

Union Calendar No. \_\_\_\_\_

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

**H. R.** \_\_\_\_\_

[**Report No. 111-**\_\_\_\_]

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

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IN THE HOUSE OF REPRESENTATIVES

\_\_\_\_ --, 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

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**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. 4601–6a(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-Al-  
6 ternative 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 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 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 pending: *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. \_\_\_\_\_

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

**H. R.**

[Report No. 111-\_\_\_\_]

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**A BILL**

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

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, 2009

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