 4(e)*  
24                  *and 10(b)(2) of the National Fish and*  
25                  *Wildlife Foundation Establishment Act*

1                   (16 U.S.C. 3703(e), 3709(b)(2)), and  
2                   the provision of subsection (c)(2) of sec-  
3                   tion 4 of that Act (16 U.S.C. 3703) re-  
4                   lating to subsection (e) of that section,  
5                   shall not apply to the funds provided  
6                   under clause (i).”; and

7                   (2) in paragraph (2)—

8                   (A) in the matter preceding subparagraph  
9                   (A), by striking “paragraph (1)(A)” and all that  
10                  follows through “beneficial to—” and inserting  
11                  “paragraph (1)(A)(i), the University of Nevada  
12                  or the National Fish and Wildlife Foundation  
13                  shall make acquisitions that the University or  
14                  the Foundation determines to be the most bene-  
15                  ficial to—”; and

16                  (B) in subparagraph (A), by striking  
17                  “paragraph (1)(B)” and inserting “paragraph  
18                  (1)(A)(ii)”.

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

22                  (1) in paragraph (1), by striking “or” at the  
23                  end;

24                  (2) in paragraph (2), by striking the period at  
25                  the end and inserting “; and”; and

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

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

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

10           (1) *provide, in accordance with section*  
11           *208(a)(1)(A)(i) of the Energy and Water Development*  
12           *Appropriations Act, 2006 (Public Law 109–103; 119*  
13           *Stat. 2268), and subject to subsection (b), \$66,200,000*  
14           *to establish the Walker Basin Restoration Program*  
15           *for the primary purpose of restoring and maintaining*  
16           *Walker Lake, a natural desert terminal lake in the*  
17           *State of Nevada, consistent with protection of the eco-*  
18           *logical health of the Walker River and the riparian*  
19           *and watershed resources of the West, East, and Main*  
20           *Walker Rivers; and*

21           (2) *allocate—*

22           (A) *acting through a nonprofit conservation*  
23           *organization that is acting in consultation with*  
24           *the Truckee Meadows Water Authority,*

1           \$2,000,000, to remain available until expended,  
2           for—

3                   (i) the acquisition of land surrounding  
4                   Independence Lake; and

5                   (ii) protection of the native fishery and  
6                   water quality of Independence Lake, as de-  
7                   termined by the nonprofit conservation or-  
8                   ganization;

9                   (B) \$5,000,000 to provide grants of equal  
10                  amounts to the State of Nevada, the State of  
11                  California, the Truckee Meadows Water Author-  
12                  ity, the Pyramid Lake Paiute Tribe, and the  
13                  Federal Watermaster of the Truckee River to im-  
14                  plement the Truckee-Carson-Pyramid Lake  
15                  Water Rights Settlement Act (Public Law 101-  
16                  618; 104 Stat. 3289);

17                  (C) \$1,500,000, to be divided equally by the  
18                  city of Fernley, Nevada, and the Pyramid Lake  
19                  Paiute Tribe, for joint planning and develop-  
20                  ment activities for water, wastewater, and sewer  
21                  facilities; and

22                  (D) \$1,000,000 to the United States Geo-  
23                  logical Survey to design and implement, in con-  
24                  sultation and cooperation with other Federal de-  
25                  partments and agencies, State and tribal govern-

1           *ments, and other water management and con-*  
2           *servation organizations, a water monitoring pro-*  
3           *gram for the Walker River Basin.*

4           *(b)(1) The amount made available under subsection*  
5           *(a)(1) shall be—*

6                   *(A) used, consistent with the primary purpose*  
7                   *set forth in subsection (a)(1), to support efforts to pre-*  
8                   *serve Walker Lake while protecting agricultural, envi-*  
9                   *ronmental, and habitat interests in the Walker River*  
10                  *Basin; and*

11                   *(B) allocated as follows:*

12                           *(i) \$25,000,000 to the Walker River Irriga-*  
13                           *tion District, acting in accordance with an*  
14                           *agreement between that District and the Na-*  
15                           *tional Fish and Wildlife Foundation—*

16                                   *(I) to administer and manage a 3-year*  
17                                   *water leasing demonstration program in the*  
18                                   *Walker River Basin to increase Walker*  
19                                   *Lake inflows; and*

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

23   *(ii) \$25,000,000 to advance the acquisition*  
24   *of water and related interests from willing sellers*  
25   *authorized by section 208(a)(1)(A)(i) of the En-*

1            *ergy and Water Development Appropriations*  
2            *Act, 2006 (Public Law 109–103; 119 Stat.*  
3            *2268).*

4            *(iii) \$1,000,000 for activities relating to the*  
5            *exercise of acquired option agreements and im-*  
6            *plementation of the water leasing demonstration*  
7            *program, including but not limited to the pur-*  
8            *suit of change applications, approvals, and*  
9            *agreements pertaining to the exercise of water*  
10           *rights and leases acquired under the program.*

11           *(iv) \$10,000,000 for associated conservation*  
12           *and stewardship activities, including water con-*  
13           *servation and management, watershed planning,*  
14           *land stewardship, habitat restoration, and the es-*  
15           *tablishment of a local, nonprofit entity to hold*  
16           *and exercise water rights acquired by, and to*  
17           *achieve the purposes of, the Walker Basin Res-*  
18           *toration Program.*

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

21           *(I) for additional research to supple-*  
22           *ment the water rights research conducted*  
23           *under section 208(a)(1)(A)(ii) of the Energy*  
24           *and Water Development Appropriations*

1           *Act, 2006 (Public Law 109–103; 119 Stat.*  
2           *2268);*

3                     *(II) to conduct an annual evaluation*  
4                     *of the results of the activities carried out*  
5                     *under clauses (i) and (ii); and*

6                     *(III) to support and provide informa-*  
7                     *tion to the programs described in this sub-*  
8                     *paragraph and related acquisition and*  
9                     *stewardship initiatives to preserve Walker*  
10                    *Lake and protect agricultural, environ-*  
11                    *mental, and habitat interests in the Walker*  
12                    *River Basin.*

13                    *(vi) \$200,000 to support alternative crops*  
14                    *and alternative agricultural cooperatives pro-*  
15                    *grams in Lyon County, Nevada, that promote*  
16                    *water conservation in the Walker River Basin.*

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

20                    *(i) in an advance payment of the entire*  
21                    *amount—*

22                    *(I) on the date of enactment of this*  
23                    *Act; or*

24                    *(II) as soon as practicable after that*  
25                    *date of enactment; and*

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

6           (B) Sections 4(e) and 10(b)(2) of the National  
7           Fish and Wildlife Foundation Establishment Act (16  
8           U.S.C. 3703(e), 3709(b)(2)), and the provision of sub-  
9           section (c)(2) of section 4 of that Act (16 U.S.C. 3703)  
10          relating to subsection (e) of that section, shall not  
11          apply to the amount made available under subsection  
12          (a)(1).

13          SEC. 209. Notwithstanding the provisions of section  
14          11(c) of Public Law 89–108, as amended by section 9 of  
15          Public Law 99–294, the Commissioner is directed to modify  
16          the April 9, 2002, Grant Agreement Between Bureau of Rec-  
17          lamation and North Dakota Natural Resources Trust to  
18          provide funding for the Trust to continue its investment  
19          program/Agreement No. 02FG601633 to authorize the North  
20          Dakota Natural Resources Trust Board of Directors to ex-  
21          pend all or any portion of the funding allocation received  
22          pursuant to section 11(a)(2)(B) of the Dakota Water Re-  
23          sources Act of 2000 for the purpose of operations of the Nat-  
24          ural Resource Trust whether such amounts are principal  
25          or received as investment income: Provided, That oper-



1 *ational expenses that may be funded from the principal al-*  
2 *location shall not exceed 105 percent of the previous fiscal*  
3 *year’s operating costs: Provided further, That the Commis-*  
4 *sioner of Reclamation is authorized to include in such*  
5 *modified agreement with the Trust authorized under this*  
6 *section appropriate provisions regarding the repayment of*  
7 *any funds that constitute principal from the Trust Funds.*

8       *SEC. 210. Title I of Public Law 108–361 is amended*  
9 *by striking “2010” wherever it appears and inserting*  
10 *“2015” in lieu thereof.*

11       *SEC. 211. (a) Section 3405(a)(1)(M) of Public Law*  
12 *102–575 (106 Stat. 4709) is amended by striking “coun-*  
13 *tries” and inserting “counties”.*

14       *(b) A transfer of water between a Friant Division con-*  
15 *tractor and a south-of-Delta CVP agricultural water service*  
16 *contractor, approved during a two-year period beginning*  
17 *on the date of enactment of this Act shall, be deemed to*  
18 *meet the conditions set forth in subparagraphs (A) and (I)*  
19 *of section 3405(a)(1) of Public Law 102–575 (106 Stat.*  
20 *4709) if the transfer under this clause—*

21               *(1) does not interfere with the San Joaquin*  
22 *River Restoration Settlement Act (part I of subtitle A*  
23 *of title X of Public Law 111–11; 123 Stat. 1349) (in-*  
24 *cluding the priorities described in section*  
25 *10004(a)(4)(B) of that Act relating to implementation*

1 of paragraph 16 of the Settlement), and the Settle-  
2 ment (as defined in section 10003 of that Act); and  
3 (2) is completed by September 30, 2012.

4 (c) As soon as practicable after the date of enactment  
5 of this Act, the Secretary of the Interior, acting through the  
6 Director of the United States Fish and Wildlife Service,  
7 shall revise, finalize, and implement the applicable draft  
8 recovery plan for the Giant Garter Snake (*Thamnophis*  
9 *gigas*).

10 SEC. 212. Section 805(a)(2) of Public Law 106-541  
11 (114 Stat. 2704) is amended by striking “2010” each place  
12 it appears and inserting “2013”.

13 TITLE III

14 DEPARTMENT OF ENERGY

15 ENERGY PROGRAMS

16 ENERGY EFFICIENCY AND RENEWABLE ENERGY

17 For Department of Energy expenses including the pur-  
18 chase, construction, and acquisition of plant and capital  
19 equipment, and other expenses necessary for energy effi-  
20 ciency and renewable energy activities in carrying out the  
21 purposes of the Department of Energy Organization Act (42  
22 U.S.C. 7101 et seq.), including the acquisition or con-  
23 demnation of any real property or any facility or for plant  
24 or facility acquisition, construction, or expansion,  
25 \$2,233,967,000, to remain available until expended: Pro-

1 *vided, That, of the amount appropriated in this paragraph,*  
2 *\$148,075,000 shall be used for projects specified in the table*  
3 *that appears under the heading “Congressionally Directed*  
4 *Energy Efficiency and Renewable Energy Projects” in the*  
5 *report of the Committee on Appropriations of the United*  
6 *States Senate to accompany this Act: Provided further,*  
7 *That within existing funds for industrial technologies*  
8 *\$15,000,000 shall be used to make technical assistance*  
9 *grants under subsection (b) of section 399A of the Energy*  
10 *Policy and Conservation Act (42 U.S.C. 6371h–1(b)). Of*  
11 *the \$85,000,000 provided under the wind energy subaccount*  
12 *under the Energy Efficiency & Renewable Energy, up to*  
13 *\$8,000,000 shall be competitively awarded to universities*  
14 *for turbine and equipment purchases for the purposes of*  
15 *studying turbine to turbine wake interaction, wind farm*  
16 *interaction, and wind energy efficiencies, provided that*  
17 *such equipment shall not be used for merchant power pro-*  
18 *duction.*

19 *ELECTRICITY DELIVERY AND ENERGY RELIABILITY*

20 *For Department of Energy expenses including the pur-*  
21 *chase, construction, and acquisition of plant and capital*  
22 *equipment, and other expenses necessary for electricity de-*  
23 *livery and energy reliability activities in carrying out the*  
24 *purposes of the Department of Energy Organization Act (42*  
25 *U.S.C. 7101 et seq.), including the acquisition or con-*

1 *demnation of any real property or any facility or for plant*  
2 *or facility acquisition, construction, or expansion,*  
3 *\$179,483,000, to remain available until expended: Pro-*  
4 *vided, That, within the funding available funding the Sec-*  
5 *retary shall establish an independent national energy sector*  
6 *cyber security organization to institute research, develop-*  
7 *ment and deployment priorities, including policies and pro-*  
8 *ocol to ensure the effective deployment of tested and vali-*  
9 *dated technology and software controls to protect the bulk*  
10 *power electric grid and integration of smart grid technology*  
11 *to enhance the security of the electricity grid: Provided fur-*  
12 *ther, That within 60 days of enactment, the Secretary shall*  
13 *invite applications from qualified entities for the purpose*  
14 *of forming and governing a national energy sector cyber*  
15 *organization that have the knowledge and capacity to focus*  
16 *cyber security research and development and to identify*  
17 *and disseminate best practices; organize the collection, anal-*  
18 *ysis and dissemination of infrastructure vulnerabilities and*  
19 *threats; work cooperatively with the Department of Energy*  
20 *and other Federal agencies to identify areas where Federal*  
21 *agencies with jurisdiction may best support efforts to en-*  
22 *hance security of the bulk power electric grid: Provided fur-*  
23 *ther, That, of the amount appropriated in this paragraph,*  
24 *\$6,475,000 shall be used for projects specified in the table*  
25 *that appears under the heading “Congressionally Directed*

1 *Electricity Delivery and Energy Reliability Projects” in the*  
2 *report of the Committee on Appropriations of the United*  
3 *States Senate to accompany this Act.*

4 *NUCLEAR ENERGY*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For Department of Energy expenses including the pur-*  
7 *chase, construction, and acquisition of plant and capital*  
8 *equipment, and other expenses necessary for nuclear energy*  
9 *activities in carrying out the purposes of the Department*  
10 *of Energy Organization Act (42 U.S.C. 7101 et seq.), in-*  
11 *cluding the acquisition or condemnation of any real prop-*  
12 *erty or any facility or for plant or facility acquisition, con-*  
13 *struction, or expansion, and the purchase of not to exceed*  
14 *36 passenger motor vehicles, including one ambulance, all*  
15 *for replacement only, \$761,274,000, to remain available*  
16 *until expended: Provided, That, of the amount appropriated*  
17 *in this paragraph, \$2,000,000 shall be used for projects*  
18 *specified in the table that appears under the heading “Con-*  
19 *gressionally Directed Nuclear Energy Projects” in the re-*  
20 *port of the Committee on Appropriations of the United*  
21 *States Senate to accompany this Act.*

22 *FOSSIL ENERGY RESEARCH AND DEVELOPMENT*

23 *For necessary expenses in carrying out fossil energy*  
24 *research and development activities, under the authority of*  
25 *the Department of Energy Organization Act (Public Law*

1 95–91), including the acquisition of interest, including de-  
2 feasible and equitable interests in any real property or any  
3 facility or for plant or facility acquisition or expansion,  
4 and for conducting inquiries, technological investigations  
5 and research concerning the extraction, processing, use, and  
6 disposal of mineral substances without objectionable social  
7 and environmental costs (30 U.S.C. 3, 1602, and 1603),  
8 \$699,200,000, to remain available until expended: Pro-  
9 vided, That for all programs funded under Fossil Energy  
10 appropriations in this Act or any other Act, the Secretary  
11 may vest fee title or other property interests acquired under  
12 projects in any entity, including the United States: Pro-  
13 vided further, That, of the amount appropriated in this  
14 paragraph, \$27,300,000 shall be used for projects specified  
15 in the table that appears under the heading “Congression-  
16 ally Directed Fossil Energy Projects” in the report of the  
17 Committee on Appropriations of the United States Senate  
18 to accompany this Act.

19        *NAVAL PETROLEUM AND OIL SHALE RESERVES*

20        *For expenses necessary to carry out naval petroleum*  
21 *and oil shale reserve activities, including the hire of pas-*  
22 *senger motor vehicles, \$23,627,000, to remain available*  
23 *until expended: Provided, That, notwithstanding any other*  
24 *provision of law, unobligated funds remaining from prior*

1 *years shall be available for all naval petroleum and oil shale*  
2 *reserve activities.*

3 *STRATEGIC PETROLEUM RESERVE*

4 *For necessary expenses for Strategic Petroleum Reserve*  
5 *facility development and operations and program manage-*  
6 *ment activities pursuant to the Energy Policy and Con-*  
7 *servations Act of 1975, as amended (42 U.S.C. 6201 et seq.),*  
8 *\$259,073,000, to remain available until expended.*

9 *NORTHEAST HOME HEATING OIL RESERVE*

10 *For necessary expenses for Northeast Home Heating*  
11 *Oil Reserve storage, operation, and management activities*  
12 *pursuant to the Energy Policy and Conservation Act,*  
13 *\$11,300,000, to remain available until expended.*

14 *ENERGY INFORMATION ADMINISTRATION*

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

18 *NON-DEFENSE ENVIRONMENTAL CLEANUP*

19 *For Department of Energy expenses, including the*  
20 *purchase, construction, and acquisition of plant and cap-*  
21 *ital equipment and other expenses necessary for non-defense*  
22 *environmental cleanup activities in carrying out the pur-*  
23 *poses of the Department of Energy Organization Act (42*  
24 *U.S.C. 7101 et seq.), including the acquisition or con-*  
25 *demnation of any real property or any facility or for plant*

1 *or facility acquisition, construction, or expansion,*  
2 *\$259,829,000, to remain available until expended.*

3 *URANIUM ENRICHMENT DECONTAMINATION AND*  
4 *DECOMMISSIONING FUND*

5 *For necessary expenses in carrying out uranium en-*  
6 *richment facility decontamination and decommissioning,*  
7 *remedial actions, and other activities of title II of the Atom-*  
8 *ic Energy Act of 1954, and title X, subtitle A, of the Energy*  
9 *Policy Act of 1992, \$588,322,000, to be derived from the*  
10 *Uranium Enrichment Decontamination and Decommis-*  
11 *sioning Fund, to remain available until expended.*

12 *SCIENCE*

13 *For Department of Energy expenses including the pur-*  
14 *chase, construction and acquisition of plant and capital*  
15 *equipment, and other expenses necessary for science activi-*  
16 *ties in carrying out the purposes of the Department of En-*  
17 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*  
18 *the acquisition or condemnation of any real property or*  
19 *facility or for plant or facility acquisition, construction, or*  
20 *expansion, and purchase of not to exceed 50 passenger*  
21 *motor vehicles for replacement only, including one law en-*  
22 *forcement vehicle, two ambulances, and three buses,*  
23 *\$4,898,832,000, to remain available until expended: Pro-*  
24 *vided, That, of the amount appropriated in this paragraph,*  
25 *\$41,150,000 shall be used for projects specified in the table*



1 *that appears under the heading “Congressionally Directed*  
2 *Science Projects” in the report of the Committee on Appro-*  
3 *priations of the United States Senate to accompany this*  
4 *Act.*

5 *NUCLEAR WASTE DISPOSAL*

6 *For nuclear waste disposal activities to carry out the*  
7 *purposes of the Nuclear Waste Policy Act of 1982, Public*  
8 *Law 97-425, as amended (the “NWPA”), \$98,400,000, to*  
9 *remain available until expended, and to be derived from*  
10 *the Nuclear Waste Fund: Provided, That of the funds made*  
11 *available in this Act for nuclear waste disposal and defense*  
12 *nuclear waste disposal activities, 2.54 percent shall be pro-*  
13 *vided to the Office of the Attorney General of the State of*  
14 *Nevada solely for expenditures, other than salaries and ex-*  
15 *penses of State employees, to conduct scientific oversight re-*  
16 *sponsibilities and participate in licensing activities pursu-*  
17 *ant to the NWPA: Provided further, That notwithstanding*  
18 *the lack of a written agreement with the State of Nevada*  
19 *under section 117(c) of the NWPA, 0.51 percent shall be*  
20 *provided to Nye County, Nevada, for on-site oversight ac-*  
21 *tivities under section 117(d) of the NWPA: Provided fur-*  
22 *ther, That of the funds made available in this Act for nu-*  
23 *clear waste disposal and defense nuclear waste disposal ac-*  
24 *tivities, 4.57 percent shall be provided to affected units of*  
25 *local government, as defined in the NWPA, to conduct ap-*

1 *propriate activities and participate in licensing activities*  
2 *under Section 116(c) of the NWPA: Provided further, That*  
3 *of the amounts provided to affected units of local govern-*  
4 *ment, 7.5 percent of the funds provided for the affected units*  
5 *of local government shall be made available to affected units*  
6 *of local government in California with the balance made*  
7 *available to affected units of local government in Nevada*  
8 *for distribution as determined by the Nevada affected units*  
9 *of local government: Provided further, That of the funds*  
10 *made available in this Act for nuclear waste disposal and*  
11 *defense nuclear waste disposal activities, 0.25 percent shall*  
12 *be provided to the affected Federally-recognized Indian*  
13 *tribes, as defined in the NWPA, solely for expenditures,*  
14 *other than salaries and expenses of tribal employees, to con-*  
15 *duct appropriate activities and participate in licensing ac-*  
16 *tivities under section 118(b) of the NWPA: Provided further,*  
17 *That notwithstanding the provisions of chapters 65 and 75*  
18 *of title 31, United States Code, the Department shall have*  
19 *no monitoring, auditing or other oversight rights or respon-*  
20 *sibilities over amounts provided to affected units of local*  
21 *government: Provided further, That the funds for the State*  
22 *of Nevada shall be made available solely to the Office of*  
23 *the Attorney General by direct payment and to units of*  
24 *local government by direct payment: Provided further, That*  
25 *4.57 percent of the funds made available in this Act for*

1 *nuclear waste disposal and defense nuclear waste disposal*  
2 *activities shall be provided to Nye County, Nevada, as pay-*  
3 *ment equal to taxes under section 116(c)(3) of the NWPA:*  
4 *Provided further, That within 90 days of the completion*  
5 *of each Federal fiscal year, the Office of the Attorney Gen-*  
6 *eral of the State of Nevada, each affected Federally-recog-*  
7 *nized Indian tribe, and each of the affected units of local*  
8 *government shall provide certification to the Department of*  
9 *Energy that all funds expended from such payments have*  
10 *been expended for activities authorized by the NWPA and*  
11 *this Act: Provided further, That failure to provide such cer-*  
12 *tification shall cause such entity to be prohibited from any*  
13 *further funding provided for similar activities: Provided*  
14 *further, That none of the funds herein appropriated may*  
15 *be: (1) used directly or indirectly to influence legislative*  
16 *action, except for normal and recognized executive-legisla-*  
17 *tive communications, on any matter pending before Con-*  
18 *gress or a State legislature or for lobbying activity as pro-*  
19 *vided in 18 U.S.C. 1913; (2) used for litigation expenses;*  
20 *or (3) used to support multi-State efforts or other coalition*  
21 *building activities inconsistent with the restrictions con-*  
22 *tained in this Act: Provided further, That all proceeds and*  
23 *recoveries realized by the Secretary in carrying out activi-*  
24 *ties authorized by the NWPA, including but not limited to,*  
25 *any proceeds from the sale of assets, shall be available with-*

1 *out further appropriation and shall remain available until*  
2 *expended: Provided further, That no funds provided in this*  
3 *Act or any previous Act may be used to pursue repayment*  
4 *or collection of funds provided in any fiscal year to affected*  
5 *units of local government for oversight activities that had*  
6 *been previously approved by the Department of Energy, or*  
7 *to withhold payment of any such funds.*

8 *TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE*  
9 *PROGRAM*

10 *Such sums as are derived from amounts received from*  
11 *borrowers pursuant to section 1702(b)(2) of the Energy Pol-*  
12 *icy Act of 2005 under this heading in prior Acts, shall be*  
13 *collected in accordance with section 502(7) of the Congres-*  
14 *sional Budget Act of 1974: Provided,, That for necessary*  
15 *administrative expenses to carry out this Loan Guarantee*  
16 *program, \$43,000,000 is appropriated, to remain available*  
17 *until expended: Provided further, That \$43,000,000 of the*  
18 *fees collected pursuant to section 1702(h) of the Energy Pol-*  
19 *icy Act of 2005 shall be credited as offsetting collections to*  
20 *this account to cover administrative expenses and shall re-*  
21 *main available until expended, so as to result in a final*  
22 *fiscal year 2010 appropriations from the general fund esti-*  
23 *mated at not more than \$0: Provided further, That, in ad-*  
24 *ministering amounts made available by prior Acts for*  
25 *projects covered by title XVII of the Energy Policy Act of*

1 2005 (42 U.S.C. 16511 et seq.), the Secretary of Energy  
 2 is required by that title to consider low-risk finance pro-  
 3 grams that substantially reduce or eliminate upfront costs  
 4 for building owners to renovate or retrofit existing buildings  
 5 to install energy efficiency or renewable energy technologies  
 6 as eligible for loan guarantees authorized under sections  
 7 1703 and 1705 of that Act (42 U.S.C. 16513, 16516).

8           *ADVANCED TECHNOLOGY VEHICLES MANUFACTURING*  
 9   *LOAN PROGRAM*

10           *For administrative expenses in carrying out the Ad-*  
 11 *vanced Technology Vehicles Manufacturing Loan Program,*  
 12 *\$20,000,000, to remain available until expended.*

13   *DEPARTMENTAL ADMINISTRATION*  
 14   *(INCLUDING TRANSFER OF FUNDS)*

15           *For salaries and expenses of the Department of Energy*  
 16 *necessary for Departmental Administration in carrying out*  
 17 *the purposes of the Department of Energy Organization Act*  
 18 *(42 U.S.C. 7101 et seq.), including the hire of passenger*  
 19 *motor vehicles and official reception and representation ex-*  
 20 *penses not to exceed \$293,684,000, to remain available until*  
 21 *expended, plus such additional amounts as necessary to*  
 22 *cover increases in the estimated amount of cost of work for*  
 23 *others notwithstanding the provisions of the Anti-Deficiency*  
 24 *Act (31 U.S.C. 1511 et seq.): Provided, That such increases*  
 25 *in cost of work are offset by revenue increases of the same*

1 *or greater amount, to remain available until expended: Pro-*  
2 *vided further, That moneys received by the Department for*  
3 *miscellaneous revenues estimated to total \$119,740,000 in*  
4 *fiscal year 2010 may be retained and used for operating*  
5 *expenses within this account, and may remain available*  
6 *until expended, as authorized by section 201 of Public Law*  
7 *95-238, notwithstanding the provisions of 31 U.S.C. 3302:*  
8 *Provided further, That the sum herein appropriated shall*  
9 *be reduced by the amount of miscellaneous revenues received*  
10 *during 2010, and any related appropriated receipt account*  
11 *balances remaining from prior years' miscellaneous reve-*  
12 *nues, so as to result in a final fiscal year 2010 appropria-*  
13 *tion from the general fund estimated at not more than*  
14 *\$173,944,000.*

15 *OFFICE OF THE INSPECTOR GENERAL*

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

20 *ATOMIC ENERGY DEFENSE ACTIVITIES*

21 *NATIONAL NUCLEAR SECURITY ADMINISTRATION*

22 *WEAPONS ACTIVITIES*

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

1 *atomic energy defense weapons activities in carrying out*  
2 *the purposes of the Department of Energy Organization Act*  
3 *(42 U.S.C. 7101 et seq.), including the acquisition or con-*  
4 *demnation of any real property or any facility or for plant*  
5 *or facility acquisition, construction, or expansion, the pur-*  
6 *chase of not to exceed one ambulance; \$6,468,267,000, to*  
7 *remain available until expended.*

8 *DEFENSE NUCLEAR NONPROLIFERATION*

9 *For Department of Energy expenses, including the*  
10 *purchase, construction, and acquisition of plant and cap-*  
11 *ital equipment and other incidental expenses necessary for*  
12 *defense nuclear nonproliferation activities, in carrying out*  
13 *the purposes of the Department of Energy Organization Act*  
14 *(42 U.S.C. 7101 et seq.), including the acquisition or con-*  
15 *demnation of any real property or any facility or for plant*  
16 *or facility acquisition, construction, or expansion, and the*  
17 *purchase of not to exceed one passenger motor vehicle for*  
18 *replacement only, \$2,136,709,000, to remain available until*  
19 *expended.*

20 *NAVAL REACTORS*

21 *For Department of Energy expenses necessary for*  
22 *naval reactors activities to carry out the Department of En-*  
23 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*  
24 *the acquisition (by purchase, condemnation, construction,*  
25 *or otherwise) of real property, plant, and capital equip-*

1 *ment, facilities, and facility expansion, \$973,133,000, to re-*  
2 *main available until expended.*

3 *OFFICE OF THE ADMINISTRATOR*

4 *For necessary expenses of the Office of the Adminis-*  
5 *trator in the National Nuclear Security Administration, in-*  
6 *cluding official reception and representation expenses not*  
7 *to exceed \$12,000, \$420,754,000, to remain available until*  
8 *expended.*

9 *ENVIRONMENTAL AND OTHER DEFENSE*

10 *ACTIVITIES*

11 *DEFENSE ENVIRONMENTAL CLEANUP*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For Department of Energy expenses, including the*  
14 *purchase, construction, and acquisition of plant and cap-*  
15 *ital equipment and other expenses necessary for atomic en-*  
16 *ergy defense environmental cleanup activities in carrying*  
17 *out the purposes of the Department of Energy Organization*  
18 *Act (42 U.S.C. 7101 et seq.), including the acquisition or*  
19 *condemnation of any real property or any facility or for*  
20 *plant or facility acquisition, construction, or expansion,*  
21 *and the purchase of not to exceed four ambulances and three*  
22 *passenger motor vehicles for replacement only,*  
23 *\$5,763,856,000, to remain available until expended, of*  
24 *which \$463,000,000 shall be transferred to the “Uranium*  
25 *Enrichment Decontamination and Decommissioning*



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

7 *OTHER DEFENSE ACTIVITIES*

8 *For Department of Energy expenses, including the*  
9 *purchase, construction, and acquisition of plant and cap-*  
10 *ital equipment and other expenses, necessary for atomic en-*  
11 *ergy defense, other defense activities, and classified activi-*  
12 *ties, in carrying out the purposes of the Department of En-*  
13 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*  
14 *the acquisition or condemnation of any real property or*  
15 *any facility or for plant or facility acquisition, construc-*  
16 *tion, or expansion, and the purchase of not to exceed 12*  
17 *passenger motor vehicles for replacement only,*  
18 *\$854,468,000, to remain available until expended: Pro-*  
19 *vided, That of the amount appropriated in this paragraph,*  
20 *\$2,000,000 shall be used for projects specified in the table*  
21 *that appears under the heading “Congressionally Directed*  
22 *Other Defense Activities Projects” in the report of the Com-*  
23 *mittee on Appropriations of the United States Senate to*  
24 *accompany this Act.*

1                    *DEFENSE NUCLEAR WASTE DISPOSAL*

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

6                    *POWER MARKETING ADMINISTRATIONS*

7                    *BONNEVILLE POWER ADMINISTRATION FUND*

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

16                    *OPERATION AND MAINTENANCE, SOUTHEASTERN POWER*  
17                    *ADMINISTRATION*

18            *For necessary expenses of operation and maintenance*  
19 *of power transmission facilities and of marketing electric*  
20 *power and energy, including transmission wheeling and*  
21 *ancillary services pursuant to section 5 of the Flood Control*  
22 *Act of 1944 (16 U.S.C. 825s), as applied to the southeastern*  
23 *power area, \$7,638,000, to remain available until expended:*  
24 *Provided, That notwithstanding 31 U.S.C. 3302 and section*  
25 *5 of the Flood Control Act of 1944, up to \$7,638,000 col-*

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

1 *expenditures that are generally recovered in the same year*  
2 *that they are incurred (excluding purchase power and*  
3 *wheeling expenses).*

4 *OPERATION AND MAINTENANCE, SOUTHWESTERN POWER*  
5 *ADMINISTRATION*

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

1 *tion estimated at not more than \$13,076,000: Provided fur-*  
2 *ther, That, notwithstanding 31 U.S.C. 3302, up to*  
3 *\$38,000,000 collected by the Southwestern Power Adminis-*  
4 *tration pursuant to the Flood Control Act of 1944 to recover*  
5 *purchase power and wheeling expenses shall be credited to*  
6 *this account as offsetting collections, to remain available*  
7 *until expended for the sole purpose of making purchase*  
8 *power and wheeling expenditures: Provided further, That*  
9 *notwithstanding 31 U.S.C. 3302 and section 5 of the Flood*  
10 *Control Act of 1944, all funds collected by the Southwestern*  
11 *Power Administration 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       *CONSTRUCTION, REHABILITATION, OPERATION AND*  
21       *MAINTENANCE, WESTERN AREA POWER ADMINISTRATION*

22       *For carrying out the functions authorized by title III,*  
23 *section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C.*  
24 *7152), and other related activities including conservation*  
25 *and renewable resources programs as authorized, including*

1 *official reception and representation expenses in an amount*  
2 *not to exceed \$1,500,000; \$256,711,000 to remain available*  
3 *until expended, of which \$245,216,000 shall be derived from*  
4 *the Department of the Interior Reclamation Fund: Pro-*  
5 *vided, That notwithstanding 31 U.S.C. 3302, section 5 of*  
6 *the Flood Control Act of 1944 (16 U.S.C. 825s), and section*  
7 *1 of the Interior Department Appropriation Act, 1939 (43*  
8 *U.S.C. 392a), up to \$147,530,000 collected by the Western*  
9 *Area Power Administration from the sale of power and re-*  
10 *lated services shall be credited to this account as discre-*  
11 *tionary offsetting collections, to remain available until ex-*  
12 *pended, for the sole purpose of funding the annual expenses*  
13 *of the Western Area Power Administration: Provided fur-*  
14 *ther, That the sum herein appropriated for annual expenses*  
15 *shall be reduced as collections are received during the fiscal*  
16 *year so as to result in a final fiscal year 2010 appropria-*  
17 *tion estimated at not more than \$109,181,000, of which*  
18 *\$97,686,000 is derived from the Reclamation Fund: Pro-*  
19 *vided further, That of the amount herein appropriated,*  
20 *\$7,584,000 is for deposit into the Utah Reclamation Mitiga-*  
21 *tion and Conservation Account pursuant to title IV of the*  
22 *Reclamation Projects Authorization and Adjustment Act of*  
23 *1992: Provided further, That notwithstanding 31 U.S.C.*  
24 *3302, up to \$349,807,000 collected by the Western Area*  
25 *Power Administration pursuant to the Flood Control Act*

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

1 *FALCON AND AMISTAD OPERATING AND MAINTENANCE*

2 *FUND*

3 *For operation, maintenance, and emergency costs for*  
4 *the hydroelectric facilities at the Falcon and Amistad*  
5 *Dams, \$2,568,000, to remain available until expended, and*  
6 *to be derived from the Falcon and Amistad Operating and*  
7 *Maintenance Fund of the Western Area Power Administra-*  
8 *tion, as provided in section 2 of the Act of June 18, 1954*  
9 *(68 Stat. 255) as amended: Provided, That notwithstanding*  
10 *the provisions of that Act and of 31 U.S.C. 3302, up to*  
11 *\$2,348,000 collected by the Western Area Power Adminis-*  
12 *tration from the sale of power and related services from the*  
13 *Falcon and Amistad Dams shall be credited to this account*  
14 *as discretionary offsetting collections, to remain available*  
15 *until expended for the sole purpose of funding the annual*  
16 *expenses of the hydroelectric facilities of these Dams and*  
17 *associated Western Area Power Administration activities:*  
18 *Provided further, That the sum herein appropriated for an-*  
19 *nual expenses shall be reduced as collections are received*  
20 *during the fiscal year so as to result in a final fiscal year*  
21 *2010 appropriation estimated at not more than \$220,000:*  
22 *Provided further, That notwithstanding the provisions of*  
23 *section 2 of the Act of June 18, 1954 (68 Stat. 255) as*  
24 *amended, and 31 U.S.C. 3302, all funds collected by the*  
25 *Western Area Power Administration from the sale of power*



1 *and related services from the Falcon and Amistad Dams*  
2 *that are applicable to the repayment of the annual expenses*  
3 *of the hydroelectric facilities of these Dams and associated*  
4 *Western Area Power Administration activities in this and*  
5 *subsequent fiscal years shall be credited to this account as*  
6 *discretionary offsetting collections for the sole purpose of*  
7 *funding such expenses, with such funds remaining available*  
8 *until expended: Provided further, That for purposes of this*  
9 *appropriation, annual expenses means expenditures that*  
10 *are generally recovered in the same year that they are in-*  
11 *curred.*

12 *FEDERAL ENERGY REGULATORY COMMISSION*

13 *SALARIES AND EXPENSES*

14 *For necessary expenses of the Federal Energy Regu-*  
15 *latory Commission to carry out the provisions of the De-*  
16 *partment of Energy Organization Act (42 U.S.C. 7101 et*  
17 *seq.), including services as authorized by 5 U.S.C. 3109,*  
18 *the hire of passenger motor vehicles, and official reception*  
19 *and representation expenses not to exceed \$3,000,*  
20 *\$298,000,000, to remain available until expended: Pro-*  
21 *vided, That notwithstanding any other provision of law, not*  
22 *to exceed \$298,000,000 of revenues from fees and annual*  
23 *charges, and other services and collections in fiscal year*  
24 *2010 shall be retained and used for necessary expenses in*  
25 *this account, and shall remain available until expended:*

1 *Provided further, That the sum herein appropriated from*  
2 *the general fund shall be reduced as revenues are received*  
3 *during fiscal year 2010 so as to result in a final fiscal year*  
4 *2010 appropriation from the general fund estimated at not*  
5 *more than \$0.*

6 *GENERAL PROVISIONS, DEPARTMENT OF*  
7 *ENERGY*

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

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

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

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

1           (3) develop or implement a workforce restruc-  
2           turing plan that covers employees of the Department  
3           of Energy.

4           SEC. 303. The unexpended balances of prior appro-  
5           priations provided for activities in this Act may be avail-  
6           able to the same appropriation accounts for such activities  
7           established pursuant to this title. Available balances may  
8           be merged with funds in the applicable established accounts  
9           and thereafter may be accounted for as one fund for the  
10          same time period as originally enacted.

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

20          SEC. 305. When the Department of Energy makes a  
21          user facility available to universities or other potential  
22          users, or seeks input from universities or other potential  
23          users regarding significant characteristics or equipment in  
24          a user facility or a proposed user facility, the Department  
25          shall ensure broad public notice of such availability or such

1 *need for input to universities and other potential users.*  
2 *When the Department of Energy considers the participation*  
3 *of a university or other potential user as a formal partner*  
4 *in the establishment or operation of a user facility, the De-*  
5 *partment shall employ full and open competition in select-*  
6 *ing such a partner. For purposes of this section, the term*  
7 *“user facility” includes, but is not limited to: (1) a user*  
8 *facility as described in section 2203(a)(2) of the Energy*  
9 *Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National*  
10 *Nuclear Security Administration Defense Programs Tech-*  
11 *nology Deployment Center/User Facility; and (3) any other*  
12 *Departmental facility designated by the Department as a*  
13 *user facility.*

14 *SEC. 306. Funds appropriated by this or any other*  
15 *Act, or made available by the transfer of funds in this Act,*  
16 *for intelligence activities are deemed to be specifically au-*  
17 *thorized by the Congress for purposes of section 504 of the*  
18 *National Security Act of 1947 (50 U.S.C. 414) during fiscal*  
19 *year 2010 until the enactment of the Intelligence Authoriza-*  
20 *tion Act for fiscal year 2010.*

21 *SEC. 307. Of the funds made available by the Depart-*  
22 *ment of Energy for activities at Government-owned, con-*  
23 *tractor-operated laboratories funded in this Act or subse-*  
24 *quent Energy and Water Development Appropriations Acts,*  
25 *the Secretary may authorize a specific amount, not to ex-*

1 *ceed 8 percent of such funds, to be used by such laboratories*  
2 *for laboratory directed research and development: Provided,*  
3 *That the Secretary may also authorize a specific amount*  
4 *not to exceed 4 percent of such funds, to be used by the*  
5 *plant manager of a covered nuclear weapons production*  
6 *plant or the manager of the Nevada Site Office for plant*  
7 *or site directed research and development.*

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

18 *SEC. 309. (a) Subject to subsection (b), no funds ap-*  
19 *propriated or otherwise made available by this Act or any*  
20 *other Act may be used to record transactions relating to*  
21 *the increase in borrowing authority or bonds outstanding*  
22 *at any time under the Federal Columbia River Trans-*  
23 *mission System Act (16 U.S.C. 838 et seq.) referred to in*  
24 *section 401 of division A of the American Recovery and*  
25 *Reinvestment Act of 2009 (Public Law 111-5; 123 Stat.*

1 140) under a funding account, subaccount, or fund symbol  
2 other than the Bonneville Power Administration Fund  
3 Treasury account fund symbol.

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

14 (c) This section is effective for fiscal year 2010 and  
15 subsequent fiscal years.

16 SEC. 310. None of the funds made available by this  
17 Act may be used to make a grant allocation, discretionary  
18 grant award, discretionary contract award, Other Trans-  
19 action Agreement, or to issue a letter of intent totaling in  
20 excess of \$1,000,000, or to announce publicly the intention  
21 to make such an award, including a contract covered by  
22 the Federal Acquisition Regulation, unless the Secretary of  
23 Energy notifies the Committees on Appropriations of the  
24 Senate and the House of Representatives at least 3 full busi-  
25 ness days in advance of making such an award or issuing

1 *such a letter: Provided, That if the Secretary of the Depart-*  
2 *ment of Energy determines that compliance with this sec-*  
3 *tion would pose a substantial risk to human life, health,*  
4 *or safety, an award may be made without notification and*  
5 *the Committees on Appropriations of the Senate and the*  
6 *House of Representatives shall be notified not later than*  
7 *5 full business days after such an award is made or letter*  
8 *issued.*

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

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

24       *(c) In carrying out a transfer under this section, the*  
25 *Secretary shall use each appropriation made available to*

1 *the Department in that fiscal year as a source for the trans-*  
2 *fer, and shall reduce each appropriation by an equal per-*  
3 *centage, except that appropriations for which the Secretary*  
4 *determines there exists a need for additional funds for pen-*  
5 *sion plan costs in that fiscal year, as well as appropriations*  
6 *made available for the Power Marketing Administrations,*  
7 *the title XVII loan guarantee program, and the Federal En-*  
8 *ergy Regulatory Commission, shall not be subject to this*  
9 *requirement.*

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

14 *(e) This transfer authority does not apply to supple-*  
15 *mental appropriations, and is in addition to any other*  
16 *transfer authority provided in this or any other Act. The*  
17 *authority provided under this section shall expire on Sep-*  
18 *tember 30, 2015.*

19 *AUTHORITY OF NUCLEAR REGULATORY COMMISSION*

20 *SEC. 312. The Nuclear Regulatory Commission may*  
21 *use funds made available for the necessary expenses of the*  
22 *Nuclear Regulatory Commission for the acquisition and*  
23 *lease of additional office space provided by the General*  
24 *Services Administration in accordance with the fourth and*  
25 *fifth provisos in the matter under the heading "SALARIES*



1 *AND EXPENSES” under the heading “NUCLEAR REGU-*  
2 *LATORY COMMISSION” under the heading “INDE-*  
3 *PENDENT AGENCIES” of title IV of division C of the*  
4 *Omnibus Appropriations Act, 2009 (Public Law 111–8;*  
5 *123 Stat. 629).*

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

15       *SEC. 314. (a) Except as provided in subsection (b),*  
16 *none of the funds appropriated or otherwise made available*  
17 *by this title for the Strategic Petroleum Reserve may be*  
18 *made available to any person that as of the enactment of*  
19 *this Act—*

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

23             *(2) is engaged in an activity valued at*  
24             *\$1,000,000 or more that could contribute to enhanc-*

1        *ing the ability of the Islamic Republic of Iran to im-*  
2        *port refined petroleum products, including—*

3                *(A) providing ships or shipping services to*  
4                *deliver refined petroleum products to the Islamic*  
5                *Republic of Iran;*

6                *(B) underwriting or otherwise providing in-*  
7                *surance or reinsurance for such an activity; or*

8                *(C) financing or brokering such an activity;*

9                *or*

10              *(3) is selling, leasing, or otherwise providing to*  
11              *the Islamic Republic of Iran any goods, services, or*  
12              *technology valued at \$1,000,000 or more that could*  
13              *contribute to the maintenance or expansion of the ca-*  
14              *capacity of the Islamic Republic of Iran to produce re-*  
15              *fined petroleum products.*

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

20              *(c) If the Secretary determines a person made ineli-*  
21              *gible by this section has ceased the activities enumerated*  
22              *in (a)(1)–(3), that person shall no longer be ineligible under*  
23              *this section.*

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*TITLE IV*

*INDEPENDENT AGENCIES*

*APPALACHIAN REGIONAL COMMISSION*

*For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$76,000,000, to remain available until expended: Provided, That any congressionally directed spending shall be taken from within that State's allocation in the fiscal year in which it is provided.*

*DEFENSE NUCLEAR FACILITIES SAFETY BOARD*

*SALARIES AND EXPENSES*

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

*DELTA REGIONAL AUTHORITY*

*SALARIES AND EXPENSES*

*For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta*

1 *Regional Authority Act of 2000, as amended, notwith-*  
2 *standing sections 382C(b)(2), 382F(d), 382M, and 382N of*  
3 *said Act, \$13,000,000, to remain available until expended.*

4 *DENALI COMMISSION*

5 *For expenses of the Denali Commission including the*  
6 *purchase, construction, and acquisition of plant and cap-*  
7 *ital equipment as necessary and other expenses,*  
8 *\$11,965,000, to remain available until expended, notwith-*  
9 *standing the limitations contained in section 306(g) of the*  
10 *Denali Commission Act of 1998.*

11 *NUCLEAR REGULATORY COMMISSION*

12 *SALARIES AND EXPENSES*

13 *For necessary expenses of the Commission in carrying*  
14 *out the purposes of the Energy Reorganization Act of 1974,*  
15 *as amended, and the Atomic Energy Act of 1954, as amend-*  
16 *ed, including official representation expenses (not to exceed*  
17 *\$25,000), \$1,061,000,000, to remain available until ex-*  
18 *pended: Provided, That of the amount appropriated herein,*  
19 *\$29,000,000 shall be derived from the Nuclear Waste Fund:*  
20 *Provided further, That revenues from licensing fees, inspec-*  
21 *tion services, and other services and collections estimated*  
22 *at \$902,402,000 in fiscal year 2010 shall be retained and*  
23 *used for necessary salaries and expenses in this account,*  
24 *notwithstanding 31 U.S.C. 3302, and shall remain avail-*  
25 *able until expended: Provided further, That the sum herein*

1 appropriated shall be reduced by the amount of revenues  
2 received during fiscal year 2010 so as to result in a final  
3 fiscal year 2010 appropriation estimated at not more than  
4 \$158,598,000: Provided further, That of the amounts appro-  
5 priated, \$10,000,000 is provided to support university re-  
6 search and development in areas relevant to their respective  
7 organization's mission, and \$5,000,000 is to support a Nu-  
8 clear Science and Engineering Grant Program that will  
9 support multiyear projects that do not align with pro-  
10 grammatic missions but are critical to maintaining the dis-  
11 cipline of nuclear science and engineering.

12 *OFFICE OF INSPECTOR GENERAL*

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

1            *NUCLEAR WASTE TECHNICAL REVIEW BOARD*2                            *SALARIES AND EXPENSES*

3            *For necessary expenses of the Nuclear Waste Technical*  
4 *Review Board, as authorized by Public Law 100–203, sec-*  
5 *tion 5051, \$3,891,000, to be derived from the Nuclear Waste*  
6 *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 Co-*  
10 *ordinator for Alaska Natural Gas Transportation Projects*  
11 *pursuant to the Alaska Natural Gas Pipeline Act of 2004,*  
12 *\$4,466,000 until expended: Provided, That any fees,*  
13 *charges, or commissions received pursuant to section 802*  
14 *of Public Law 110–140 in fiscal year 2010 in excess of*  
15 *\$4,683,000 shall not be available for obligation until appro-*  
16 *priated in a subsequent Act of Congress.*

17                            *GENERAL PROVISION*

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

## TITLE V

## GENERAL PROVISIONS

1  
2  
3       *SEC. 501. None of the funds appropriated by this Act*  
4 *may be used in any way, directly or indirectly, to influence*  
5 *congressional action on any legislation or appropriation*  
6 *matters pending before Congress, other than to commu-*  
7 *nicate to Members of Congress as described in 18 U.S.C.*  
8 *1913.*

9       *SEC. 502. None of the funds made available in this*  
10 *Act may be transferred to any department, agency, or in-*  
11 *strumentality of the United States Government, except pur-*  
12 *suant to a transfer made by, or transfer authority provided*  
13 *in this Act or any other appropriation Act.*

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

18       “*SEC. 411. Up to 0.5 percent of each amount appro-*  
19 *priated to the Department of the Army and the Bureau of*  
20 *Reclamation in this title may be used for the expenses of*  
21 *management and oversight of the programs, grants, and ac-*  
22 *tivities funded by such appropriation, and may be trans-*  
23 *ferred by the Head of the Federal Agency involved to any*  
24 *other appropriate account within the department for that*  
25 *purpose: Provided, That the Secretary will provide a report*

1 *to the Committees on Appropriations of the House of Rep-*  
2 *resentatives and the Senate 30 days prior to the transfer:*  
3 *Provided further, That funds set aside under this section*  
4 *shall remain available for obligation until September 30,*  
5 *2012.”.*

6 *AGENCY ADMINISTRATIVE EXPENSES*

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

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

11 *(2) AGENCY.—The term “agency”—*

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

15 *(B) shall not include the District of Colum-*  
16 *bia government.*

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

19 *(b) ADMINISTRATIVE EXPENSES.—*

20 *(1) IN GENERAL.—All agencies shall include a*  
21 *separate category for administrative expenses when*  
22 *submitting their appropriation requests to the Office*  
23 *of Management and Budget for fiscal year 2011 and*  
24 *each fiscal year thereafter.*



1           (2) *ADMINISTRATIVE EXPENSES DETERMINED.*—

2           *In consultation with the agencies, the Director shall*  
3           *establish and revise as necessary a definition of ad-*  
4           *ministration expenses for the purposes of this section.*  
5           *All questions regarding the definition of administra-*  
6           *tive expenses shall be resolved by the Director.*

7           (c) *BUDGET SUBMISSION.*—*Each budget of the United*  
8           *States Government submitted under section 1105 of title 31,*  
9           *United States Code, for fiscal year 2011 and each fiscal*  
10          *year thereafter shall include the amount requested for each*  
11          *agency for administrative expenses.*

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

19          (b) *Subsection (a) shall not apply to a report if—*

20                  (1) *the public posting of the report compromises*  
21                  *national security; or*

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

1        *This Act may be cited as the “Energy and Water De-*  
2 *velopment and Related Agencies Appropriations Act,*  
3 *2010”.*

Passed the House of Representatives July 17, 2009.

Attest:                    LORRAINE C. MILLER,  
*Clerk.*

Passed the Senate July 29, 2009.

Attest:                    NANCY ERICKSON,  
*Secretary.*