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111TH CONGRESS
1ST SESSION

H. R. 3183

[Report No. 111-203]

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

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2009

Mr. PASTOR, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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:

8 TITLE I—CORPS OF ENGINEERS—CIVIL

9 DEPARTMENT OF THE ARMY

10 CORPS OF ENGINEERS—CIVIL

11 The following appropriations shall be expended under
12 the direction of the Secretary of the Army and the super-
13 vision of the Chief of Engineers for authorized civil func-
14 tions of the Department of the Army pertaining to rivers
15 and harbors, flood and storm damage reduction, shore
16 protection, aquatic ecosystem restoration, and related ef-
17 forts.

18 INVESTIGATIONS

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

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

13 CONSTRUCTION

14 (INCLUDING TRANSFERS OF FUNDS)

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

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

22 MISSISSIPPI RIVER AND TRIBUTARIES

23 For expenses necessary for flood damage reduction
24 projects and related efforts in the Mississippi River allu-
25 vial valley below Cape Girardeau, Missouri, as authorized

1 by law, \$251,375,000, to remain available until expended,
2 of which such sums as are necessary to cover the Federal
3 share of eligible operation and maintenance costs for in-
4 land harbors shall be derived from the Harbor Mainte-
5 nance Trust Fund: *Provided*, That, except as provided in
6 section 101, the amounts made available under this para-
7 graph shall be expended as authorized by law for the
8 projects and activities specified in the text and table under
9 this heading in the report of the Committee on Appropria-
10 tions of the House of Representatives to accompany this
11 Act.

12 OPERATION AND MAINTENANCE

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

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

22 REGULATORY PROGRAM

23 For expenses necessary for administration of laws
24 pertaining to regulation of navigable waters and wetlands,
25 \$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, \$134,000,000, to remain available until expended.

6 EXPENSES

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

1 year 2011 President's budget, the Chief of Engineers shall
2 transmit to Congress the annual congressional budget jus-
3 tifications for fiscal year 2011: *Provided further*, That the
4 amount herein appropriated shall be reduced by \$100,000
5 per day for each day after initial submission of the Presi-
6 dent's budget that the report has not been submitted to
7 the Congress.

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

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

13 ADMINISTRATIVE PROVISION

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

18 GENERAL PROVISIONS, CORPS OF
19 ENGINEERS—CIVIL

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

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

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

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

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

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

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

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

24 (c) The Army Corps of Engineers shall submit re-
25 ports on a quarterly basis to the Committees on Appro-

1 priations of the House of Representatives and the Senate
2 detailing all the funds reprogrammed between programs,
3 projects, activities, or categories of funding. The first
4 quarterly report shall be submitted not later than 60 days
5 after the date of enactment of this Act.

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

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

19 SEC. 104. INLAND WATERWAYS TRUST FUND.—
20 None of the funds in this Act, or previous Acts making
21 funds available for Energy and Water Development, shall
22 be used to award any continuing contract that commits
23 additional funding from the Inland Waterways Trust
24 Fund unless or until such time that a long-term mecha-
25 nism to enhance revenues in the Fund sufficient to meet

1 the cost-sharing authorized in the Water Resources Devel-
2 opment Act of 1986 (Public Law 99–662) is enacted.

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

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

20 SEC. 107. MARTIN, KENTUCKY.—The Secretary is
21 directed to use such funds as are necessary, from amounts
22 made available in this Act under the heading “Construc-
23 tion”, to expedite acquisition of those properties located
24 in the vicinity of Martin, Kentucky, that were damaged
25 by the floodwaters in the May 2009 flood event and that

1 fall within Phases 3 and 4 of the mandatory and voluntary
2 acquisition elements identified in Plan A of the Chief of
3 Engineers, Town of Martin Nonstructural Project De-
4 tailed Project Report, Appendix T, Section 202 General
5 Plan, dated March 2000.

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

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

12 (2) by adding at the end of subsection (a) the
13 following new paragraph:

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

1 receipts are collected in the Special Receipts and
2 Disbursement Account to fully compensate the li-
3 censee, and in accordance with paragraph (2), such
4 payment shall be considered non-reimbursable.”;

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

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

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

21 “(7) ESTABLISHMENT OF SPECIAL RECEIPT
22 AND DISBURSEMENT ACCOUNTS.—There is estab-
23 lished in the Treasury of the United States a special
24 receipt account and corresponding disbursement ac-
25 count to be made available to the Administrator of

1 the Southwestern Power Administration to disburse
2 pre-collected receipts from the sale of federal power
3 and energy and related services. The accounts are
4 authorized for the following uses:

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

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

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

19 (5) by adding at the end of subsection (a) the
20 following new paragraph:

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

18 CENTRAL VALLEY PROJECT RESTORATION FUND

19 For carrying out the programs, projects, plans, habi-
20 tat restoration, improvement, and acquisition provisions of
21 the Central Valley Project Improvement Act, \$35,358,000,
22 to be derived from such sums as may be collected in the
23 Central Valley Project Restoration Fund pursuant to sec-
24 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law
25 102–575, to remain available until expended: *Provided*,

1 That the Bureau of Reclamation is directed to assess and
2 collect the full amount of the additional mitigation and
3 restoration payments authorized by section 3407(d) of
4 Public Law 102–575: *Provided further*, That none of the
5 funds made available under this heading may be used for
6 the acquisition or leasing of water for in-stream purposes
7 if the water is already committed to in-stream purposes
8 by a court adopted decree or order.

9 CALIFORNIA BAY-DELTA RESTORATION
10 (INCLUDING TRANSFERS OF FUNDS)

11 For carrying out activities authorized by the Water
12 Supply, Reliability, and Environmental Improvement Act,
13 consistent with plans to be approved by the Secretary of
14 the Interior, \$31,000,000, to remain available until ex-
15 pended, of which such amounts as may be necessary to
16 carry out such activities may be transferred to appropriate
17 accounts of other participating Federal agencies to carry
18 out authorized purposes: *Provided*, That funds appro-
19 priated herein may be used for the Federal share of the
20 costs of CALFED Program management: *Provided fur-*
21 *ther*, That the use of any funds provided to the California
22 Bay-Delta Authority for program-wide management and
23 oversight activities shall be subject to the approval of the
24 Secretary of the Interior: *Provided further*, That CALFED
25 implementation shall be carried out in a balanced manner

1 with clear performance measures demonstrating concur-
2 rent progress in achieving the goals and objectives of the
3 Program.

4 POLICY AND ADMINISTRATION

5 For necessary expenses of policy, administration, and
6 related functions in the Office of the Commissioner, the
7 Denver office, and offices in the five regions of the Bureau
8 of Reclamation, to remain available until expended,
9 \$61,200,000, to be derived from the Reclamation Fund
10 and be nonreimbursable as provided in section 4(o) of the
11 Act of December 5, 1924 (43 U.S.C. 377): *Provided*, That
12 no part of any other appropriation in this Act shall be
13 available for activities or functions budgeted as policy and
14 administration expenses.

15 ADMINISTRATIVE PROVISION

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

19 GENERAL PROVISIONS, DEPARTMENT OF THE 20 INTERIOR

21 SEC. 201. REPROGRAMMING RESTRICTION.—(a)
22 None of the funds provided in title II for Water and Re-
23 lated Resources shall be available for obligation or expend-
24 iture through a reprogramming of funds that—

1 (1) creates or initiates a new program, project, or ac-
2 tivity;

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

4 (3) increases funds for any program, project, or activ-
5 ity for which funds have been denied or restricted by this
6 Act;

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

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

10 (A) 15 percent for any program, project, or ac-
11 tivity for which \$2,000,000 or more is available at
12 the beginning of the fiscal year; or

13 (B) \$300,000 for any program, project, or ac-
14 tivity for which less than \$2,000,000 is available at
15 the beginning of the fiscal year;

16 (6) transfers more than \$500,000 from either the Fa-
17 cilities Operation, Maintenance, and Rehabilitation cat-
18 egory or the Resources Management and Development
19 category to any program, project, or activity in the other
20 category; or

21 (7) transfers, when necessary to discharge legal obli-
22 gations of the Bureau of Reclamation, more than
23 \$5,000,000 to provide adequate funds for settled con-
24 tractor claims, increased contractor earnings due to accel-

1 erated rates of operations, and real estate deficiency judg-
2 ments.

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

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

9 (d) The Bureau of Reclamation shall submit reports
10 on a quarterly basis to the Committees on Appropriations
11 of the House of Representatives and the Senate detailing
12 all the funds reprogrammed between programs, projects,
13 activities, or categories of funding. The first quarterly re-
14 port shall be submitted not later than 60 days after the
15 date of enactment of this Act.

16 SEC. 202. SAN LUIS UNIT.—(a) None of the funds
17 appropriated or otherwise made available by this Act may
18 be used to determine the final point of discharge for the
19 interceptor drain for the San Luis Unit until development
20 by the Secretary of the Interior and the State of California
21 of a plan, which shall conform to the water quality stand-
22 ards of the State of California as approved by the Admin-
23 istrator of the Environmental Protection Agency, to mini-
24 mize any detrimental effect of the San Luis drainage wa-
25 ters.

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

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

1 plant or facility acquisition, construction, or expansion,
2 \$2,250,000,000, to remain available until expended: *Pro-*
3 *vided*, That, of the amount appropriated in this para-
4 graph, \$500,000 shall be for research and development of
5 novel hydrogen energy carriers that are liquid at standard
6 temperature and pressure and store hydrogen in bound
7 chemical states rather than as free molecules, to be award-
8 ed under full and open competition: *Provided further*,
9 That, of the amount appropriated in this paragraph,
10 \$500,000 shall be for development of a demonstration
11 plant for the production of biodiesel fuels from crops that,
12 to the greatest extent possible, are cultivated on existing
13 cropland during off-season rotations and minimize land
14 use per unit of fuel energy produced, to be awarded under
15 full and open competition: *Provided further*, That, of the
16 amount appropriated in this paragraph, \$3,000,000 shall
17 be for development of a parking canopy facility with solar
18 photovoltaic roof panels for electricity generation to meas-
19 ure the viability of using photovoltaic technologies in loca-
20 tions where environmental and space limitations render
21 conventional power generation costly, to be awarded under
22 full and open competition: *Provided further*, That, of the
23 amount appropriated in this paragraph, \$153,560,000
24 shall be used for the projects specified in the table that
25 appears under the heading “Congressionally Directed En-

1 ergy Efficiency and Renewable Energy Projects” in the
2 report of the Committee on Appropriations of the House
3 of Representatives to accompany this Act.

4 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

5 For Department of Energy expenses including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment, and other expenses necessary for elec-
8 tricity delivery and energy reliability activities in carrying
9 out the purposes of the Department of Energy Organiza-
10 tion Act (42 U.S.C. 7101 et seq.), including the acquisi-
11 tion or condemnation of any real property or any facility
12 or for plant or facility acquisition, construction, or expan-
13 sion, \$208,008,000, to remain available until expended:
14 *Provided*, That, of the amount appropriated in this para-
15 graph, \$7,600,000 shall be used for the projects specified
16 in the table that appears under the heading “Congression-
17 ally Directed Electricity Delivery and Energy Reliability
18 Projects” in the report of the Committee on Appropria-
19 tions of the House of Representatives to accompany this
20 Act.

21 NUCLEAR ENERGY

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

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

14 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

15 For necessary expenses in carrying out fossil energy
16 research and development activities, under the authority
17 of the Department of Energy Organization Act (42 U.S.C.
18 7101 et seq.), including the acquisition of interest, includ-
19 ing defeasible and equitable interests in any real property
20 or any facility or for plant or facility acquisition or expan-
21 sion, and for conducting inquiries, technological investiga-
22 tions, and research concerning the extraction, processing,
23 use, and disposal of mineral substances without objection-
24 able social and environmental costs (30 U.S.C. 3, 1602,
25 and 1603), \$617,565,000, to remain available until ex-

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

1 nancial assistance for costs in excess of those estimated
2 as of the date of award of original Clean Coal Power Ini-
3 tiative financial assistance may not be provided in excess
4 of the proportion of costs borne by the Government in the
5 original agreement and shall be limited to 25 percent of
6 the original financial assistance: *Provided further*, That
7 funds shall be expended in accordance with the provisions
8 governing the use of funds contained under the heading
9 “Clean Coal Technology” in Public Law 99-190 (42
10 U.S.C. 5903d): *Provided further*, That any technology se-
11 lected under these programs shall be considered a Clean
12 Coal Technology, and any project selected under these
13 programs shall be considered a Clean Coal Technology
14 Project, for the purposes of 42 U.S.C. 7651n, and chap-
15 ters 51, 52, and 60 of title 40 of the Code of Federal
16 Regulations: *Provided further*, That funds available for the
17 Clean Coal Power Initiative may be used to support any
18 technology relating to carbon capture and storage or bene-
19 ficial uses of carbon dioxide, without regard to the 70 and
20 30 percent funding allocations specified in section
21 402(b)(1)(A) and (2)(A) of the Energy Policy Act of 2005
22 (42 U.S.C. 15962(b)(1)(A) and (2)(A)): *Provided further*,
23 That, of the amount appropriated in this paragraph,
24 \$750,000 shall be for development of technologies for inte-
25 gration into gasification systems for the low-cost produc-

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

18 NAVAL PETROLEUM AND OIL SHALE RESERVES

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

1 STRATEGIC PETROLEUM RESERVE

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

7 NORTHEAST HOME HEATING OIL RESERVE

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

13 ENERGY INFORMATION ADMINISTRATION

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

17 NON-DEFENSE ENVIRONMENTAL CLEANUP

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

1 or facility acquisition, construction, or expansion,
2 \$237,517,000, 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 under title II of the
8 Atomic Energy Act of 1954, and title X, subtitle A, of
9 the Energy Policy Act of 1992, \$559,377,000, to be de-
10 rived from the Uranium Enrichment Decontamination and
11 Decommissioning Fund, to remain available until ex-
12 pended.

13 SCIENCE
14 (INCLUDING TRANSFER OF FUNDS)

15 For Department of Energy expenses including the
16 purchase, construction, and acquisition of plant and cap-
17 ital equipment, and other expenses necessary for science
18 activities in carrying out the purposes of the Department
19 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
20 cluding the acquisition or condemnation of any real prop-
21 erty or facility or for plant or facility acquisition, construc-
22 tion, or expansion, and purchase of not more than 50 pas-
23 senger motor vehicles for replacement only, including one
24 law enforcement vehicle, two ambulances, and three buses,
25 \$4,943,587,000, to remain available until expended: *Pro-*

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

11 NUCLEAR WASTE DISPOSAL

12 For nuclear waste disposal activities to carry out the
13 purposes of the Nuclear Waste Policy Act of 1982 (Public
14 Law 97–425)(“NWPA”), including the acquisition of real
15 property or facility construction or expansion,
16 \$98,400,000, to remain available until expended, and to
17 be derived from the Nuclear Waste Fund: *Provided*, That
18 of the funds made available in this Act for Nuclear Waste
19 Disposal, \$5,000,000 shall be provided to the Office of the
20 Attorney General of the State of Nevada solely for expend-
21 itures, other than salaries and expenses of State employ-
22 ees, to conduct scientific oversight responsibilities and par-
23 ticipate in licensing activities pursuant to the NWPA: *Pro-*
24 *vided further*, That notwithstanding the lack of a written
25 agreement with the State of Nevada under section 117(c)

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

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

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

9 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
10 PROGRAM

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

1 in excess of the amount appropriated for administrative
2 expenses shall not be available until appropriated.

3 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
4 LOANS PROGRAM

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

8 DEPARTMENTAL ADMINISTRATION

9 For salaries and expenses of the Department of En-
10 ergy necessary for departmental administration in car-
11 rying out the purposes of the Department of Energy Orga-
12 nization Act (42 U.S.C. 7101 et seq.), including the hire
13 of passenger motor vehicles and official reception and rep-
14 resentation expenses not to exceed \$30,000,
15 \$289,684,000, to remain available until expended, plus
16 such additional amounts as necessary to cover increases
17 in the estimated amount of cost of work for others not-
18 withstanding the provisions of the Anti-Deficiency Act (31
19 U.S.C. 1511 et seq.): *Provided*, That such increases in
20 cost of work are offset by revenue increases of the same
21 or greater amount, to remain available until expended:
22 *Provided further*, That moneys received by the Department
23 for miscellaneous revenues estimated to total
24 \$119,740,000 in fiscal year 2010 may be retained and
25 used for operating expenses within this account, and may

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

10 OFFICE OF THE INSPECTOR GENERAL

11 For necessary expenses of the Office of the Inspector
12 General in carrying out the provisions of the Inspector
13 General Act of 1978, \$51,927,000, to remain available
14 until expended.

15 ATOMIC ENERGY DEFENSE ACTIVITIES

16 NATIONAL NUCLEAR SECURITY

17 ADMINISTRATION

18 WEAPONS ACTIVITIES

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

1 plant or facility acquisition, construction, or expansion,
2 and the purchase of not more than one ambulance;
3 \$6,320,000,000, to remain available until expended: *Pro-*
4 *vided*, That, of the amount appropriated in this para-
5 graph, \$3,000,000 shall be used for the projects specified
6 under the heading “Congressionally Directed Weapons Ac-
7 tivities Projects” in the report of the Committee on Appro-
8 priations of the House of Representatives to accompany
9 this Act.

10 DEFENSE NUCLEAR NONPROLIFERATION

11 For Department of Energy expenses, including the
12 purchase, construction, and acquisition of plant and cap-
13 ital equipment and other incidental expenses necessary for
14 defense nuclear nonproliferation activities, in carrying out
15 the purposes of the Department of Energy Organization
16 Act (42 U.S.C. 7101 et seq.), including the acquisition or
17 condemnation of any real property or any facility or for
18 plant or facility acquisition, construction, or expansion,
19 and the purchase of not more than one passenger motor
20 vehicle for replacement only, \$1,471,175,000, to remain
21 available until expended: *Provided*, That, of the amount
22 appropriated in this paragraph, \$250,000 shall be used
23 for the projects specified under the heading “Congression-
24 ally Directed Defense Nuclear Nonproliferation Projects”

1 in the report of the Committee on Appropriations of the
2 House of Representatives to accompany this Act.

3
4 NAVAL REACTORS

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

11 OFFICE OF THE ADMINISTRATOR
12 (INCLUDING TRANSFER OF FUNDS)

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

1 on Appropriations of the House of Representatives to ac-
2 company this Act.

3 ENVIRONMENTAL AND OTHER DEFENSE

4 ACTIVITIES

5 DEFENSE ENVIRONMENTAL CLEANUP

6 (INCLUDING TRANSFER OF FUNDS)

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

21 OTHER DEFENSE ACTIVITIES

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

1 tivities, in carrying out the purposes of the Department
2 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
3 cluding the acquisition or condemnation of any real prop-
4 erty or any facility or for plant or facility acquisition, con-
5 struction, or expansion, and the purchase of not more than
6 12 passenger motor vehicles for replacement only,
7 \$1,518,002,000, to remain available until expended: *Pro-*
8 *vided*, That, of the funds provided herein, \$504,238,000
9 is for project 99-D-143 Mixed Oxide Fuel Fabrication Fa-
10 cility, Savannah River Site, South Carolina; \$70,000,000
11 is for project 99-D-141-02 Waste Solidification Building,
12 Savannah River Site, South Carolina; \$84,296,000 for
13 MOX operations; and \$7,000,000 for WSB operation:
14 *Provided further*, That the Department of Energy shall ad-
15 here strictly to Department of Energy Order 413.3A for
16 Project 99-D-143: *Provided further*, That, of the amount
17 appropriated in this paragraph, \$2,000,000 shall be used
18 for the projects specified in the table that appears under
19 the heading “Congressionally Directed Other Defense Ac-
20 tivities Projects” in the report of the Committee on Appro-
21 priations of the House of Representatives to accompany
22 this Act.

23 DEFENSE NUCLEAR WASTE DISPOSAL

24 For nuclear waste disposal activities to carry out the
25 purposes of the Nuclear Waste Policy Act of 1982 (Public

1 Law 97–425), including the acquisition of real property
2 or facility construction or expansion, \$98,400,000, to re-
3 main available until expended.

4 POWER MARKETING ADMINISTRATIONS

5 BONNEVILLE POWER ADMINISTRATION FUND

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

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 Con-
22 trol Act of 1944 (16 U.S.C. 825s), as applied to the south-
23 eastern power area, \$7,638,000, to remain available until
24 expended: *Provided*, That notwithstanding 31 U.S.C. 3302
25 and section 5 of the Flood Control Act of 1944 (16 U.S.C.

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

1 pended: *Provided further*, That for purposes of this appro-
2 priation, annual expenses means expenditures that are
3 generally recovered in the same year that they are in-
4 curred (excluding purchase power and wheeling expenses).

5 OPERATION AND MAINTENANCE, SOUTHWESTERN
6 POWER ADMINISTRATION

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

1 are received during the fiscal year so as to result in a final
2 fiscal year 2010 appropriation estimated at not more than
3 \$13,076,000: *Provided further*, That, notwithstanding 31
4 U.S.C. 3302, up to \$38,000,000 collected by the South-
5 western Power Administration pursuant to the Flood Con-
6 trol Act of 1944 to recover purchase power and wheeling
7 expenses shall be credited to this account as offsetting col-
8 lections, to remain available until expended for the sole
9 purpose of making purchase power and wheeling expendi-
10 tures: *Provided further*, That notwithstanding 31 U.S.C.
11 3302 and section 5 of the Flood Control Act of 1944 (16
12 U.S.C. 825s), all funds collected by the Southwestern
13 Power Administration that are applicable to the repay-
14 ment of the annual expenses of this account in this and
15 subsequent fiscal years shall be credited to this account
16 as discretionary offsetting collections for the sole purpose
17 of funding such expenses, with such funds remaining
18 available until expended: *Provided further*, That for pur-
19 poses of this appropriation, annual expenses means ex-
20 penditures that are generally recovered in the same year
21 that they are incurred (excluding purchase power and
22 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 1 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 6 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 Ad-
6 ministration uses a fund symbol other than the Bonneville
7 Power Administration Fund Treasury account fund sym-
8 bol solely to report accrued expenditures of projects attrib-
9 uted by the Administrator of the Bonneville Power Admin-
10 istration 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, to remain available until
5 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 car-
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 90 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 This Act may be cited as the “Energy and Water De-
14 velopment and Related Agencies Appropriations Act,
15 2010”.

Union Calendar No. 110

11TH CONGRESS
1ST Session

H. R. 3183

[Report No. 111-203]

A BILL

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

JULY 13, 2009

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed