

**Calendar No. 104**111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**S. 1436****[Report No. 111-45]**

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 SENATE OF THE UNITED STATES

JULY 9, 2009

Mr. DORGAN, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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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 the  
5 fiscal year ending September 30, 2010, and for other pur-  
6 poses, namely:

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

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

12 GENERAL INVESTIGATIONS

13 For expenses necessary where authorized by law for  
14 the collection and study of basic information pertaining  
15 to river and harbor, flood and storm damage reduction,  
16 shore protection, aquatic ecosystem restoration, and re-  
17 lated needs; for surveys and detailed studies, and plans  
18 and specifications of proposed river and harbor, flood and  
19 storm damage reduction, shore protection, and aquatic  
20 ecosystem restoration projects and related efforts prior to  
21 construction; for restudy of authorized projects; and for  
22 miscellaneous investigations and, when authorized by law,  
23 surveys and detailed studies, and plans and specifications  
24 of projects prior to construction, \$170,000,000, to remain  
25 available until expended.

## 1 CONSTRUCTION, GENERAL

2 For expenses necessary for the construction of river  
3 and harbor, flood and storm damage reduction, shore pro-  
4 tection, aquatic ecosystem restoration, and related  
5 projects authorized by law; for conducting detailed studies,  
6 and plans and specifications, of such projects (including  
7 those involving participation by States, local governments,  
8 or private groups) authorized or made eligible for selection  
9 by law (but such detailed studies, and plans and specifica-  
10 tions, shall not constitute a commitment of the Govern-  
11 ment to construction); \$1,924,000,000, to remain avail-  
12 able until expended; of which such sums as are necessary  
13 to cover the Federal share of construction costs for facili-  
14 ties under the Dredged Material Disposal Facilities pro-  
15 gram shall be derived from the Harbor Maintenance Trust  
16 Fund as authorized by Public Law 104–303; and of which  
17 such sums as are necessary pursuant to Public Law 99–  
18 662 shall be derived from the Inland Waterways Trust  
19 Fund, to cover one-half of the costs of construction, re-  
20 placement, rehabilitation, and expansion of inland water-  
21 ways projects (including only Chickamauga Lock, Ten-  
22 nessee; Kentucky Lock and Dam, Tennessee River, Ken-  
23 tucky; Lock and Dams 2, 3, and 4 Monongahela River,  
24 Pennsylvania; Markland Locks and Dam, Kentucky and  
25 Indiana; Olmsted Lock and Dam, Illinois and Kentucky;

1 and Emsworth Locks and Dam, Ohio River, Pennsylvania)  
2 shall be derived from the Inland Waterways Trust Fund:  
3 *Provided*, That the Chief of Engineers is directed to use  
4 \$18,000,000 of the funds appropriated herein for the Dal-  
5 las Floodway Extension, Texas, project, including the  
6 Cadillac Heights feature, generally in accordance with the  
7 Chief of Engineers report dated December 7, 1999: *Pro-*  
8 *vided further*, That the Chief of Engineers is directed to  
9 use \$21,750,000 of funds available for the Marlinton,  
10 West Virginia Local Protection Project to continue engi-  
11 neering and design efforts, execute a project partnership  
12 agreement, and construct the project substantially in ac-  
13 cordance with Alternative 1 as described in the Corps of  
14 Engineers Final Detailed Project Report and Environ-  
15 mental Impact Statement for Marlinton, West Virginia  
16 Local Protection Project dated September 2008: *Provided*  
17 *further*, That the Federal and non-Federal shares shall be  
18 determined in accordance with the ability-to-pay provi-  
19 sions prescribed in section 103(m) of the Water Resources  
20 Development Act of 1986, as amended: *Provided further*,  
21 That the Chief of Engineers is directed to use \$2,750,000  
22 of the funds appropriated herein for planning, engineer-  
23 ing, design or construction of the Grundy, Buchanan  
24 County, and Dickenson County, Virginia, elements of the  
25 Levisa and Tug Forks of the Big Sandy River and Upper

1 Cumberland River Project: *Provided further*, That the  
2 Chief of Engineers is directed to use \$4,000,000 of the  
3 funds appropriated herein to continue planning, engineer-  
4 ing, design or construction of the Lower Mingo County,  
5 Upper Mingo County, Wayne County, McDowell County,  
6 West Virginia, elements of the Levisa and Tug Forks of  
7 the Big Sandy River and Upper Cumberland River  
8 Project.

9                                   MISSISSIPPI RIVER AND TRIBUTARIES

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

22                                   OPERATION AND MAINTENANCE

23         For expenses necessary for the operation, mainte-  
24 nance, and care of existing river and harbor, flood and  
25 storm damage reduction, aquatic ecosystem restoration,

1 and related projects authorized by law; providing security  
2 for infrastructure owned or operated by the Corps, includ-  
3 ing administrative buildings and laboratories; maintaining  
4 harbor channels provided by a State, municipality, or  
5 other public agency that serve essential navigation needs  
6 of general commerce, where authorized by law; surveying  
7 and charting northern and northwestern lakes and con-  
8 necting waters; clearing and straightening channels; and  
9 removing obstructions to navigation, \$2,450,000,000, to  
10 remain available until expended, of which such sums as  
11 are necessary to cover the Federal share of eligible oper-  
12 ation and maintenance costs for coastal harbors and chan-  
13 nels, and for inland harbors shall be derived from the Har-  
14 bor Maintenance Trust Fund; of which such sums as be-  
15 come available from the special account for the Corps es-  
16 tablished by the Land and Water Conservation Act of  
17 1965, as amended (16 U.S.C. 460l–6a(i)), shall be derived  
18 from that account for resource protection, research, inter-  
19 pretation, and maintenance activities related to resource  
20 protection in the areas at which outdoor recreation is  
21 available; and of which such sums as become available  
22 from fees collected under section 217 of the Water Re-  
23 sources Development Act of 1996 (Public Law 104–303),  
24 shall be used to cover the cost of operation and mainte-  
25 nance of the dredged material disposal facilities for which

1 such fees have been collected: *Provided*, That 1 percent  
2 of the total amount of funds provided for each of the pro-  
3 grams, projects or activities funded under this heading  
4 shall not be allocated to a field operating activity prior  
5 to the beginning of the fourth quarter of the fiscal year  
6 and shall be available for use by the Chief of Engineers  
7 to fund such emergency activities as the Chief of Engi-  
8 neers determines to be necessary and appropriate; and  
9 that the Chief of Engineers shall allocate during the  
10 fourth quarter any remaining funds which have not been  
11 used for emergency activities proportionally in accordance  
12 with the amounts provided for the programs, projects or  
13 activities.

14 REGULATORY PROGRAM

15 For expenses necessary for administration of laws  
16 pertaining to regulation of navigable waters and wetlands,  
17 \$190,000,000, to remain available until expended.

18 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

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

23 GENERAL EXPENSES

24 For expenses necessary for the supervision and gen-  
25 eral administration of the civil works program in the head-

1 quarters of the United States Army Corps of Engineers,  
2 and the offices of the Division Engineers; and for the man-  
3 agement and operation of the Humphreys Engineer Cen-  
4 ter Support Activity, the Institute for Water Resources,  
5 the United States Army Engineer Research and Develop-  
6 ment Center, and the United States Army Corps of Engi-  
7 neers Finance Center, \$186,000,000, to remain available  
8 until expended, of which not to exceed \$5,000 may be used  
9 for official reception and representation purposes and only  
10 during the current fiscal year: *Provided*, That no part of  
11 any other appropriation provided in title I of this Act shall  
12 be available to fund the civil works activities of the Office  
13 of the Chief of Engineers or the civil works executive di-  
14 rection and management activities of the division offices:  
15 *Provided further*, That any Flood Control and Coastal  
16 Emergencies appropriation may be used to fund the super-  
17 vision and general administration of emergency oper-  
18 ations, repairs, and other activities in response to any  
19 flood, hurricane, or other natural disaster.

20 OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL  
21 WORKS)

22 For the Office of Assistant Secretary of the Army  
23 (Civil Works) as authorized by 10 U.S.C. 3016(b)(3),  
24 \$5,000,000, to remain available until expended.



## 1 ADMINISTRATIVE PROVISION

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

## 6 GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

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

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

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

16 (3) increases funds or personnel for any pro-  
17 gram, project, or activity for which funds have been  
18 denied or restricted by this Act, unless prior ap-  
19 proval is received from the House and Senate Com-  
20 mittees on Appropriations;

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

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

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

15           (7) CONSTRUCTION.—For a base level over  
16 \$2,000,000, reprogramming of 15 percent of the  
17 base amount up to a limit of \$3,000,000 per project,  
18 study or activity is allowed: *Provided*, That for a  
19 base level less than \$2,000,000, the reprogramming  
20 limit is \$300,000: *Provided further*, That up to  
21 \$3,000,000 may be reprogrammed for settled con-  
22 tractor claims, changed conditions, or real estate de-  
23 ficiency judgments: *Provided further*, That up to  
24 \$300,000 may be reprogrammed into any continuing  
25 study or activity that did not receive an appropria-

1       tion for existing obligations and concomitant admin-  
2       istrative expenses;

3           (8) OPERATION AND MAINTENANCE.—Unlim-  
4       ited reprogramming authority is granted in order for  
5       the Corps to be able to respond to emergencies: *Pro-*  
6       *vided*, That the Chief of Engineers must notify the  
7       House and Senate Committees on Appropriations of  
8       these emergency actions as soon thereafter as prac-  
9       ticable: *Provided further*, That for a base level over  
10      \$1,000,000, reprogramming of 15 percent of the  
11      base amount a limit of \$5,000,000 per project, study  
12      or activity is allowed: *Provided further*, That for a  
13      base level less than \$1,000,000, the reprogramming  
14      limit is \$150,000: *Provided further*, That \$150,000  
15      may be reprogrammed into any continuing study or  
16      activity that did not receive an appropriation;

17           (9) MISSISSIPPI RIVER AND TRIBUTARIES.—  
18      The same reprogramming guidelines for the Inves-  
19      tigations, Construction, and Operation and Mainte-  
20      nance portions of the Mississippi River and Tribu-  
21      taries Account as listed above; and

22           (10) FORMERLY UTILIZED SITES REMEDIAL AC-  
23      TION PROGRAM.—Reprogramming of up to 15 per-  
24      cent of the base of the receiving project is permitted.

1 (b) CONTINUING AUTHORITIES PROGRAM.—Sub-  
2 section (a)(1) shall not apply to any project or activity  
3 funded under the continuing authorities program.

4 (c) Not later than 60 days after the date of enact-  
5 ment of this Act, the Corps of Engineers shall submit a  
6 report to the House and Senate Committees on Appropria-  
7 tions to establish the baseline for application of re-  
8 programming and transfer authorities for the current fis-  
9 cal year: *Provided*, That the report shall include:

10 (1) A table for each appropriation with a sepa-  
11 rate column to display the President's budget re-  
12 quest, adjustments made by Congress, adjustments  
13 due to enacted rescissions, if appropriate, and the  
14 fiscal year enacted level;

15 (2) A delineation in the table for each appro-  
16 priation both by object class and program, project  
17 and activity as detailed in the budget appendix for  
18 the respective appropriations; and

19 (3) An identification of items of special congres-  
20 sional interest.

21 SEC. 102. None of the funds in this Act, or previous  
22 Acts, making funds available for Energy and Water Devel-  
23 opment, shall be used to implement any pending or future  
24 competitive sourcing actions under OMB Circular A-76

1 or High Performing Organizations for the U.S. Army  
2 Corps of Engineers.

3       SEC. 103. Within 90 days of the date of the Chief  
4 of Engineers Report on a water resource matter, the As-  
5 sistant Secretary of the Army (Civil Works) shall submit  
6 the report to the appropriate authorizing and appro-  
7 priating committees of the Congress.

8       WATER REALLOCATION, LAKE CUMBERLAND, KENTUCKY

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

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

21       SEC. 105. None of the funds in this Act, or previous  
22 Acts, making funds available for Energy and Water Devel-  
23 opment shall be used to award any continuing contract  
24 that commits additional funding from the Inland Water-  
25 way Trust Fund unless or until such time that a perma-

1 nent solution long-term mechanism to enhance revenues  
2 in the fund is enacted.

3 SEC. 106. Section 592(g) of Public Law 106–53 (113  
4 Stat. 380), as amended by section 120 of Public Law 108–  
5 137 (117 Stat. 1837) and section 5097 of Public Law  
6 110–114 (121 Stat. 1233), is further amended by striking  
7 “\$110,000,000” and inserting “\$200,000,000” in lieu  
8 thereof.

9 SEC. 107. The project for flood control, Big Sioux  
10 River and Skunk Creek, Sioux Falls, South Dakota au-  
11 thorized by section 101(a)(28) of the Water Resources De-  
12 velopment Act of 1996 (Public Law 104–303; 110 Stat.  
13 3666), is modified to authorize the Secretary to construct  
14 the project at an estimated total cost of \$53,500,000, with  
15 an estimated Federal cost of \$37,700,000 and an esti-  
16 mated non-Federal cost of \$15,800,000.

17 SEC. 108. Section 595(h) of Public Law 106–53 (113  
18 Stat. 384), as amended by section 5067 of Public Law  
19 110–114 (121 Stat. 1219), is further amended by—

20 (1) striking the phrase “\$25,000,000 for each  
21 of Montana and New Mexico” and inserting the fol-  
22 lowing language in lieu thereof: “\$75,000,000 for  
23 Montana, \$25,000,000 for New Mexico”; and

24 (2) striking “\$50,000,000” and inserting  
25 “\$100,000,000” in lieu thereof.

1       SEC. 109. The project for flood damage reduction,  
2 Des Moines and Raccoon Rivers, Des Moines Iowa, au-  
3 thorized by section 1001(21) of the Water Resources De-  
4 velopment Act of 2007 (121 Stat. 1053), is modified to  
5 authorize the Secretary to construct the project at a total  
6 cost of \$16,500,000 with an estimated Federal cost of  
7 \$10,725,000 and an estimated non-Federal cost of  
8 \$5,775,000.

9       SEC. 110. The project for flood damage reduction,  
10 Breckenridge, Minnesota, authorized by section 320 of the  
11 Water Resources Development Act of 2000 (Public Law  
12 106–541; 114 Stat. 2605), is modified to authorize the  
13 Secretary to construct the project at a total cost of  
14 \$39,360,000 with an estimated Federal cost of  
15 \$25,000,000 and an estimated non-Federal cost of  
16 \$14,360,000.

17       SEC. 111. Section 122 of title I of division D of the  
18 Consolidated Appropriations Resolution, 2003 (Public  
19 Law 108–7; 117 Stat. 141) is amended by striking  
20 “\$10,000,000” and inserting “\$27,000,000” in lieu there-  
21 of.

22       SEC. 112. The Secretary of the Army is authorized  
23 to carry out structural and non-structural projects for  
24 storm damage prevention and reduction, coastal erosion,  
25 and ice and glacial damage in Alaska, including relocation





1 project less any funds needed for contract termination, are  
2 hereby rescinded and \$2,100,000 is appropriated under  
3 the heading “Mississippi River and Tributaries” for the  
4 Mississippi Channel Improvement, Arkansas, Illinois,  
5 Kentucky, Louisiana, Mississippi, Missouri, and Ten-  
6 nessee construction project.

7 (RESCISSION)

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

17 TITLE II

18 DEPARTMENT OF THE INTERIOR

19 CENTRAL UTAH PROJECT

20 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

21 For carrying out activities authorized by the Central  
22 Utah Project Completion Act, \$40,300,000, to remain  
23 available until expended, of which \$1,500,000 shall be de-  
24 posited into the Utah Reclamation Mitigation and Con-  
25 servation Account for use by the Utah Reclamation Miti-

1 gation and Conservation Commission. In addition, for nec-  
2 essary expenses incurred in carrying out related respon-  
3 sibilities of the Secretary of the Interior, \$1,704,000, to  
4 remain available until expended. For fiscal year 2010, the  
5 Commission may use an amount not to exceed \$1,500,000  
6 for administrative expenses.

7 BUREAU OF RECLAMATION

8 The following appropriations shall be expended to  
9 execute authorized functions of the Bureau of Reclama-  
10 tion:

11 WATER AND RELATED RESOURCES

12 (INCLUDING TRANSFERS OF FUNDS)

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

1 vanced to the Colorado River Dam Fund; of which not  
2 more than \$500,000 is for high priority projects which  
3 shall be carried out by the Youth Conservation Corps, as  
4 authorized by 16 U.S.C. 1706: *Provided*, That such trans-  
5 fers may be increased or decreased within the overall ap-  
6 propriation under this heading: *Provided further*, That of  
7 the total appropriated, the amount for program activities  
8 that can be financed by the Reclamation Fund or the Bu-  
9 reau of Reclamation special fee account established by 16  
10 U.S.C. 4601–6a(i) shall be derived from that Fund or ac-  
11 count: *Provided further*, That funds contributed under 43  
12 U.S.C. 395 are available until expended for the purposes  
13 for which contributed: *Provided further*, That funds ad-  
14 vanced under 43 U.S.C. 397a shall be credited to this ac-  
15 count and are available until expended for the same pur-  
16 poses as the sums appropriated under this heading: *Pro-*  
17 *vided further*, That funds available for expenditure for the  
18 Departmental Irrigation Drainage Program may be ex-  
19 pended by the Bureau of Reclamation for site remediation  
20 on a nonreimbursable basis.

21 CENTRAL VALLEY PROJECT RESTORATION FUND

22 For carrying out the programs, projects, plans, habi-  
23 tat restoration, improvement, and acquisition provisions of  
24 the Central Valley Project Improvement Act, \$35,358,000,  
25 to be derived from such sums as may be collected in the

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

12 CALIFORNIA BAY-DELTA RESTORATION

13 (INCLUDING TRANSFERS OF FUNDS)

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

1 oversight activities shall be subject to the approval of the  
2 Secretary of the Interior: *Provided further*, That CALFED  
3 implementation shall be carried out in a balanced manner  
4 with clear performance measures demonstrating concur-  
5 rent progress in achieving the goals and objectives of the  
6 Program.

7 POLICY AND ADMINISTRATION

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

17 ADMINISTRATIVE PROVISION

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

21 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

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

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

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

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

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

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

17 (5) transfers funds in excess of the following  
18 limits, unless prior approval is received from the  
19 Committees on Appropriations of the House of Rep-  
20 resentatives and the Senate:

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

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

4 (6) transfers more than \$500,000 from either  
5 the Facilities Operation, Maintenance, and Rehabili-  
6 tation category or the Resources Management and  
7 Development category to any program, project, or  
8 activity in the other category, unless prior approval  
9 is received from the Committees on Appropriations  
10 of the House of Representatives and the Senate; or

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

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

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

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

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

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



1 prepared by the Department of the Interior, Bureau of  
2 Reclamation. Any future obligations of funds by the  
3 United States relating to, or providing for, drainage serv-  
4 ice or drainage studies for the San Luis Unit shall be fully  
5 reimbursable by San Luis Unit beneficiaries of such serv-  
6 ice or studies pursuant to Federal reclamation law.

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

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

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

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

4           (1) in paragraph (1)—

5           (A) in the matter preceding subparagraph

6           (A)—

7           (i) by striking “not more than”;

8           (ii) by inserting “or the National Fish  
9 and Wildlife Foundation” after “University  
10 of Nevada”; and

11           (iii) by inserting “The Secretary may  
12 provide funds to the National Fish and  
13 Wildlife Foundation in advance without re-  
14 gard to when expenses are incurred. The  
15 funds shall be subject to the provisions of  
16 the National Fish and Wildlife Foundation  
17 Establishment Act, excluding subsection  
18 (a) of section 10 of the Act (16 U.S.C.  
19 3709(a)).” at the end;

20           (B) in subparagraph (A), by striking “,  
21 Nevada; and” and inserting “; and”;

22           (C) in subparagraph (B), by striking the  
23 period at the end and inserting “; and”; and

24           (D) by adding at the end the following:

1           “(C) to design and implement conservation  
2           and stewardship measures to address impacts  
3           from activities carried out—

4                       “(i) under subparagraph (A); and

5                       “(ii) in conjunction with willing land-  
6           owners.”; and

7           (2) in paragraph (2), in the matter preceding  
8           subparagraph (A), by striking “the University” and  
9           all that follows through “beneficial to—” and insert-  
10          ing “the University of Nevada or the National Fish  
11          and Wildlife Foundation shall make acquisitions that  
12          the University or the Foundation determines to be  
13          the most beneficial to—”.

14          SEC. 207. Section 2507(b) of the Farm Security and  
15          Rural Investment Act of 2002 (43 U.S.C. 2211 note; Pub-  
16          lic Law 107–171) is amended—

17               (1) in paragraph (1), by striking “or” at the  
18          end;

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

21               (3) by adding at the end the following:

22                       “(3) for efforts consistent with researching,  
23          supporting, and conserving fish, wildlife, plant, and  
24          habitat resources in the Walker River Basin.”.

1        SEC. 208. Of the amounts made available under sec-  
2 tion 2507 of the Farm Security and Rural Investment Act  
3 of 2002 (43 U.S.C. 2211 note; Public Law 107–171) (as  
4 amended by section 2807 of the Food, Conservation, and  
5 Energy Act of 2008 (Public Law 110–246; 122 Stat.  
6 1818)), the Secretary of the Interior, acting through the  
7 Commissioner of Reclamation, shall—

8            (1) provide, in accordance with section  
9        208(a)(1) of the Energy and Water Development  
10        Appropriations Act, 2006 (Public Law 109–103;  
11        119 Stat. 2268), as amended—

12            (A) \$66,200,000 to establish the Walker  
13        Lake Basin Restoration Program for the pri-  
14        mary purpose of restoring and maintaining  
15        Walker Lake, a natural desert terminal lake in  
16        Nevada, consistent with protection of the eco-  
17        logical health of the Walker River and its ripar-  
18        ian and watershed resources.

19            (B) Funds made available under section  
20        (1)(A) shall be used to support efforts to pre-  
21        serve Walker Lake while protecting agricul-  
22        tural, environmental and habitat interests in  
23        the basin, and be allocated as follows:

24            (i) \$25,000,000 for—

1 (I) the implementation of a  
2 three-year water leasing demonstra-  
3 tion program in the Walker River  
4 Basin to increase Walker Lake  
5 inflows;

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

10 (ii) \$25,000,000 to further the acqui-  
11 sition of water and related interests from  
12 willing sellers authorized by section  
13 208(a)(1)(A) of Public Law 109–103 (119  
14 Stat. 2268), as amended;

15 (iii) \$1,000,000 for activities related  
16 to the exercise of acquired option agree-  
17 ments and implementation of the water  
18 leasing demonstration program, including  
19 but not limited to, the pursuit of change  
20 applications, approvals, and agreements  
21 pertaining to the exercise of water rights  
22 and leases acquired thereunder;

23 (iv) \$10,000,000 for associated Walk-  
24 er Lake Basin conservation and steward-  
25 ship activities, including but not limited to,

1 water conservation and management, wa-  
2 tershed planning, land stewardship, habitat  
3 restoration, and the establishment of a  
4 local, nonprofit entity to hold and exercise  
5 water rights acquired by and to achieve the  
6 purposes of the Walker Lake Basin Res-  
7 toration Program; and

8 (v) \$5,000,000 to the University of  
9 Nevada, Reno and the Desert Research In-  
10 stitute

11 (I) for additional research to sup-  
12 plement the water rights research con-  
13 ducted under section 208(a)(1)(B) of  
14 that Act (Public Law 109–103; 119  
15 Stat. 2268) and

16 (II) to conduct an annual evalua-  
17 tion of the results of the activities car-  
18 ried out under subsections (i) and (ii)  
19 for the purposes of maximizing water  
20 conveyances to Walker Lake support  
21 and inform the above and related ac-  
22 quisition and stewardship initiatives in  
23 the Walker Lake Basin; and

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

1           tives programs in Lyon County, Nevada,  
2           that promote significant water conserva-  
3           tion in the Walker River Basin.

4           (C) Funds allocated under section (1)(A)  
5           shall be provided to the National Fish and  
6           Wildlife Foundation in advance without regard  
7           to when expenses are incurred and be subject to  
8           the provisions of the National Fish and Wildlife  
9           Foundation Establishment Act, excluding sub-  
10          section (a) of section 10 of the Act (16 U.S.C.  
11          3709(a)).

12          (2) allocate—

13           (A) \$2,000,000, acting through a nonprofit  
14           conservation organization, acting in consulta-  
15           tion with the Truckee Meadows Water Author-  
16           ity, for—

17           (i)(I) the acquisition of land sur-  
18           rounding Independence Lake; and

19           (II) protection of the native fishery  
20           and water quality of Independence Lake,  
21           as determined by the nonprofit conserva-  
22           tion organization; and

23           (ii) with respect to any amounts in ex-  
24           cess of the amounts required to carry out

1 clause (i)(I), stewardship purposes, to re-  
2 main available until expended;

3 (B) \$5,000,000 to provide grants, to be di-  
4 vided equally, to the State of Nevada, the State  
5 of California, the Truckee Meadows Water Au-  
6 thority, the Pyramid Lake Paiute Tribe, and  
7 the Federal Watermaster of the Truckee River  
8 to implement the Truckee River Settlement Act,  
9 Public Law 101–618; and

10 (C) \$1,500,000, to be divided equally by  
11 the City of Fernley, Nevada and the Pyramid  
12 Lake Paiute Tribe, for joint planning and devel-  
13 opment activities for water, wastewater, and  
14 sewer facilities.

15 SEC. 209. Notwithstanding the provisions of section  
16 11(c) of Public Law 89–108, as amended by section 9 of  
17 Public Law 99–294, the Commissioner is directed to mod-  
18 ify the April 9, 2002, Grant Agreement Between Bureau  
19 of Reclamation and North Dakota Natural Resources  
20 Trust to provide funding for the Trust to continue its in-  
21 vestment program/Agreement No. 02FG601633 to au-  
22 thorize the North Dakota Natural Resources Trust Board  
23 of Directors to expend all or any portion of the funding  
24 allocation received pursuant to section 11(a)(2)(B) of the  
25 Dakota Water Resources Act of 2000 for the purpose of



1 operations of the Natural Resource Trust whether such  
2 amounts are principal or received as investment income:  
3 *Provided*, That operational expenses that may be funded  
4 from the principal allocation shall not exceed 105 percent  
5 of the previous fiscal year's operating costs: *Provided fur-*  
6 *ther*, That the Commissioner of Reclamation is authorized  
7 to include in such modified agreement with the Trust au-  
8 thorized under this section appropriate provisions regard-  
9 ing the repayment of any funds that constitute principal  
10 from the Trust Funds.

11 SEC. 210. Title I of Public Law 108–361 is amended  
12 by striking “2010” wherever it appears and inserting  
13 “2015” in lieu thereof.

### 14 TITLE III

## 15 DEPARTMENT OF ENERGY

### 16 ENERGY PROGRAMS

#### 17 ENERGY EFFICIENCY AND RENEWABLE ENERGY

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

1 \$2,233,967,000, to remain available until expended: *Pro-*  
2 *vided*, That, of the amount appropriated in this para-  
3 graph, \$148,075,000 shall be used for projects specified  
4 in the table that appears under the heading “Congressional  
5 ally Directed Energy Efficiency and Renewable Energy  
6 Projects” in the report of the Committee on Appropriations  
7 of the United States Senate to accompany this Act.

8 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

9 For Department of Energy expenses including the  
10 purchase, construction, and acquisition of plant and capital  
11 equipment, and other expenses necessary for electricity  
12 delivery and energy reliability activities in carrying  
13 out the purposes of the Department of Energy Organization  
14 Act (42 U.S.C. 7101 et seq.), including the acquisition  
15 or condemnation of any real property or any facility  
16 or for plant or facility acquisition, construction, or expansion,  
17 \$179,483,000, to remain available until expended:  
18 *Provided*, That, within the funding available funding the  
19 Secretary shall establish an independent national energy  
20 sector cyber security organization to institute research, development  
21 and deployment priorities, including policies  
22 and protocol to ensure the effective deployment of tested  
23 and validated technology and software controls to protect  
24 the bulk power electric grid and integration of smart grid  
25 technology to enhance the security of the electricity grid:

1 *Provided further*, That within 60 days of enactment, the  
2 Secretary shall invite applications from qualified entities  
3 for the purpose of forming and governing a national en-  
4 ergy sector cyber organization that have the knowledge  
5 and capacity to focus cyber security research and develop-  
6 ment and to identify and disseminate best practices; orga-  
7 nize the collection, analysis and dissemination of infra-  
8 structure vulnerabilities and threats; work cooperatively  
9 with the Department of Energy and other Federal agen-  
10 cies to identify areas where Federal agencies with jurisdic-  
11 tion may best support efforts to enhance security of the  
12 bulk power electric grid: *Provided further*, That, of the  
13 amount appropriated in this paragraph, \$6,475,000 shall  
14 be used for projects specified in the table that appears  
15 under the heading “Congressionally Directed Electricity  
16 Delivery and Energy Reliability Projects” in the report of  
17 the Committee on Appropriations of the United States  
18 Senate to accompany this Act.

19 NUCLEAR ENERGY

20 (INCLUDING TRANSFER OF FUNDS)

21 For Department of Energy expenses including the  
22 purchase, construction, and acquisition of plant and cap-  
23 ital equipment, and other expenses necessary for nuclear  
24 energy activities in carrying out the purposes of the De-  
25 partment of Energy Organization Act (42 U.S.C. 7101 et

1 seq.), including the acquisition or condemnation of any  
2 real property or any facility or for plant or facility acquisi-  
3 tion, construction, or expansion, and the purchase of not  
4 to exceed 36 passenger motor vehicles, including one am-  
5 bulance, all for replacement only, \$761,274,000, to remain  
6 available until expended: *Provided*, That, of the amount  
7 appropriated in this paragraph, \$2,000,000 shall be used  
8 for projects specified in the table that appears under the  
9 heading “Congressionally Directed Nuclear Energy  
10 Projects” in the report of the Committee on Appropria-  
11 tions of the United States Senate to accompany this Act.

12       FOSSIL ENERGY RESEARCH AND DEVELOPMENT

13       For necessary expenses in carrying out fossil energy  
14 research and development activities, under the authority  
15 of the Department of Energy Organization Act (Public  
16 Law 95–91), including the acquisition of interest, includ-  
17 ing defeasible and equitable interests in any real property  
18 or any facility or for plant or facility acquisition or expan-  
19 sion, and for conducting inquiries, technological investiga-  
20 tions and research concerning the extraction, processing,  
21 use, and disposal of mineral substances without objection-  
22 able social and environmental costs (30 U.S.C. 3, 1602,  
23 and 1603), \$699,200,000, to remain available until ex-  
24 pended: *Provided*, That for all programs funded under  
25 Fossil Energy appropriations in this Act or any other Act,

1 the Secretary may vest fee title or other property interests  
2 acquired under projects in any entity, including the United  
3 States: *Provided further*, That, of the amount appro-  
4 priated in this paragraph, \$27,300,000 shall be used for  
5 projects specified in the table that appears under the head-  
6 ing “Congressionally Directed Fossil Energy Projects” in  
7 the report of the Committee on Appropriations of the  
8 United States Senate to accompany this Act.

#### 9 NAVAL PETROLEUM AND OIL SHALE RESERVES

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

#### 17 STRATEGIC PETROLEUM RESERVE

18 For necessary expenses for Strategic Petroleum Re-  
19 serve facility development and operations and program  
20 management activities pursuant to the Energy Policy and  
21 Conservation Act of 1975, as amended (42 U.S.C. 6201  
22 et seq.), \$259,073,000, to remain available until expended.

#### 23 NORTHEAST HOME HEATING OIL RESERVE

24 For necessary expenses for Northeast Home Heating  
25 Oil Reserve storage, operation, and management activities

1 pursuant to the Energy Policy and Conservation Act,  
2 \$11,300,000, to remain available until expended.

3 ENERGY INFORMATION ADMINISTRATION

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

7 NON-DEFENSE ENVIRONMENTAL CLEANUP

8 For Department of Energy expenses, including the  
9 purchase, construction, and acquisition of plant and cap-  
10 ital equipment and other expenses necessary for non-de-  
11 fense environmental cleanup activities in carrying out the  
12 purposes of the Department of Energy Organization Act  
13 (42 U.S.C. 7101 et seq.), including the acquisition or con-  
14 demnation of any real property or any facility or for plant  
15 or facility acquisition, construction, or expansion,  
16 \$259,829,000, to remain available until expended.

17 URANIUM ENRICHMENT DECONTAMINATION AND  
18 DECOMMISSIONING FUND

19 For necessary expenses in carrying out uranium en-  
20 richment facility decontamination and decommissioning,  
21 remedial actions, and other activities of title II of the  
22 Atomic Energy Act of 1954, and title X, subtitle A, of  
23 the Energy Policy Act of 1992, \$588,322,000, to be de-  
24 rived from the Uranium Enrichment Decontamination and

1 Decommissioning Fund, to remain available until ex-  
2 pended.

3 SCIENCE

4 For Department of Energy expenses including the  
5 purchase, construction and acquisition of plant and capital  
6 equipment, and other expenses necessary for science ac-  
7 tivities in carrying out the purposes of the Department  
8 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
9 cluding the acquisition or condemnation of any real prop-  
10 erty or facility or for plant or facility acquisition, construc-  
11 tion, or expansion, and purchase of not to exceed 50 pas-  
12 senger motor vehicles for replacement only, including one  
13 law enforcement vehicle, two ambulances, and three buses,  
14 \$4,898,832,000, to remain available until expended: *Pro-*  
15 *vided*, That, of the amount appropriated in this para-  
16 graph, \$41,150,000 shall be used for projects specified in  
17 the table that appears under the heading “Congressionally  
18 Directed Science Projects” in the report of the Committee  
19 on Appropriations of the United States Senate to accom-  
20 pany this Act.

21 NUCLEAR WASTE DISPOSAL

22 For nuclear waste disposal activities to carry out the  
23 purposes of the Nuclear Waste Policy Act of 1982, Public  
24 Law 97-425, as amended (the “NWPA”), \$98,400,000,  
25 to remain available until expended, and to be derived from

1 the Nuclear Waste Fund: *Provided*, That of the funds  
2 made available in this Act for nuclear waste disposal and  
3 defense nuclear waste disposal activities, 2.54 percent  
4 shall be provided to the Office of the Attorney General  
5 of the State of Nevada solely for expenditures, other than  
6 salaries and expenses of State employees, to conduct sci-  
7 entific oversight responsibilities and participate in licens-  
8 ing activities pursuant to the NWPA: *Provided further*,  
9 That notwithstanding the lack of a written agreement with  
10 the State of Nevada under section 117(c) of the NWPA,  
11 0.51 percent shall be provided to Nye County, Nevada,  
12 for on-site oversight activities under section 117(d) of the  
13 NWPA: *Provided further*, That of the funds made avail-  
14 able in this Act for nuclear waste disposal and defense  
15 nuclear waste disposal activities, 4.57 percent shall be pro-  
16 vided to affected units of local government, as defined in  
17 the NWPA, to conduct appropriate activities and partici-  
18 pate in licensing activities under Section 116(c) of the  
19 NWPA: *Provided further*, That of the amounts provided  
20 to affected units of local government, 7.5 percent of the  
21 funds provided for the affected units of local government  
22 shall be made available to affected units of local govern-  
23 ment in California with the balance made available to af-  
24 fected units of local government in Nevada for distribution  
25 as determined by the Nevada affected units of local gov-



1 ernment: *Provided further*, That of the funds made avail-  
2 able in this Act for nuclear waste disposal and defense  
3 nuclear waste disposal activities, 0.25 percent shall be pro-  
4 vided to the affected Federally-recognized Indian tribes,  
5 as defined in the NWPA, solely for expenditures, other  
6 than salaries and expenses of tribal employees, to conduct  
7 appropriate activities and participate in licensing activities  
8 under section 118(b) of the NWPA: *Provided further*, That  
9 notwithstanding the provisions of chapters 65 and 75 of  
10 title 31, United States Code, the Department shall have  
11 no monitoring, auditing or other oversight rights or re-  
12 sponsibilities over amounts provided to affected units of  
13 local government: *Provided further*, That the funds for the  
14 State of Nevada shall be made available solely to the Of-  
15 fice of the Attorney General by direct payment and to  
16 units of local government by direct payment: *Provided fur-*  
17 *ther*, That 4.57 percent of the funds made available in this  
18 Act for nuclear waste disposal and defense nuclear waste  
19 disposal activities shall be provided to Nye County, Ne-  
20 vada, as payment equal to taxes under section 116(e)(3)  
21 of the NWPA: *Provided further*, That within 90 days of  
22 the completion of each Federal fiscal year, the Office of  
23 the Attorney General of the State of Nevada, each affected  
24 Federally-recognized Indian tribe, and each of the affected  
25 units of local government shall provide certification to the

1 Department of Energy that all funds expended from such  
2 payments have been expended for activities authorized by  
3 the NWPA and this Act: *Provided further*, That failure  
4 to provide such certification shall cause such entity to be  
5 prohibited from any further funding provided for similar  
6 activities: *Provided further*, That none of the funds herein  
7 appropriated may be: (1) used directly or indirectly to in-  
8 fluence legislative action, except for normal and recognized  
9 executive-legislative communications, on any matter pend-  
10 ing before Congress or a State legislature or for lobbying  
11 activity as provided in 18 U.S.C. 1913; (2) used for litiga-  
12 tion expenses; or (3) used to support multi-State efforts  
13 or other coalition building activities inconsistent with the  
14 restrictions contained in this Act: *Provided further*, That  
15 all proceeds and recoveries realized by the Secretary in  
16 carrying out activities authorized by the NWPA, including  
17 but not limited to, any proceeds from the sale of assets,  
18 shall be available without further appropriation and shall  
19 remain available until expended: *Provided further*, That no  
20 funds provided in this Act or any previous Act may be  
21 used to pursue repayment or collection of funds provided  
22 in any fiscal year to affected units of local government  
23 for oversight activities that had been previously approved  
24 by the Department of Energy, or to withhold payment of  
25 any such funds.

1 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE  
2 PROGRAM

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

17 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING  
18 LOAN PROGRAM

19 For administrative expenses in carrying out the Ad-  
20 vanced Technology Vehicles Manufacturing Loan Pro-  
21 gram, \$20,000,000, to remain available until expended.

22 DEPARTMENTAL ADMINISTRATION  
23 (INCLUDING TRANSFER OF FUNDS)

24 For salaries and expenses of the Department of En-  
25 ergy necessary for Departmental Administration in car-

1 rying out the purposes of the Department of Energy Orga-  
2 nization Act (42 U.S.C. 7101 et seq.), including the hire  
3 of passenger motor vehicles and official reception and rep-  
4 resentation expenses not to exceed \$293,684,000, to re-  
5 main available until expended, plus such additional  
6 amounts as necessary to cover increases in the estimated  
7 amount of cost of work for others notwithstanding the pro-  
8 visions of the Anti-Deficiency Act (31 U.S.C. 1511 et  
9 seq.): *Provided*, That such increases in cost of work are  
10 offset by revenue increases of the same or greater amount,  
11 to remain available until expended: *Provided further*, That  
12 moneys received by the Department for miscellaneous rev-  
13 enues estimated to total \$119,740,000 in fiscal year 2010  
14 may be retained and used for operating expenses within  
15 this account, and may remain available until expended, as  
16 authorized by section 201 of Public Law 95–238, notwith-  
17 standing the provisions of 31 U.S.C. 3302: *Provided fur-*  
18 *ther*, That the sum herein appropriated shall be reduced  
19 by the amount of miscellaneous revenues received during  
20 2010, and any related appropriated receipt account bal-  
21 ances remaining from prior years' miscellaneous revenues,  
22 so as to result in a final fiscal year 2010 appropriation  
23 from the general fund estimated at not more than  
24 \$173,944,000.

## 1           OFFICE OF THE INSPECTOR GENERAL

2           For necessary expenses of the Office of the Inspector  
3 General in carrying out the provisions of the Inspector  
4 General Act of 1978, as amended, \$51,927,000, to remain  
5 available until expended.

## 6           ATOMIC ENERGY DEFENSE ACTIVITIES

## 7           NATIONAL NUCLEAR SECURITY

## 8           ADMINISTRATION

## 9           WEAPONS ACTIVITIES

10          For Department of Energy expenses, including the  
11 purchase, construction, and acquisition of plant and cap-  
12 ital equipment and other incidental expenses necessary for  
13 atomic energy defense weapons activities in carrying out  
14 the purposes of the Department of Energy Organization  
15 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
16 condemnation of any real property or any facility or for  
17 plant or facility acquisition, construction, or expansion,  
18 the purchase of not to exceed one ambulance;  
19 \$6,468,267,000, to remain available until expended.

## 20          DEFENSE NUCLEAR NONPROLIFERATION

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



1 ENVIRONMENTAL AND OTHER DEFENSE  
2 ACTIVITIES

3 DEFENSE ENVIRONMENTAL CLEANUP  
4 (INCLUDING TRANSFER OF FUNDS)

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 atomic  
8 energy defense environmental cleanup activities in car-  
9 rying out the purposes of the Department of Energy Orga-  
10 nization Act (42 U.S.C. 7101 et seq.), including the acqui-  
11 sition or condemnation of any real property or any facility  
12 or for plant or facility acquisition, construction, or expan-  
13 sion, and the purchase of not to exceed four ambulances  
14 and three passenger motor vehicles for replacement only,  
15 \$5,763,856,000, to remain available until expended, of  
16 which \$463,000,000 shall be transferred to the “Uranium  
17 Enrichment Decontamination and Decommissioning  
18 Fund”: *Provided*, That, of the amount appropriated in  
19 this paragraph, \$4,000,000 shall be used for projects spec-  
20 ified in the table that appears under the heading “Con-  
21 gressionally Directed Defense Environmental Cleanup  
22 Projects” in the report of the Committee on Appropria-  
23 tions of the United States Senate to accompany this Act.

## 1                   OTHER DEFENSE ACTIVITIES

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

## 19                   DEFENSE NUCLEAR WASTE DISPOSAL

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



## 1 POWER MARKETING ADMINISTRATIONS

## 2 BONNEVILLE POWER ADMINISTRATION FUND

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

11 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER  
12 ADMINISTRATION

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

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

1       OPERATION AND MAINTENANCE, SOUTHWESTERN  
2                                   POWER ADMINISTRATION

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

1 western Power Administration pursuant to the Flood Con-  
2 trol Act of 1944 to recover purchase power and wheeling  
3 expenses shall be credited to this account as offsetting col-  
4 lections, to remain available until expended for the sole  
5 purpose of making purchase power and wheeling expendi-  
6 tures: *Provided further*, That notwithstanding 31 U.S.C.  
7 3302 and section 5 of the Flood Control Act of 1944, all  
8 funds collected by the Southwestern Power Administration  
9 that are applicable to the repayment of the annual ex-  
10 penses of this account in this and subsequent fiscal years  
11 shall be credited to this account as discretionary offsetting  
12 collections for the sole purpose of funding such expenses,  
13 with such funds remaining available until expended: *Pro-*  
14 *vided further*, That for purposes of this appropriation, an-  
15 nual expenses means expenditures that are generally re-  
16 covered in the same year that they are incurred (excluding  
17 purchase power and wheeling expenses).

18 CONSTRUCTION, REHABILITATION, OPERATION AND  
19 MAINTENANCE, WESTERN AREA POWER ADMINIS-  
20 TRATION

21 For carrying out the functions authorized by title III,  
22 section 302(a)(1)(E) of the Act of August 4, 1977 (42  
23 U.S.C. 7152), and other related activities including con-  
24 servation and renewable resources programs as author-  
25 ized, including official reception and representation ex-

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

1 Act of 1944 and the Reclamation Project Act of 1939 to  
2 recover purchase power and wheeling expenses shall be  
3 credited to this account as offsetting collections, to remain  
4 available until expended for the sole purpose of making  
5 purchase power and wheeling expenditures: *Provided fur-*  
6 *ther*, That of the amount herein appropriated, up to  
7 \$18,612,000 is provided on a nonreimbursable basis for  
8 environmental remediation at the Basic Substation site in  
9 Henderson, Nevada: *Provided further*, That notwith-  
10 standing 31 U.S.C. 3302, section 5 of the Flood Control  
11 Act of 1944 (16 U.S.C. 825s), and section 1 of the Inte-  
12 rior Department Appropriation Act, 1939 (43 U.S.C.  
13 392a), funds collected by the Western Area Power Admin-  
14 istration from the sale of power and related services that  
15 are applicable to the repayment of the annual expenses  
16 of this account in this and subsequent fiscal years shall  
17 be credited to this account as discretionary offsetting col-  
18 lections for the sole purpose of funding such expenses,  
19 with such funds remaining available until expended: *Pro-*  
20 *vided further*, That for purposes of this appropriation, an-  
21 nual expenses means expenditures that are generally re-  
22 covered in the same year that they are incurred (excluding  
23 purchase power and wheeling expenses).

1 FALCON AND AMISTAD OPERATING AND MAINTENANCE  
2 FUND

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

1 tion from the sale of power and related services from the  
2 Falcon and Amistad Dams that are applicable to the re-  
3 payment of the annual expenses of the hydroelectric facili-  
4 ties of these Dams and associated Western Area Power  
5 Administration activities in this and subsequent fiscal  
6 years shall be credited to this account as discretionary off-  
7 setting collections for the sole purpose of funding such ex-  
8 penses, with such funds remaining available until ex-  
9 pended: *Provided further*, That for purposes of this appro-  
10 priation, annual expenses means expenditures that are  
11 generally recovered in the same year that they are in-  
12 curred.

13 FEDERAL ENERGY REGULATORY COMMISSION

14 SALARIES AND EXPENSES

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





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

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

11          SEC. 304. None of the funds in this or any other Act  
12          for the Administrator of the Bonneville Power Administra-  
13          tion may be used to enter into any agreement to perform  
14          energy efficiency services outside the legally defined Bon-  
15          neville service territory, with the exception of services pro-  
16          vided internationally, including services provided on a re-  
17          imbursable basis, unless the Administrator certifies in ad-  
18          vance that such services are not available from private sec-  
19          tor businesses.

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

1 such need for input to universities and other potential  
2 users. When the Department of Energy considers the par-  
3 ticipation of a university or other potential user as a for-  
4 mal partner in the establishment or operation of a user  
5 facility, the Department shall employ full and open com-  
6 petition in selecting such a partner. For purposes of this  
7 section, the term “user facility” includes, but is not lim-  
8 ited to: (1) a user facility as described in section  
9 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C.  
10 13503(a)(2)); (2) a National Nuclear Security Adminis-  
11 tration Defense Programs Technology Deployment Cen-  
12 ter/User Facility; and (3) any other Departmental facility  
13 designated by the Department as a user facility.

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

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

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

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

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

1 Reinvestment Act of 2009 (Public Law 111–5; 123 Stat.  
2 140) under a funding account, subaccount, or fund symbol  
3 other than the Bonneville Power Administration Fund  
4 Treasury account fund symbol.

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

16 (c) This section is effective for fiscal year 2010 and  
17 subsequent fiscal years.

18 SEC. 310. None of the funds made available by this  
19 Act may be used to make a grant allocation, discretionary  
20 grant award, discretionary contract award, Other Trans-  
21 action Agreement, or to issue a letter of intent totaling  
22 in excess of \$1,000,000, or to announce publicly the inten-  
23 tion to make such an award, including a contract covered  
24 by the Federal Acquisition Regulation, unless the Sec-  
25 retary of Energy notifies the Committees on Appropria-

1 tions of the Senate and the House of Representatives at  
2 least 3 full business days in advance of making such an  
3 award or issuing such a letter: *Provided*, That if the Sec-  
4 retary of the Department of Energy determines that com-  
5 pliance with this section would pose a substantial risk to  
6 human life, health, or safety, an award may be made with-  
7 out notification and the Committees on Appropriations of  
8 the Senate and the House of Representatives shall be noti-  
9 fied not later than 5 full business days after such an  
10 award is made or letter issued.

11 SEC. 311. (a) In any fiscal year in which the Sec-  
12 retary of Energy determines that additional funds are  
13 needed to reimburse the costs of defined benefit pension  
14 plans for contractor employees, the Secretary may transfer  
15 not more than 1 percent from each appropriation made  
16 available in this and subsequent Energy and Water Devel-  
17 opment Appropriation Acts to any other appropriation  
18 available to the Secretary in the same Act for such reim-  
19 bursements.

20 (b) Where the Secretary recovers the costs of defined  
21 benefit pension plans for contractor employees through  
22 charges for the indirect costs of research and activities at  
23 facilities of the Department of Energy, if the indirect costs  
24 attributable to defined benefit pension plan costs in a fis-  
25 cal year are more than charges in fiscal year 2008, the

1 Secretary shall carry out a transfer of funds under this  
2 section.

3 (c) In carrying out a transfer under this section, the  
4 Secretary shall use each appropriation made available to  
5 the Department in that fiscal year as a source for the  
6 transfer, and shall reduce each appropriation by an equal  
7 percentage, except that appropriations for which the Sec-  
8 retary determines there exists a need for additional funds  
9 for pension plan costs in that fiscal year, as well as appro-  
10 priations made available for the Power Marketing Admin-  
11 istrations, the title XVII loan guarantee program, and the  
12 Federal Energy Regulatory Commission, shall not be sub-  
13 ject to this requirement.

14 (d) Each January, the Secretary shall report to the  
15 Committees on Appropriations of the House of Represent-  
16 atives and the Senate on the state of defined benefit pen-  
17 sion plan liabilities in the Department for the preceding  
18 year.

19 (e) This transfer authority does not apply to supple-  
20 mental appropriations, and is in addition to any other  
21 transfer authority provided in this or any other Act. The  
22 authority provided under this section shall expire on Sep-  
23 tember 30, 2015.

1 TITLE IV  
2 INDEPENDENT AGENCIES  
3 APPALACHIAN REGIONAL COMMISSION

4 For expenses necessary to carry out the programs au-  
5 thorized by the Appalachian Regional Development Act of  
6 1965, as amended, for necessary expenses for the Federal  
7 Co-Chairman and the Alternate on the Appalachian Re-  
8 gional Commission, for payment of the Federal share of  
9 the administrative expenses of the Commission, including  
10 services as authorized by 5 U.S.C. 3109, and hire of pas-  
11 senger motor vehicles, \$76,000,000, to remain available  
12 until expended: *Provided*, That any congressionally di-  
13 rected spending shall be taken from within that State's  
14 allocation in the fiscal year in which it is provided.

15 DEFENSE NUCLEAR FACILITIES SAFETY BOARD  
16 SALARIES AND EXPENSES

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

22 DELTA REGIONAL AUTHORITY  
23 SALARIES AND EXPENSES

24 For necessary expenses of the Delta Regional Author-  
25 ity and to carry out its activities, as authorized by the



1 Delta Regional Authority Act of 2000, as amended, not-  
2 withstanding sections 382C(b)(2), 382F(d), 382M, and  
3 382N of said Act, \$13,000,000, to remain available until  
4 expended.

5 DENALI COMMISSION

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

12 NUCLEAR REGULATORY COMMISSION

13 SALARIES AND EXPENSES

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

1 and shall remain available until expended: *Provided fur-*  
2 *ther*, That the sum herein appropriated shall be reduced  
3 by the amount of revenues received during fiscal year  
4 2010 so as to result in a final fiscal year 2010 appropria-  
5 tion estimated at not more than \$158,598,000: *Provided*  
6 *further*, That of the amounts appropriated, \$10,000,000  
7 is provided to support university research and development  
8 in areas relevant to their respective organization's mission,  
9 and \$5,000,000 is to support a Nuclear Science and Engi-  
10 neering Grant Program that will support multiyear  
11 projects that do not align with programmatic missions but  
12 are critical to maintaining the discipline of nuclear science  
13 and engineering.

14 OFFICE OF INSPECTOR GENERAL

15 For necessary expenses of the Office of Inspector  
16 General in carrying out the provisions of the Inspector  
17 General Act of 1978, as amended, \$10,860,000, to remain  
18 available until expended: *Provided*, That revenues from li-  
19 censing fees, inspection services, and other services and  
20 collections estimated at \$9,774,000 in fiscal year 2010  
21 shall be retained and be available until expended, for nec-  
22 essary salaries and expenses in this account, notwith-  
23 standing 31 U.S.C. 3302: *Provided further*, That the sum  
24 herein appropriated shall be reduced by the amount of rev-  
25 enues received during fiscal year 2010 so as to result in

1 a final fiscal year 2010 appropriation estimated at not  
 2 more than \$1,086,000.

3           NUCLEAR WASTE TECHNICAL REVIEW BOARD

4                           SALARIES AND EXPENSES

5           For necessary expenses of the Nuclear Waste Tech-  
 6 nical Review Board, as authorized by Public Law 100-  
 7 203, section 5051, \$3,891,000, to be derived from the Nu-  
 8 clear Waste Fund, and to remain available until expended.

9           OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA

10                           NATURAL GAS TRANSPORTATION PROJECTS

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

19                           GENERAL PROVISION

20           SEC. 401. Section 382B of the Delta Regional Au-  
 21 thority Act of 2000 is amended by deleting (c)(1) and in-  
 22 serting in lieu thereof the following: ““(1) IN GENERAL—  
 23 VOTING.—A decision by the Authority shall require the af-  
 24 firmative vote of the Federal cochairperson and a majority  
 25 of the State members (not including any member rep-

1 resenting a State that is delinquent under subsection  
2 (g)(2)(C) to be effective.”.

3

## TITLE V

4

## GENERAL PROVISIONS

5 SEC. 501. None of the funds appropriated by this Act  
6 may be used in any way, directly or indirectly, to influence  
7 congressional action on any legislation or appropriation  
8 matters pending before Congress, other than to commu-  
9 nicate to Members of Congress as described in 18 U.S.C.  
10 1913.

11 SEC. 502. None of the funds made available in this  
12 Act may be transferred to any department, agency, or in-  
13 strumentality of the United States Government, except  
14 pursuant to a transfer made by, or transfer authority pro-  
15 vided in this Act or any other appropriation Act.

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



Calendar No. 104

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

**S. 1436**

[Report No. 111-45]

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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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JULY 9, 2009

Read twice and placed on the calendar