111th Congress  
1st Session  

H. R. 3183  

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

1 Be it enacted by the Senate and House of Representa- 
2 tives of the United States of America in Congress assembled,
That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I—CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—civil

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary when authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for
miscellaneous investigations and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $142,000,000, to remain available until expended: Provided, That, except as provided in section 101, the amounts made available under this paragraph shall be expended as authorized by law for the projects and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies and plans and specifications of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies and plans and specifications shall not constitute a commitment of the Government to construction), $2,122,679,000 (increased by $14,000,000) (increased by $7,000,000), to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facili-
ties under the Dredged Material Disposal Facilities pro-
gram shall be derived from the Harbor Maintenance Trust
Fund as authorized by the Water Resources Development
Act of 1996 (Public Law 104–303); and of which such
sums as are necessary to cover one-half of the costs of
construction, replacement, rehabilitation, and expansion of
inland waterways projects shall be derived from the Inland
Waterways Trust Fund: Provided, That $1,500,000 of the
funds appropriated under this heading in title I of division
C of the Omnibus Appropriations Act, 2009 (Pub. L. 111–
8; 123 Stat. 601–609) is transferred to the Investigations
account and, in addition to funds appropriated by this Act,
applied toward the cost of carrying out the Seven Oaks
Water Conservation Study, California: Provided further,
That, except as provided in section 101, the amounts
made available under this paragraph shall be expended as
authorized by law for the projects and activities specified
in the text and table under this heading in the report of
the Committee on Appropriations of the House of Rep-
resentatives to accompany this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction
projects and related efforts in the Mississippi River allu-
vial valley below Cape Girardeau, Missouri, as authorized
by law, $251,375,000, to remain available until expended,
of which such sums as are necessary to cover the Federal
share of eligible operation and maintenance costs for in-
land harbors shall be derived from the Harbor Mainte-
nance Trust Fund: Provided, That, except as provided in
section 101, the amounts made available under this para-
graph shall be expended as authorized by law for the
projects and activities specified in the text and table under
this heading in the report of the Committee on Appropria-
tions of the House of Representatives to accompany this
Act.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, mainte-
nance, and care of existing river and harbor, flood and
storm damage reduction, aquatic ecosystem restoration,
and related projects authorized by law; providing security
for infrastructure owned or operated by the Corps, includ-
ing administrative buildings and laboratories; maintaining
harbor channels provided by a State, municipality, or
other public agency that serve essential navigation needs
of general commerce, when authorized by law; surveying
and charting northern and northwestern lakes and con-
necting waters; clearing and straightening channels; and
removing obstructions to navigation, $2,510,971,000, to
remain available until expended, of which such sums as
are necessary to cover the Federal share of eligible oper-
ation and maintenance costs for coastal harbors and chan-
nels and for inland harbors shall be derived from the Har-
bor Maintenance Trust Fund; of which such sums as be-
come available from the special account for the Corps es-
tablished by the Land and Water Conservation Act of
1965 (16 U.S.C. 460l–6a(i)) shall be derived from that
account for resource protection, research, interpretation,
and maintenance activities related to resource protection
in the areas at which outdoor recreation is available; and
of which such sums as become available from fees collected
under section 217 of the Water Resources Development
Act of 1996 (Public Law 104–303) shall be used to cover
the cost of operation and maintenance of the dredged ma-
terial disposal facilities for which such fees have been col-
lected: Provided, That, except as provided in section 101,
the amounts made available under this paragraph shall be
expended as authorized by law for the projects and activi-
ties specified in the text and table under this heading in
the report of the Committee on Appropriations of the
House of Representatives to accompany this Act.

REGULATORY PROGRAM

For expenses necessary for administration of laws
pertaining to regulation of navigable waters and wetlands,
$190,000,000 (increased by $1,800,000), to remain avail-
able until expended.
FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation’s early atomic energy program, $134,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the Engineer Research and Development Center, and the Corps Finance Center, $184,000,000 (reduced by $14,000,000) (reduced by $10,800,000) (reduced by $7,000,000), to remain available until expended, of which not more than $5,000 may be used for official reception and representation purposes and only during the current fiscal year: Provided, That no part of any other appropriation in this title shall be available to fund the above activities: Provided further, That any unobligated balances from prior appropriation Acts for “Flood Control and Coastal Emergencies” may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster:
Provided further, That upon submission to the Congress of the fiscal year 2011 President’s budget, the Chief of Engineers shall transmit to Congress the annual congressional budget justifications for fiscal year 2011: Provided further, That the amount herein appropriated shall be reduced by $100,000 per day for each day after initial submission of the President’s budget that the report has not been submitted to the Congress.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

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

ADMINISTRATIVE PROVISION

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

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. REPROGRAMMING RESTRICTION.—(a) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—
(1) creates or initiates a new program, project, or activity;

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

(3) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act;

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

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

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

(c) The Army Corps of Engineers shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 102. COMPETITIVE SOURCING.—None of the funds in this Act, or previous Acts making funds available for Energy and Water Development, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A–76 or High Performing Organizations for the Army Corps of Engineers.

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

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

nism to enhance revenues in the Fund sufficient to meet
the cost-sharing authorized in the Water Resources Devel-

opment Act of 1986 (Public Law 99–662) is enacted.

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

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

SEC. 107. MARTIN, KENTUCKY.—The Secretary is
directed to use such funds as are necessary, from amounts
made available in this Act under the heading “Construc-
tion”, to expedite acquisition of those properties located
in the vicinity of Martin, Kentucky, that were damaged
by the floodwaters in the May 2009 flood event and that
fall within Phases 3 and 4 of the mandatory and voluntary
acquisition elements identified in Plan A of the Chief of
Engineers, Town of Martin Nonstructural Project De-
tailed Project Report, Appendix T, Section 202 General

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

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

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

“(5) PAYMENT TO NON-FEDERAL LICENSEE.—
Southwestern Power Administration shall com-
pensate the licensee of Federal Energy Regulatory
Commission Project No. 2221 pursuant to para-
graph (3) using receipts collected from the sale of
Federal power and energy related services. Pursuant
to paragraph (6), Southwestern Power Administra-
tion will begin collecting receipts in the Special Re-
cceipts and Disbursement account upon the date of
enactment of this paragraph. Payment to the li-
licensee of Federal Energy Regulatory Commission Project No. 2221 shall be paid as soon as adequate receipts are collected in the Special Receipts and Disbursement Account to fully compensate the licensee, and in accordance with paragraph (2), such payment shall be considered non-reimbursable.”;

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

“(6) The Southwestern Power Administration shall compensate the licensee of Federal Energy Regulatory Commission Project No. 2221 in annual payments of not less than $5,000,000, until the licensee of Federal Energy Regulatory Commission Project No. 2221 is fully compensated pursuant to paragraph (3). At the end of each fiscal year subsequent to implementation, any remaining balance to be paid to the licensee of Project No. 2221 shall accrue interest at the 30-year U.S. Treasury bond rate in effect at the time of implementation of the White River Minimum Flows project.”;

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

“(7) Establishment of Special Receipt and Disbursement Accounts.—There is established in the Treasury of the United States a special
receipt account and corresponding disbursement ac-
account to be made available to the Administrator of
the Southwestern Power Administration to disburse
pre-collected receipts from the sale of federal power
and energy and related services. The accounts are
authorized for the following uses:

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

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

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

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

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

count described in paragraph (7).”.

TITLE II—DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

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

BUREAU OF RECLAMATION

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

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of
water and related natural resources and for related activi-
ties, including the operation, maintenance, and rehabilita-
tion of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $910,247,000, to remain available until expended, of which $53,240,000 shall be available for transfer to the Upper Colorado River Basin Fund and $17,936,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by section 106 of Public Law 91–378 (16 U.S.C. 1706; popularly known as the Youth Conservation Corps Act of 1970): Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total amount appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by section 4(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)) shall be derived from that Fund or account: Provided further, That funds contributed under the Act of March 4, 1921 (43 U.S.C. 395) are avail-
able until expended for the purposes for which contributed: Provided further, That funds advanced under the Act of January 12, 1927 (43 U.S.C. 397a) shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a nonreimbursable basis: Provided further, That $4,000,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of appendix D of Public Law 106–554: Provided further, That, except as provided in section 201 of this Act, the amounts made available under this paragraph shall be expended as authorized by law for the projects and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act: Provided further, That $5,000,000 of the funds appropriated under this heading shall be available for the “Power Program Services” to implement the Bureau of Reclamation’s hydropower facilities installations identified under section 1834 of the Energy Policy Act of 2005.
CENTRAL VALLEY PROJECT RESTORATION FUND

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

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

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

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Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

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

Appropriations for the Bureau of Reclamation shall be available for the purchase of not more than seven passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. REPROGRAMMING RESTRICTION. — (a) None of the funds provided in title II for Water and Related Resources shall be available for obligation or expenditure through a reprogramming of funds that—

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

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

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act;

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

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

(A) 15 percent for any program, project, or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or
(B) $300,000 for any program, project, or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category; or

(7) transfers, when necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments.

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

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

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

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

(b) The costs of the Kesterson Reservoir Cleanup
Program and the costs of the San Joaquin Valley Drain-
age Program shall be classified by the Secretary of the
Interior as reimbursable or nonreimbursable and collected
until fully repaid pursuant to the “Cleanup Program-Al-
ternative Repayment Plan” and the “SJVDP-Alternative
Repayment Plan” described in the report entitled “Repay-
ment Report, Kesterson Reservoir Cleanup Program and
San Joaquin Valley Drainage Program, February 1995”,
prepared by the Department of the Interior, Bureau of
Reclamation. Any future obligations of funds by the
United States relating to, or providing for, drainage serv-
ice or drainage studies for the San Luis Unit shall be fully
reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

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

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

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

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

TITLE III—DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy
efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,250,000,000 (increased by $45,000,000) (increased by $5,000,000) (increased by $10,000,000), to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, $500,000 shall be for research and development of novel hydrogen energy carriers that are liquid at standard temperature and pressure and store hydrogen in bound chemical states rather than as free molecules, to be awarded under full and open competition: *Provided further*, That, of the amount appropriated in this paragraph, $500,000 shall be for development of a demonstration plant for the production of biodiesel fuels from crops that, to the greatest extent possible, are cultivated on existing cropland during off-season rotations and minimize land use per unit of fuel energy produced, to be awarded under full and open competition: *Provided further*, That, of the amount appropriated in this paragraph, $3,000,000 shall be for development of a parking canopy facility with solar photovoltaic roof panels for electricity generation to measure the viability of using photovoltaic technologies in locations where environmental and space
limitations render conventional power generation costly, to be awarded under full and open competition: Provided further, That, of the amount appropriated in this paragraph, $153,560,000 shall be used for the projects specified in the table that appears under the heading “Congressionally Directed Energy Efficiency and Renewable Energy Projects” in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

Electricity Delivery and Energy Reliability

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $208,008,000 (reduced by $15,000,000), to remain available until expended: Provided, That, of the amount appropriated in this paragraph, $7,600,000 shall be used for the projects specified in the table that appears under the heading “Congressionally Directed Electricity Delivery and Energy Reliability Projects” in the report of the Com-
mittee on Appropriations of the House of Representatives to accompany this Act.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 36 passenger motor vehicles, including one ambulance, all for replacement only, $812,000,000, to remain available until expended: Provided, That, of the amount appropriated in this paragraph, $500,000 shall be used for the projects specified in the table that appears under the heading “Congressionally Directed Nuclear Energy Projects” in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, includ-
ing defeasible and equitable interests in any real property
or any facility or for plant or facility acquisition or expan-
sion, and for conducting inquiries, technological investiga-
tions, and research concerning the extraction, processing,
use, and disposal of mineral substances without objection-
able social and environmental costs (30 U.S.C. 3, 1602,
and 1603), $617,565,000, to remain available until ex-
pended: *Provided*, That funds appropriated for prior solici-
tations under the Clean Coal Technology Program, Power
Plant Improvement Initiative, Clean Coal Power Initiative,
and FutureGen, but not required by the Department to
meet its obligations on projects selected under such solici-
tations, may be utilized for the Clean Coal Power Initia-
tive, pursuant to title IV of Public Law 109–58, in accord-
ance with the requirements of this Act rather than the
Acts under which the funds were appropriated: *Provided
further*, That no Clean Coal Power Initiative project may
be selected for which full funding is not available to pro-
vide for the total project: *Provided further*, That if a Clean
Coal Power Initiative project, selected after enactment of
this Act for negotiation under this or any other Act in
any fiscal year, is not awarded within 2 years from the
date the application was selected, negotiations shall cease
and the Federal funds committed to the application shall
be retained by the Department for future coal-related re-
search, development, and demonstration projects, except
that the time limit may be extended at the Secretary’s dis-
cretion for matters outside the control of the applicant,
or if the Secretary determines that extension of the time
limit is in the public interest: *Provided further*, That the
Secretary may not delegate this responsibility for applic-
tions greater than $10,000,000: *Provided further*, That fi-
nancial assistance for costs in excess of those estimated
as of the date of award of original Clean Coal Power Ini-
tiative financial assistance may not be provided in excess
of the proportion of costs borne by the Government in the
original agreement and shall be limited to 25 percent of
the original financial assistance: *Provided further*, That
funds shall be expended in accordance with the provisions
governing the use of funds contained under the heading
“Clean Coal Technology” in Public Law 99–190 (42
U.S.C. 5903d): *Provided further*, That any technology se-
lected under these programs shall be considered a Clean
Coal Technology, and any project selected under these
programs shall be considered a Clean Coal Technology
Project, for the purposes of 42 U.S.C. 7651n, and chap-
ters 51, 52, and 60 of title 40 of the Code of Federal
Regulations: *Provided further*, That funds available for the
Clean Coal Power Initiative may be used to support any
technology relating to carbon capture and storage or bene-
ficial uses of carbon dioxide, without regard to the 70 and 30 percent funding allocations specified in section 402(b)(1)(A) and (2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 15962(b)(1)(A) and (2)(A)): Provided further, That, of the amount appropriated in this paragraph, $750,000 shall be for development of technologies for integration into gasification systems for the low-cost production of synthesis gas, to be awarded under full and open competition: Provided further, That, of the amount appropriated in this paragraph, $500,000 shall be for development of fuel cell technologies for conversion of commercially available fuels and biofuels into electricity, to be awarded under full and open competition: Provided further, That, of the amount appropriated in this paragraph, $300,000 shall be for development of control technologies for increased performance in synthesis gas combustion applications, to be awarded under full and open competition: Provided further, That, of the amount appropriated in this paragraph, $8,000,000 shall be used for the projects specified in the table that appears under the heading “Congressionally Directed Fossil Energy Research and Development Projects” in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.
NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, $23,627,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $228,573,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

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

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $121,858,000, to remain available until expended.
NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $237,517,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities under title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $559,377,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science
activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 50 passenger motor vehicles for replacement only, including one law enforcement vehicle, two ambulances, and three buses, $4,943,587,000, to remain available until expended: Provided, That $15,000,000 appropriated under this heading under prior appropriation Acts for the Advanced Research Projects Agency—Energy is hereby transferred to the “Advanced Research Projects Agency—Energy” account: Provided further, That, of the amount appropriated in this paragraph, $37,740,000 shall be used for the projects specified in the table that appears under the heading “Congressionally Directed Science Projects” in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982 (Public Law 97–425) (“NWPA”), including the acquisition of real property or facility construction or expansion, $98,400,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: Provided, That
of the funds made available in this Act for Nuclear Waste Disposal, $5,000,000 shall be provided to the Office of the Attorney General of the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the NWPA: Provided further, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the NWPA, $1,000,000 shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of such Act: Provided further, That $9,000,000 shall be provided to affected units of local government, as defined in the NWPA, to conduct appropriate activities and participate in licensing activities: Provided further, That, of the $9,000,000 provided, 7.5 percent of the funds shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada units of local government: Provided further, That this funding shall be provided to affected units of local government, as defined in the NWPA: Provided further, That $500,000 shall be provided to the Timbisha-Shoshone Tribe solely for expenditures, other than salaries and expenses of tribal employees, to conduct appropriate activities and participate in licensing
activities under section 118(b) of the NWPA: *Provided further*, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department shall have no monitoring, auditing, or other oversight rights or responsibilities over amounts provided to affected units of local government: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Office of the Attorney General by direct payment and to units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Office of the Attorney General of the State of Nevada and each of the affected units of local government shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the NWPA and this Act: *Provided further*, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts
or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the NWPA, including any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: *Provided further*, That no funds provided in this Act or any previous Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy or to withhold payment of any such funds: *Provided further*, That of the funds made available in this Act for Nuclear Waste Disposal, $5,000,000 shall be provided to create a Blue Ribbon Commission to consider all alternatives for nuclear waste disposal.

**TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM**

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

**ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOANS PROGRAM**

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loans Program, $20,000,000, to remain available until expended.

**DEPARTMENTAL ADMINISTRATION**

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, $289,684,000 (reduced by $30,000,000) (reduced by $5,000,000) (reduced by $10,000,000), to remain available until expended, plus such additional amounts as necessary to
cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $119,740,000 in fiscal year 2010 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2010, and any related appropriated receipt account balances remaining from prior years’ miscellaneous revenues, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than $169,944,000 (reduced by $30,000,000) (reduced by $5,000,000) (reduced by $10,000,000).

Office of the Inspector General
ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

Weapons Activities

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than one ambulance; $6,320,000,000, to remain available until expended: Provided, That, of the amount appropriated in this paragraph, $3,000,000 shall be used for the projects specified under the heading “Congressionally Directed Weapons Activities Projects” in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out
the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than one passenger motor vehicle for replacement only, $1,471,175,000, to remain available until expended: Provided, That, of the amount appropriated in this paragraph, $250,000 shall be used for the projects specified under the heading “Congressionally Directed Defense Nuclear Nonproliferation Projects” in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $1,003,133,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses
not to exceed $12,000, $420,754,000, to remain available until expended: Provided, That $10,000,000 previously appropriated for cleanup efforts at Argonne National Lab shall be transferred to “Non-Defense Environmental Cleanup”: Provided further, That, of the amount appropriated in this paragraph, $13,000,000 shall be used for the projects specified in the table that appears under the heading “Congressionally Directed Office of the Administrator (NNSA) Projects” in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than four ambulances and three passenger motor vehicles for replacement only,
$5,381,842,000, to remain available until expended, of which $463,000,000 shall be transferred to the “Uranium Enrichment Decontamination and Decommissioning Fund”.

**OTHER DEFENSE ACTIVITIES**

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 12 passenger motor vehicles for replacement only, $1,518,002,000 (reduced by $2,500,000), to remain available until expended: Provided, That, of the funds provided herein, $504,238,000 is for project 99–D–143 Mixed Oxide Fuel Fabrication Facility, Savannah River Site, South Carolina; $70,000,000 is for project 99–D–141–02 Waste Solidification Building, Savannah River Site, South Carolina; $84,296,000 for MOX operations; and $7,000,000 for WSB operation: Provided further, That the Department of Energy shall adhere strictly to Department of Energy Order 413.3A for Project 99–D–143: Provided
further, That, of the amount appropriated in this paragraph, $2,000,000 shall be used for the projects specified in the table that appears under the heading “Congressionally Directed Other Defense Activities Projects” in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

DEFENSE NUCLEAR WASTE DISPOSAL

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

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to the Federal Columbia River Transmission System Act (Public Law 93–454), are approved for the Leaburg Fish Sorter, the Okanogan Basin Locally Adapted Steelhead Supplementation Program, and the Crystal Springs Hatchery Facilities, and, in addition, for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2010, no new direct loan obligations may be made from such Fund.
For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $7,638,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $7,638,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than $0: Provided further, That, notwithstanding 31 U.S.C. 3302, up to $70,806,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available
until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That notwithstanding the provisions of 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), all funds collected by the Southeastern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $44,944,000, to remain
available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $31,868,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than $13,076,000: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to $38,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), all funds collected by the Southwestern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account
as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $256,711,000, to remain available until expended, of which $245,216,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $147,530,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting
collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than $109,181,000, of which $97,686,000 is derived from the Reclamation Fund: Provided further, That of the amount herein appropriated, $7,584,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That notwithstanding 31 U.S.C. 3302, up to $349,807,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.) to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That of the amount herein appropriated, up to $18,612,000 is provided on a nonreimbursable basis for environmental remediation at the Basic Substation site in Henderson, Nevada: Provided further, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood
Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), funds collected by the Western Area Power Administration from the sale of power and related services that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,568,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (43 U.S.C. 485g): Provided, That notwithstanding the provisions of such Act and of 31 U.S.C. 3302, up to $2,348,000 collected by the Western Area Power Administration from the sale of power and related services.
services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than $220,000: Provided further, That notwithstanding the provisions of section 2 of the Act of June 18, 1954 (43 U.S.C. 485g) and 31 U.S.C. 3302, all funds collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams that are applicable to the repayment of the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.
FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $298,000,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $298,000,000 of revenues from fees and annual charges and other services and collections in fiscal year 2010 shall be retained and used for necessary expenses in this account and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

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

SEC. 302. DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES WORKFORCE RESTRUCTURING.—None
of the funds appropriated by this Act may be used—

(1) to augment the funds made available for obliga-
tion by this Act for severance payments and other benefits and community assistance grants under section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) unless the Department of Energy submits a reprogramming request to the appro-
priate congressional committees;

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

(3) to develop or implement a workforce re-
structuring plan that covers employees of the Depart-
ment of Energy.

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

SEC. 304. BONNEVILLE POWER AUTHORITY SERVICE TERRITORY.—None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 305. USER FACILITIES.—(a) When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users.

(b) When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner.
(c) For purposes of this section, the term “user facility” includes—

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

2. a National Nuclear Security Administration Defense Programs Technology Deployment Center/ User Facility; and

3. any other Departmental facility designated by the Department as a user facility.

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

SEC. 307. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—Of the funds made available by the Department of Energy for activities at government-owned, contractor-operated laboratories funded in this Act, the Secretary may authorize a specific amount, not to exceed 7 percent of such funds, to be used by such laboratories for laboratory directed research and development: Pro-
vided, That the Secretary may also authorize a specific amount, not to exceed 4 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site directed research and development.

SEC. 308. LIMITED TRANSFER AUTHORITY TO ADDRESS PENSION REQUIREMENTS.—(a) If the Secretary of Energy determines that additional funds are needed to reimburse the costs of defined benefit pension plans for contractor employees, the Secretary may transfer not more than one percent from each appropriation made available in this Act to any other appropriation available to the Secretary in the same Act for such reimbursements.

(b) In carrying out a transfer under this section, the Secretary shall use each appropriation made available to the Department in that fiscal year as a source for the transfer and shall reduce each appropriation by an equal percentage, except that appropriations for which the Secretary determines there exists a need for additional funds for pension plan costs in that fiscal year, as well as appropriations made available for Naval Petroleum and Oil Shale Reserves, Strategic Petroleum Reserve, Northeast Home Heating Oil Reserve, the Power Marketing Administrations, the Energy Information Administration, Uranium Enrichment Decontamination and Decommissioning
Fund, Nuclear Waste Disposal, Defense Nuclear Waste
Disposal, and Office of the Inspector General, shall not
be subject to this requirement.

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

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

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

Sec. 310. Wage Rate Requirements.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512)
is amended by adding at the end the following new sub-
section:

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

Sec. 311. Bonneville Power Administration
Fund.—(a) Subject to subsection (b), no funds appro-
priated or otherwise made available by this Act or any
other Act may be used to record transactions relating to
the increase in borrowing authority or bonds outstanding
at any time under the Federal Columbia River Trans-
mission System Act (16 U.S.C. 838 et seq.) referred to
in section 401 of division A of the American Recovery and
140) under a funding account, subaccount, or fund symbol
other than the Bonneville Power Administration Fund
Treasury account fund symbol.

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

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

Sec. 312. Advanced Technology Vehicles Man-
ufacturing Loans Program.—(a) Ultra Efficient
Vehicles.—Section 136 of the Energy Independence and
Security Act of 2007 (42 U.S.C. 17013) is amended—

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

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

“(5) ULTRA EFFICIENT VEHICLE.—The term ‘ultra efficient vehicle’ means a fully closed compartment vehicle designed to carry at least 2 adult passengers that achieves—

“(A) at least 75 miles per gallon while operating on gasoline or diesel fuel;

“(B) at least 75 miles per gallon equivalent while operating as a hybrid electric-gasoline or electric-diesel vehicle; or

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

(2) in subsection (b)—

(A) by inserting “, ultra efficient vehicle manufacturers,” after “automobile manufacturers”;

(B) in paragraph (1)—

(i) by striking “or” at the end of subparagraph (A);

(ii) by striking “and” at the end of subparagraph (B) and inserting “or”; and
(iii) by adding at the end the following new subparagraph:

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

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

(3) in subsection (g), by inserting “or are utilized primarily for the manufacture of ultra efficient vehicles” after “20 years”; and

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

(b) RECONSIDERATION OF PRIOR APPLICATIONS.—

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

(1) timely filed under that section before January 1, 2009;

(2) rejected on the basis that the vehicles to which the proposal related were not advanced technology vehicles; and

(3) related to ultra efficient vehicles.

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

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

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

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

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

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

For expenses of the Denali Commission, including the purchase, construction, and acquisition of plant and capital equipment, as necessary, and other expenses, $11,965,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NORTHERN BORDER REGIONAL COMMISSION

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

SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by 40 U.S.C. 15303(1), $500,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, including official representation expenses (not to exceed $25,000), $1,061,000,000, to remain available until expended: Provided, That of the amount appropriated herein,
$56,000,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $878,102,000 in fiscal year 2010 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than $182,898,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $10,102,000, to remain available until September 30, 2011: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $9,092,000 in fiscal year 2010 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than $1,010,000.
Nuclear Waste Technical Review Board

Salaries and Expenses

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by section 5051 of Public Law 100–203, $3,891,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects

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

General Provisions, Independent Agencies

Sec. 401. Nuclear Regulatory Commission Reporting Requirement.—The Nuclear Regulatory Commission shall, not later than 60 days after the date of enactment of this Act, provide a report to the Committees on Appropriations of the House of Representatives and the Senate identifying barriers to and its recommendations for
streamlining the issuance of a Combined Construction and
Operating License for qualified new nuclear reactors.

TITLE V—GENERAL PROVISIONS

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

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

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

SEC. 503. LIGHT BULB RESTRICTION.—None of the
funds made available in this Act may be used to purchase
light bulbs unless the light bulbs are “Energy Star” qual-
ified or have the “Federal Energy Management Program”
designation.
SEC. 504. PASSENGER MOTOR VEHICLES.—None of the funds made available in this Act may be used to purchase passenger motor vehicles other than those manufactured by Ford, General Motors, or Chrysler.

This Act may be cited as the “Energy and Water Development and Related Agencies Appropriations Act, 2010”.

Passed the House of Representatives July 17, 2009.

Attest:

Clerk.
AN ACT

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

Passed March 27, 2009.

H. R. 3183

111TH CONGRESS
1ST SESSION