

Union Calendar No. 44

109TH CONGRESS
1ST SESSION

H. R. 2419

[Report No. 109-86]

Making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2005

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

A BILL

Making appropriations for energy and water development for the fiscal year ending September 30, 2006, 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, 2006, for energy and
- 6 water development and for other purposes, 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, aquatic
10 ecosystem restoration, and related purposes.

11 **GENERAL INVESTIGATIONS**

12 For expenses necessary for the collection and study
13 of basic information pertaining to river and harbor, flood
14 and storm damage reduction, aquatic ecosystem restora-
15 tion, and related projects, restudy of authorized projects,
16 miscellaneous investigations, and, when authorized by law,
17 surveys and detailed studies and plans and specifications
18 of projects prior to construction, \$100,000,000 to remain
19 available until expended: *Provided*, That, except as pro-
20 vided in section 101 of this Act, the amounts made avail-
21 able under this paragraph shall be expended in accordance
22 with the terms and conditions specified in the report ac-
23 companying this Act.

1 CONSTRUCTION

2 For expenses necessary for the construction of river
3 and harbor, flood and storm damage reduction, aquatic
4 ecosystem restoration, and related projects authorized by
5 law; for conducting detailed studies, and plans and speci-
6 fications, of such projects (including those involving par-
7 ticipation by States, local governments, or private groups)
8 authorized or made eligible for selection by law (but such
9 detailed studies, and plans and specifications, shall not
10 constitute a commitment of the Government to construc-
11 tion); and for the benefit of federally listed species to ad-
12 dress the effects of civil works projects owned or operated
13 by the United States Army Corps of Engineers,
14 \$1,763,000,000, to remain available until expended; of
15 which such sums as are necessary to cover the Federal
16 share of construction costs for facilities under the Dredged
17 Material Disposal Facilities program shall be derived from
18 the Harbor Maintenance Trust Fund as authorized by
19 Public Law 104–303; and of which \$182,668,000, pursu-
20 ant to Public Law 99–662, shall be derived from the In-
21 land Waterways Trust Fund, to cover one-half of the costs
22 of construction and rehabilitation of inland waterways
23 projects; and of which \$4,000,000 shall be exclusively for
24 projects and activities authorized under section 107 of the
25 River and Harbor Act of 1960; and of which \$500,000

1 shall be exclusively for projects and activities authorized
2 under section 111 of the River and Harbor Act of 1968;
3 and of which \$1,000,000 shall be exclusively for projects
4 and activities authorized under section 103 of the River
5 and Harbor Act of 1962; and of which \$25,000,000 shall
6 be exclusively available for projects and activities author-
7 ized under section 205 of the Flood Control Act of 1948;
8 and of which \$8,000,000 shall be exclusively for projects
9 and activities authorized under section 14 of the Flood
10 Control Act of 1946; and of which \$400,000 shall be ex-
11 clusively for projects and activities authorized under sec-
12 tion 208 of the Flood Control Act of 1954; and of which
13 \$17,400,000 shall be exclusively for projects and activities
14 authorized under section 1135 of the Water Resources De-
15 velopment Act of 1986; and of which \$18,000,000 shall
16 be exclusively for projects and activities authorized under
17 section 206 of the Water Resources Act of 1996; and of
18 which \$4,000,000 shall be exclusively for projects and ac-
19 tivities authorized under section 204 of the Water Re-
20 sources Act of 1992: *Provided*, That, except as provided
21 in section 101 of this Act, the amounts made available
22 under this paragraph shall be expended in accordance with
23 the terms and conditions specified in the report accom-
24 panying this Act.

1 In addition, \$137,000,000 shall be available for
2 projects and activities authorized under 16 U.S.C. 410–
3 r–8 and section 601 of Public Law 106–541.

4 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES,
5 ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MIS-
6 SISSIPPI, MISSOURI, AND TENNESSEE

7 For expenses necessary for the flood damage redu-
8 tion program for the Mississippi River alluvial valley below
9 Cape Girardeau, Missouri, as authorized by law,
10 \$290,000,000 to remain available until expended, of which
11 such sums as are necessary to cover the Federal share of
12 operation and maintenance costs for inland harbors shall
13 be derived from the Harbor Maintenance Trust Fund:
14 *Provided*, That, except as provided in section 101 of this
15 Act, amounts made available under this paragraph shall
16 be expended in accordance with the terms and conditions
17 specified in the report accompanying this Act.

18 OPERATION AND MAINTENANCE

19 For expenses necessary for the operation, mainte-
20 nance, and care of existing river and harbor, flood and
21 storm damage reduction, aquatic ecosystem restoration,
22 and related projects authorized by law; for the benefit of
23 federally listed species to address the effects of civil works
24 projects owned or operated by the United States Army
25 Corps of Engineers (the “Corps”); for providing security

1 for infrastructure owned and operated by, or on behalf of,
2 the Corps, including administrative buildings and facil-
3 ties, laboratories, and the Washington Aqueduct; for the
4 maintenance of harbor channels provided by a State, mu-
5 nicipality, or other public agency that serve essential navi-
6 gation needs of general commerce, where authorized by
7 law; and for surveys and charting of northern and north-
8 western lakes and connecting waters, clearing and
9 straightening channels, and removal of obstructions to
10 navigation, \$2,000,000,000 to remain available until ex-
11 pended, of which such sums to cover the Federal share
12 of operation and maintenance costs for coastal harbors
13 and channels, and inland harbors shall be derived from
14 the Harbor Maintenance Trust Fund, pursuant to Public
15 Law 99–662 may be derived from that fund; of which such
16 sums as become available from the special account for the
17 Corps established by the Land and Water Conservation
18 Act of 1965, as amended (16 U.S.C. 460l–6a(i)), may be
19 derived from that account for resource protection, re-
20 search, interpretation, and maintenance activities related
21 to resource protection in the areas at which outdoor recre-
22 ation is available; and of which such sums as become avail-
23 able under section 217 of the Water Resources Develop-
24 ment Act of 1996, Public Law 104–303, shall be used to
25 cover the cost of operation and maintenance of the

1 dredged material disposal facilities for which fees have
2 been collected: *Provided*, That, except as provided in sec-
3 tion 101 of this Act, the amounts made available under
4 this paragraph shall be expended in accordance with the
5 terms and conditions specified in the report accompanying
6 this Act.

7 REGULATORY PROGRAM

8 For expenses necessary for administration of laws
9 pertaining to regulation of navigable waters and wetlands,
10 \$160,000,000, to remain available until expended.

11 FORMERLY UTILIZED SITES REMEDIAL ACTION

12 PROGRAM

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

17 GENERAL EXPENSES

18 For expenses necessary for general administration
19 and related civil works functions in the headquarters of
20 the United States Army Corps of Engineers, the offices
21 of the Division Engineers, the Humphreys Engineer Cen-
22 ter Support Activity, the Institute for Water Resources,
23 the United States Army Engineer Research and Develop-
24 ment Center, and the United States Army Corps of Engi-
25 neers Finance Center, \$152,021,000 to remain available

1 until expended: *Provided*, That no part of any other appro-
2 priation provided in this Act shall be available to fund the
3 civil works activities of the Office of the Chief of Engineers
4 or the civil works executive direction and management ac-
5 tivities of the division offices.

6 OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL
7 WORKS)

8 For expenses necessary for the Office of Assistant
9 Secretary of the Army (Civil Works), as authorized by 10
10 U.S.C. 3016(b)(3), \$4,000,000.

11 ADMINISTRATIVE PROVISION

12 Appropriations in this title shall be available for offi-
13 cial reception and representation expenses not to exceed
14 \$5,000; and during the current fiscal year the Revolving
15 Fund, Corps of Engineers, shall be available for purchase
16 not to exceed 100 for replacement only and hire of pas-
17 senger motor vehicles.

18 GENERAL PROVISIONS

19 CORPS OF ENGINEERS—CIVIL

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

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

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

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

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

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

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

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

23 SEC. 102. None of the funds appropriated in this Act
24 may be used by the United States Army Corps of Engi-

1 neers to support activities related to the proposed Ridge
2 Landfill in Tuscarawas County, Ohio.

3 SEC. 103. None of the funds appropriated in this Act
4 may be used by the United States Army Corps of Engi-
5 neers to support activities related to the proposed Indian
6 Run Sanitary Landfill in Sandy Township, Stark County,
7 Ohio.

8 SEC. 104. In overseeing the use of continuing and
9 multiyear contracts for water resources projects, the Sec-
10 retary of the Army shall take all necessary steps in fiscal
11 year 2006 and thereafter to ensure that the Corps limits
12 the duration of each multiyear contract to the term needed
13 to achieve a substantial reduction of costs on the margin;
14 and limits the amount of work performed each year on
15 each project to the funding provided for that project dur-
16 ing the fiscal year.

17 SEC. 105. After February 6, 2006, none of the funds
18 made available in title I of this Act may be used to award
19 any continuing contract or to make modifications to any
20 existing continuing contract that obligates the United
21 States Government during fiscal year 2007 to make pay-
22 ment under such contract for any project that is proposed
23 for deferral or suspension in fiscal year 2007 in the mate-
24 rials prepared by the Assistant Secretary of the Army

1 (Civil Works) for that fiscal year pursuant to provisions
2 of chapter 11 of title 31, United States Code.

3 SEC. 106. None of the funds made available in title
4 I of this Act may be used to award any continuing con-
5 tract or to make modifications to any existing continuing
6 contract that reserves an amount for a project in excess
7 of the amount appropriated for such project pursuant to
8 this Act.

9 SEC. 107. None of the funds in title I of this Act
10 shall be available for the rehabilitation and lead and asbes-
11 tos abatement of the dredge *McFarland*: *Provided*, That
12 amounts provided in title I of this Act are hereby reduced
13 by \$18,630,000.

14 SEC. 108. None of the funds in this Act may be ex-
15 pended by the Secretary of the Army to construct the Port
16 Jersey element of the New York and New Jersey Harbor
17 or to reimburse the local sponsor for the construction of
18 the Port Jersey element until commitments for construc-
19 tion of container handling facilities are obtained from the
20 non-Federal sponsor for a second user along the Port Jer-
21 sey element.

1 TITLE II
2 DEPARTMENT OF THE INTERIOR
3 CENTRAL UTAH PROJECT

4 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

5 For carrying out activities authorized by the Central
6 Utah Project Completion Act, \$32,614,000, to remain
7 available until expended, of which \$946,000 shall be de-
8 posited into the Utah Reclamation Mitigation and Con-
9 servation Account for use by the Utah Reclamation Miti-
10 gation and Conservation Commission.

11 In addition, for necessary expenses incurred in car-
12 rying out related responsibilities of the Secretary of the
13 Interior, \$1,736,000, to remain available until expended.

14 BUREAU OF RECLAMATION

15 WATER AND RELATED RESOURCES

16 (INCLUDING TRANSFER OF FUNDS)

17 For management, development, and restoration of
18 water and related natural resources and for related activi-
19 ties, including the operation, maintenance, and rehabilita-
20 tion of reclamation and other facilities, participation in
21 fulfilling related Federal responsibilities to Native Ameri-
22 cans, and related grants to, and cooperative and other
23 agreements with, State and local governments, Indian
24 tribes, and others, \$832,000,000, to remain available until
25 expended, of which \$55,544,000 shall be available for

1 transfer to the Upper Colorado River Basin Fund and
2 \$21,998,000 shall be available for transfer to the Lower
3 Colorado River Basin Development Fund; of which such
4 amounts as may be necessary may be advanced to the Col-
5 orado River Dam Fund; of which not more than \$500,000
6 is for high priority projects which shall be carried out by
7 the Youth Conservation Corps, as authorized by 16 U.S.C.
8 1706: *Provided*, That such transfers may be increased or
9 decreased within the overall appropriation under this
10 heading: *Provided further*, That of the total appropriated,
11 the amount for program activities that can be financed
12 by the Reclamation Fund or the Bureau of Reclamation
13 special fee account established by 16 U.S.C. 460l–6a(i)
14 shall be derived from that Fund or account: *Provided fur-*
15 *ther*, That funds contributed under 43 U.S.C. 395 are
16 available until expended for the purposes for which con-
17 tributed: *Provided further*, That funds advanced under 43
18 U.S.C. 397a shall be credited to this account and are
19 available until expended for the same purposes as the
20 sums appropriated under this heading: *Provided further*,
21 That funds available for expenditure for the Departmental
22 Irrigation Drainage Program may be expended by the Bu-
23 reau of Reclamation for site remediation on a non-reim-
24 bursable basis.

1 CENTRAL VALLEY PROJECT RESTORATION FUND

2 For carrying out the programs, projects, plans, and
3 habitat restoration, improvement, and acquisition provi-
4 sions of the Central Valley Project Improvement Act,
5 \$52,219,000, to be derived from such sums as may be col-
6 lected in the Central Valley Project Restoration Fund pur-
7 suant to sections 3407(d), 3404(c)(3), 3405(f), and
8 3406(c)(1) of Public Law 102–575, to remain available
9 until expended: *Provided*, That the Bureau of Reclamation
10 is directed to assess and collect the full amount of the
11 additional mitigation and restoration payments authorized
12 by section 3407(d) of Public Law 102–575: *Provided fur-*
13 *ther*, That none of the funds made available under this
14 heading may be used for the acquisition or leasing of water
15 for in-stream purposes if the water is already committed
16 to in-stream purposes by a court adopted decree or order.

17 CALIFORNIA BAY-DELTA RESTORATION

18 (INCLUDING TRANSFER OF FUNDS)

19 For carrying out activities authorized by the Calfed
20 Bay Delta Authorization Act, consistent with plans to be
21 approved by the Secretary of the Interior, \$35,000,000,
22 to remain available until expended, of which such amounts
23 as may be necessary to carry out such activities may be
24 transferred to appropriate accounts of other participating
25 Federal agencies to carry out authorized purposes: *Pro-*

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

11 **POLICY AND ADMINISTRATION**

12 For necessary expenses of policy, administration, and
13 related functions in the office of the Commissioner, the
14 Denver office, and offices in the five regions of the Bureau
15 of Reclamation, to remain available until expended,
16 \$57,917,000, to be derived from the Reclamation Fund
17 and be nonreimbursable as provided in 43 U.S.C. 377:
18 *Provided*, That no part of any other appropriation in this
19 Act shall be available for activities or functions budgeted
20 as policy and administration expenses.

21 **ADMINISTRATIVE PROVISION**

22 Appropriations for the Bureau of Reclamation shall
23 be available for purchase of not to exceed 14 passenger
24 motor vehicles, of which 11 are for replacement only.

1 GENERAL PROVISIONS

2 DEPARTMENT OF THE INTERIOR

3 SEC. 201. (a) None of the funds appropriated or oth-
4 erwise made available by this Act may be used to deter-
5 mine the final point of discharge for the interceptor drain
6 for the San Luis Unit until development by the Secretary
7 of the Interior and the State of California of a plan, which
8 shall conform to the water quality standards of the State
9 of California as approved by the Administrator of the En-
10 vironmental Protection Agency, to minimize any detri-
11 mental effect of the San Luis drainage waters.

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

1 reimbursable by San Luis Unit beneficiaries of such serv-
2 ice or studies pursuant to Federal reclamation law.

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

10 SEC. 203. (a) Section 1(a) of the Lower Colorado
11 Water Supply Act (Public Law 99–655) is amended by
12 adding at the end the following: “The Secretary is author-
13 ized to enter into an agreement or agreements with the
14 city of Needles or the Imperial Irrigation District for the
15 design and construction of the remaining stages of the
16 Lower Colorado Water Supply Project on or after Novem-
17 ber 1, 2004, and the Secretary shall ensure that any such
18 agreement or agreements include provisions setting forth
19 (1) the responsibilities of the parties to the agreement for
20 design and construction; (2) the locations of the remaining
21 wells, discharge pipelines, and power transmission lines;
22 (3) the remaining design capacity of up to 5,000 acre-feet
23 per year which is the authorized capacity less the design
24 capacity of the first stage constructed; (4) the procedures
25 and requirements for approval and acceptance by the Sec-

1 retary of the remaining stages, including approval of the
2 quality of construction, measures to protect the public
3 health and safety, and procedures for protection of such
4 stages; (5) the rights, responsibilities, and liabilities of
5 each party to the agreement; and (6) the term of the
6 agreement.”.

7 (b) Section 2(b) of the Lower Colorado Water Supply
8 Act (Public Law 99-655) is amended by adding at the
9 end the following: “Subject to the demand of such users
10 along or adjacent to the Colorado River for Project water,
11 the Secretary is further authorized to contract with addi-
12 tional persons or entities who hold Boulder Canyon
13 Project Act section 5 contracts for municipal and indus-
14 trial uses within the State of California for the use or ben-
15 efit of Project water under such terms as the Secretary
16 determines will benefit the interest of Project users along
17 the Colorado River.”.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY AND CONSERVATION

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

1 the purposes of the Department of Energy Organization
2 Act (42 U.S.C. 7101 et seq.), including the acquisition or
3 condemnation of any real property or any facility or for
4 plant or facility acquisition, construction, or expansion,
5 \$1,762,888,000, to remain available until expended.

6 CLEAN COAL TECHNOLOGY

7 (DEFERRAL)

8 Of the funds made available under this heading for
9 obligation in prior years, \$257,000,000 shall not be avail-
10 able until October 1, 2006: *Provided*, That funds made
11 available in previous appropriations Acts shall be made
12 available for any ongoing project regardless of the sepa-
13 rate request for proposal under which the project was se-
14 lected.

15 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

16 For necessary expenses in carrying out fossil energy
17 research and development activities, under the authority
18 of the Department of Energy Organization Act (Public
19 Law 95–91), including the acquisition of interest, includ-
20 ing defeasible and equitable interests in any real property
21 or any facility or for plant or facility acquisition or expan-
22 sion, the hire of passenger motor vehicles, the hire, main-
23 tenance, and operation of aircraft, the purchase, repair,
24 and cleaning of uniforms, the reimbursement to the Gen-
25 eral Services Administration for security guard services,

1 and for conducting inquiries, technological investigations
2 and research concerning the extraction, processing, use,
3 and disposal of mineral substances without objectionable
4 social and environmental costs (30 U.S.C. 3, 1602, and
5 1603), \$502,467,000, to remain available until expended,
6 of which \$18,000,000 is to continue a multi-year project
7 coordinated with the private sector for FutureGen, with-
8 out regard to the terms and conditions applicable to clean
9 coal technological projects: *Provided*, That the initial plan-
10 ning and research stages of the FutureGen project shall
11 include a matching requirement from non-Federal sources
12 of at least 20 percent of the costs: *Provided further*, That
13 any demonstration component of such project shall require
14 a matching requirement from non-Federal sources of at
15 least 50 percent of the costs of the component: *Provided*
16 *further*, That of the amounts provided, \$50,000,000 is
17 available, after coordination with the private sector, for
18 a request for proposals for a Clean Coal Power Initiative
19 providing for competitively-awarded research, develop-
20 ment, and demonstration projects to reduce the barriers
21 to continued and expanded coal use: *Provided further*,
22 That no project may be selected for which sufficient fund-
23 ing is not available to provide for the total project: *Pro-*
24 *vided further*, That funds shall be expended in accordance
25 with the provisions governing the use of funds contained

1 under the heading “Clean Coal Technology” in 42 U.S.C.
2 5903d as well as those contained under the heading
3 “Clean Coal Technology” in prior appropriations: *Pro-*
4 *vided further*, That the Department may include provisions
5 for repayment of Government contributions to individual
6 projects in an amount up to the Government contribution
7 to the project on terms and conditions that are acceptable
8 to the Department including repayments from sale and li-
9 censing of technologies from both domestic and foreign
10 transactions: *Provided further*, That such repayments shall
11 be retained by the Department for future coal-related re-
12 search, development and demonstration projects: *Provided*
13 *further*, That any technology selected under this program
14 shall be considered a Clean Coal Technology, and any
15 project selected under this program shall be considered a
16 Clean Coal Technology Project, for the purposes of 42
17 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40
18 of the Code of Federal Regulations: *Provided further*, That
19 no part of the sum herein made available shall be used
20 for the field testing of nuclear explosives in the recovery
21 of oil and gas: *Provided further*, That up to 4 percent of
22 program direction funds available to the National Energy
23 Technology Laboratory may be used to support Depart-
24 ment of Energy activites not included in this account: *Pro-*
25 *vided further*, That the Secretary of Energy is authorized

1 to accept fees and contributions from public and private
2 sources, to be deposited in a contributed funds account,
3 and prosecute projects using such fees and contributions
4 in cooperation with other Federal, State, or private agen-
5 cies or concerns: *Provided further*, That revenues and
6 other moneys received by or for the account of the Depart-
7 ment of Energy or otherwise generated by sale of products
8 in connection with projects of the Department appro-
9 priated under the Fossil Energy Research and Develop-
10 ment account may be retained by the Secretary of Energy,
11 to be available until expended, and used only for plant con-
12 struction, operation, costs, and payments to cost-sharing
13 entities as provided in appropriate cost-sharing contracts
14 or agreements.

15 NAVAL PETROLEUM AND OIL SHALE RESERVES

16 For expenses necessary to carry out naval petroleum
17 and oil shale reserve activities, including the hire of pas-
18 senger motor vehicles, \$18,500,000, to remain available
19 until expended: *Provided*, That, notwithstanding any other
20 provision of law, unobligated funds remaining from prior
21 years shall be available for all naval petroleum and oil
22 shale reserve activities.

23 ELK HILLS SCHOOL LANDS FUND

24 For necessary expenses in fulfilling installment pay-
25 ments under the Settlement Agreement entered into by

1 the United States and the State of California on October
2 11, 1996, as authorized by section 3415 of Public Law
3 104-106, \$48,000,000, for payment to the State of Calif-
4 ornia for the State Teachers' Retirement Fund, of which
5 \$46,000,000 will be derived from the Elk Hills School
6 Lands Fund.

7 STRATEGIC PETROLEUM RESERVE

8 For necessary expenses for Strategic Petroleum Re-
9 serve facility development and operations and program
10 management activities pursuant to the Energy Policy and
11 Conservation Act of 1975, as amended (42 U.S.C. 6201
12 et seq.), including the hire of passenger motor vehicles,
13 the hire, maintenance, and operation of aircraft, the pur-
14 chase, repair, and cleaning of uniforms, the reimburse-
15 ment to the General Services Administration for security
16 guard services, \$166,000,000, to remain available until ex-
17 pended.

18 ENERGY INFORMATION ADMINISTRATION

19 For necessary expenses in carrying out the activities
20 of the Energy Information Administration, \$86,426,000,
21 to remain available until expended.

22 NON-DEFENSE ENVIRONMENTAL CLEANUP

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

1 fence environmental cleanup activities in carrying out the
2 purposes of the Department of Energy Organization Act
3 (42 U.S.C. 7101 et seq.), including the acquisition or con-
4 demnation of any real property or any facility or for plant
5 or facility acquisition, construction, or expansion, and the
6 purchase of not to exceed six passenger motor vehicles,
7 of which five shall be for replacement only, \$319,934,000,
8 to remain available until expended.

9 URANIUM ENRICHMENT DECONTAMINATION AND
10 DECOMMISSIONING FUND

11 For necessary expenses in carrying out uranium en-
12 richment facility decontamination and decommissioning,
13 remedial actions, and other activities of title II of the
14 Atomic Energy Act of 1954, as amended, and title X, sub-
15 title A, of the Energy Policy Act of 1992, \$591,498,000,
16 to be derived from the Fund, to remain available until ex-
17 pended, of which \$20,000,000 shall be available in accord-
18 ance with title X, subtitle A, of the Energy Policy Act
19 of 1992.

20 SCIENCE

21 For Department of Energy expenses including the
22 purchase, construction and acquisition of plant and capital
23 equipment, and other expenses necessary for science ac-
24 tivities in carrying out the purposes of the Department
25 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-

1 cluding the acquisition or condemnation of any real prop-
2 erty or facility or for plant or facility acquisition, construc-
3 tion, or expansion, and purchase of not to exceed forty-
4 seven passenger motor vehicles for replacement only, in-
5 cluding not to exceed one ambulance and two buses,
6 \$3,666,055,000, to remain available until expended.

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, as amended (the "Act"), including the acquisition of real property or facility construction or expansion, \$310,000,000, 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, \$3,500,000 shall be provided to 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 Act: *Provided further*, That \$7,000,000 shall be provided to affected units of local governments, as defined in the Act, to conduct appropriate activities and participate in licensing activities: *Provided further*, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: *Provided further*, That the funds for the State

1 of Nevada shall be made available solely to the Nevada
2 Division of Emergency Management by direct payment
3 and units of local government by direct payment: *Provided*
4 *further*, That within 90 days of the completion of each
5 Federal fiscal year, the Nevada Division of Emergency
6 Management and the Governor of the State of Nevada and
7 each local entity shall provide certification to the Depart-
8 ment of Energy that all funds expended from such pay-
9 ments have been expended for activities authorized by the
10 Act and this Act: *Provided further*, That failure to provide
11 such certification shall cause such entity to be prohibited
12 from any further funding provided for similar activities:
13 *Provided further*, That none of the funds herein appro-
14 priated may be: (1) used directly or indirectly to influence
15 legislative action on any matter pending before Congress
16 or a State legislature or for lobbying activity as provided
17 in 18 U.S.C. 1913; (2) used for litigation expenses; or (3)
18 used to support multi-State efforts or other coalition
19 building activities inconsistent with the restrictions con-
20 tained in this Act: *Provided further*, That all proceeds and
21 recoveries realized by the Secretary in carrying out activi-
22 ties authorized by the Act, including but not limited to,
23 any proceeds from the sale of assets, shall be available
24 without further appropriation and shall remain available
25 until expended.

1 DEPARTMENTAL ADMINISTRATION
2 (INCLUDING TRANSFER OF FUNDS)

3 For salaries and expenses of the Department of En-
4 ergy necessary for departmental administration in car-
5 rying out the purposes of the Department of Energy Orga-
6 nization Act (42 U.S.C. 7101 et seq.), including the hire
7 of passenger motor vehicles and official reception and rep-
8 resentation expenses not to exceed \$35,000,
9 \$253,909,000, to remain available until expended, plus
10 such additional amounts as necessary to cover increases
11 in the estimated amount of cost of work for others not-
12 withstanding the provisions of the Anti-Deficiency Act (31
13 U.S.C. 1511 et seq.): *Provided*, That such increases in cost
14 of work are offset by revenue increases of the same or
15 greater amount, to remain available until expended: *Pro-*
16 *vided further*, That moneys received by the Department
17 for miscellaneous revenues estimated to total
18 \$123,000,000 in fiscal year 2006 may be retained and
19 used for operating expenses within this account, and may
20 remain available until expended, as authorized by section
21 201 of Public Law 95-238, notwithstanding the provisions
22 of 31 U.S.C. 3302: *Provided further*, That the sum herein
23 appropriated shall be reduced by the amount of miscella-
24 neous revenues received during fiscal year 2006, and any
25 related unappropriated receipt account balances remaining

1 from prior years' miscellaneous revenues, so as to result
2 in a final fiscal year 2006 appropriation from the general
3 fund estimated at not more than \$130,909,000.

4 **OFFICE OF THE INSPECTOR GENERAL**

5 For necessary expenses of the Office of the Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, as amended, \$43,000,000, to remain
8 available until expended.

9 **ATOMIC ENERGY DEFENSE ACTIVITIES**

10 **NATIONAL NUCLEAR SECURITY ADMINISTRATION**

11 **WEAPONS ACTIVITIES**

12 (b) (5) (INCLUDING TRANSFER OF FUNDS)

13 For Department of Energy expenses, including the
14 purchase, construction, and acquisition of plant and cap-
15 ital equipment and other incidental expenses necessary for
16 atomic energy defense weapons activities in carrying out
17 the purposes of the Department of Energy Organization
18 Act (42 U.S.C. 7101 et seq.), including the acquisition or
19 condemnation of any real property or any facility or for
20 plant or facility acquisition, construction, or expansion;
21 and the purchase of not to exceed 40 passenger motor ve-
22 hicles, for replacement only, including not to exceed two
23 buses; \$6,181,121,000, to remain available until ex-
24 pended.

1 DEFENSE NUCLEAR NONPROLIFERATION

2 For Department of Energy expenses, including the
3 purchase, construction, and acquisition of plant and cap-
4 ital equipment and other incidental expenses necessary for
5 atomic energy defense, defense nuclear nonproliferation
6 activities, 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, \$1,500,959,000, to remain avail-
11 able until expended.

12 NAVAL REACTORS

13 For Department of Energy expenses necessary for
14 naval reactors activities to carry out the Department of
15 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
16 ing the acquisition (by purchase, condemnation, construc-
17 tion, or otherwise) of real property, plant, and capital
18 equipment, facilities, and facility expansion,
19 \$799,500,000, to remain available until expended.

20 OFFICE OF THE ADMINISTRATOR

21 For necessary expenses of the Office of the Adminis-
22 trator in the National Nuclear Security Administration,
23 including official reception and representation expenses
24 not to exceed \$12,000, \$366,869,000, to remain available
25 until expended.

1 ENVIRONMENTAL AND OTHER DEFENSE
2 ACTIVITIES

3 DEFENSE ENVIRONMENTAL CLEANUP

4 For Department of Energy expenses, including the
5 purchase, construction, and acquisition of plant and cap-
6 ital equipment and other expenses necessary for atomic
7 energy defense environmental cleanup activities in car-
8 rying out the purposes of the Department of Energy Orga-
9 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
10 sition or condemnation of any real property or any facility
11 or for plant or facility acquisition, construction, or expan-
12 sion, \$6,468,336,000, to remain available until expended.

13 OTHER DEFENSE ACTIVITIES

14 For Department of Energy expenses, including the
15 purchase, construction, and acquisition of plant and cap-
16 ital equipment and other expenses, necessary for atomic
17 energy defense, other defense activities, and classified ac-
18 tivities, in carrying out the purposes of the Department
19 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
20 cluding the acquisition or condemnation of any real prop-
21 erty or any facility or for plant or facility acquisition, con-
22 struction, or expansion, and the purchase of not to exceed
23 ten passenger motor vehicles for replacement only, includ-
24 ing not to exceed two buses; \$702,498,000, to remain
25 available until expended.

1 DEFENSE NUCLEAR WASTE DISPOSAL

2 For nuclear waste disposal activities to carry out the
3 purposes of Public Law 97–425, as amended, including
4 the acquisition of real property or facility construction or
5 expansion, \$351,447,000, to remain available until ex-
6 pended.

7 POWER MARKETING ADMINISTRATIONS

8 BONNEVILLE POWER ADMINISTRATION FUND

9 Expenditures from the Bonneville Power Administra-
10 tion Fund, established pursuant to Public Law 93–454,
11 are approved for official reception and representation ex-
12 penses in an amount not to exceed \$1,500. During fiscal
13 year 2006, no new direct loan obligations may be made.

14 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER

15 ADMINISTRATION

16 For necessary expenses of operation and maintenance
17 of power transmission facilities and of electric power and
18 energy, including transmission wheeling and ancillary
19 services pursuant to section 5 of the Flood Control Act
20 of 1944 (16 U.S.C. 825s), as applied to the southeastern
21 power area, \$5,600,000, to remain available until ex-
22 pended: *Provided*, That, notwithstanding 31 U.S.C. 3302,
23 up to \$32,713,000 collected by the Southeastern Power
24 Administration pursuant to the Flood Control Act of 1944
25 to recover purchase power and wheeling expenses shall be

1 credited to this account as offsetting collections, to remain
2 available until expended for the sole purpose of making
3 purchase power and wheeling expenditures.

4 OPERATION AND MAINTENANCE, SOUTHWESTERN

5 POWER ADMINISTRATION

6 For necessary expenses of operation and maintenance
7 of power transmission facilities and of marketing electric
8 power and energy, for construction and acquisition of
9 transmission lines, substations and appurtenant facilities,
10 and for administrative expenses, including official recep-
11 tion and representation expenses in an amount not to ex-
12 ceed \$1,500 in carrying out section 5 of the Flood Control
13 Act of 1944 (16 U.S.C. 825s), as applied to the south-
14 western power administration, \$31,401,000, to remain
15 available until expended: *Provided*, That, notwithstanding
16 31 U.S.C. 3302, up to \$1,235,000 collected by the South-
17 western Power Administration pursuant to the Flood Con-
18 trol Act to recover purchase power and wheeling expenses
19 shall be credited to this account as offsetting collections,
20 to remain available until expended for the sole purpose
21 of making purchase power and wheeling expenditures.

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

4 For carrying out the functions authorized by title III,
5 section 302(a)(1)(E) of the Act of August 4, 1977 (42
6 U.S.C. 7152), and other related activities including con-
7 servation and renewable resources programs as author-
8 ized, including official reception and representation ex-
9 penses in an amount not to exceed \$1,500; \$226,992,000,
10 to remain available until expended, of which \$222,830,000
11 shall be derived from the Department of the Interior Rec-
12 lamation Fund: *Provided*, That of the amount herein ap-
13 propriated, \$6,000,000 shall be available until expended
14 on a nonreimbursable basis to the Western Area Power
15 Administration for Topock-Davis-Mead Transmission
16 Line Upgrades: *Provided further*, That notwithstanding
17 the provision of 31 U.S.C. 3302, up to \$148,500,000 col-
18 lected by the Western Area Power Administration pursu-
19 ant to the Flood Control Act of 1944 and the Reclamation
20 Project Act of 1939 to recover purchase power and wheel-
21 ing expenses shall be credited to this account as offsetting
22 collections, to remain available until expended for the sole
23 purpose of making purchase power and wheeling expendi-
24 tures.

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, \$2,692,000, 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 423 of the Foreign
9 Relations Authorization Act, Fiscal Years 1994 and 1995.

10 FEDERAL ENERGY REGULATORY COMMISSION
11 SALARIES AND EXPENSES

12 For necessary expenses of the Federal Energy Regu-
13 latory Commission to carry out the provisions of the De-
14 partment of Energy Organization Act (42 U.S.C. 7101 et
15 seq.), including services as authorized by 5 U.S.C. 3109,
16 the hire of passenger motor vehicles, and official reception
17 and representation expenses not to exceed \$3,000,
18 \$220,400,000, to remain available until expended: *Pro-*
19 *vided*, That notwithstanding any other provision of law,
20 not to exceed \$220,400,000 of revenues from fees and an-
21 nual charges, and other services and collections in fiscal
22 year 2006 shall be retained and used for necessary ex-
23 penses in this account, and shall remain available until
24 expended: *Provided further*, That the sum herein appro-
25 priated from the general fund shall be reduced as revenues

1 are received during fiscal year 2006 so as to result in a
2 final fiscal year 2006 appropriation from the general fund
3 estimated at not more than \$0.

4 GENERAL PROVISIONS

5 DEPARTMENT OF ENERGY

6 SEC. 301. (a)(1) None of the funds in this or any
7 other appropriations Act for fiscal year 2006 or any pre-
8 vious fiscal year may be used to make payments for a non-
9 competitive management and operating contract unless
10 the Secretary of Energy has published in the Federal Reg-
11 ister and submitted to the Committees on Appropriations
12 of the House of Representatives and the Senate a written
13 notification, with respect to each such contract, of the Sec-
14 retary's decision to use competitive procedures for the
15 award of the contract, or to not renew the contract, when
16 the term of the contract expires.

17 (2) Paragraph (1) does not apply to an extension for
18 up to 2 years of a noncompetitive management and oper-
19 ating contract, if the extension is for purposes of allowing
20 time to award competitively a new contract, to provide
21 continuity of service between contracts, or to complete a
22 contract that will not be renewed.

23 (b) In this section:

24 (1) The term "noncompetitive management and
25 operating contract" means a contract that was

1 awarded more than 50 years ago without competi-
2 tion for the management and operation of Ames
3 Laboratory, Argonne National Laboratory, Lawrence
4 Berkeley National Laboratory, Lawrence Livermore
5 National Laboratory, and Los Alamos National Lab-
6 oratory.

7 (2) The term “competitive procedures” has the
8 meaning provided in section 4 of the Office of Fed-
9 eral Procurement Policy Act (41 U.S.C. 403) and
10 includes procedures described in section 303 of the
11 Federal Property and Administrative Services Act of
12 1949 (41 U.S.C. 253) other than a procedure that
13 solicits a proposal from only one source.

14 (c) For all management and operating contracts
15 other than those listed in subsection (b)(1), none of the
16 funds appropriated by this Act may be used to award a
17 management and operating contract, or award a signifi-
18 cant extension or expansion to an existing management
19 and operating contract, unless such contract is awarded
20 using competitive procedures or the Secretary of Energy
21 grants, on a case-by-case basis, a waiver to allow for such
22 a deviation. The Secretary may not delegate the authority
23 to grant such a waiver. At least 60 days before a contract
24 award for which the Secretary intends to grant such a
25 waiver, the Secretary shall submit to the Committees on

1 Appropriations of the House of Representatives and the
2 Senate a report notifying the Committees of the waiver
3 and setting forth, in specificity, the substantive reasons
4 why the Secretary believes the requirement for competition
5 should be waived for this particular award.

6 SEC. 302. None of the funds appropriated by this Act
7 may be used to—

- 8 (1) develop or implement a workforce restructuring plan that covers employees of the Department
9 of Energy; or
10 (2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h).

11 SEC. 303. None of the funds appropriated by this Act
12 may be used to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161
13 of the National Defense Authorization Act for Fiscal Year
14 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the
15 Department of Energy submits a reprogramming request
16 to the appropriate congressional committees.

17 SEC. 304. None of the funds appropriated by this Act
18 may be used to prepare or initiate Requests For Proposals

1 (RFPs) for a program if the program has not been funded
2 by Congress.

3 (TRANSFERS OF UNEXPENDED BALANCES)

4 SEC. 305. The unexpended balances of prior appro-
5 priations provided for activities in this Act may be trans-
6 ferred to appropriation accounts for such activities estab-
7 lished pursuant to this title. Balances so transferred 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. 306. 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. 307. 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
26 such need for input to universities and other potential

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

13 SEC. 308. The Administrator of the National Nuclear
14 Security Administration may authorize the manager of a
15 covered nuclear weapons research, development, testing or
16 production facility to engage in research, development,
17 and demonstration activities with respect to the engineer-
18 ing and manufacturing capabilities at such facility in
19 order to maintain and enhance such capabilities at such
20 facility: *Provided*, That of the amount allocated to a cov-
21 ered nuclear weapons facility each fiscal year from
22 amounts available to the Department of Energy for such
23 fiscal year for national security programs, not more than
24 an amount equal to 2 percent of such amount may be used
25 for these activities: *Provided further*, That for purposes of

1 this section, the term “covered nuclear weapons facility”

2 means the following:

3 (1) the Kansas City Plant, Kansas City, Mis-

4 souri;

5 (2) the Y-12 Plant, Oak Ridge, Tennessee;

6 (3) the Pantex Plant, Amarillo, Texas;

7 (4) the Savannah River Plant, South Carolina;

8 *and*

9 (5) the Nevada Test Site.

10 SEC. 309. Funds appropriated by this or any other
11 Act, or made available by the transfer of funds in this
12 Act, for intelligence activities are deemed to be specifically
13 authorized by the Congress for purposes of section 504
14 of the National Security Act of 1947 (50 U.S.C. 414) dur-
15 ing fiscal year 2006 until the enactment of the Intelligence
16 Authorization Act for fiscal year 2006.

17 SEC. 310. None of the funds made available in this
18 Act may be used to select a site for the Modern Pit Facil-
19 ity during fiscal year 2006.

20 SEC. 311. None of the funds made available in title
21 III of this Act shall be for the Department of Energy na-
22 tional laboratories and production plants for Laboratory
23 Directed Research and Development (LDRD), Plant Di-
24 rected Research and Development (PDRD), and Site Di-

1 directed Research and Development (SDRD) activities in
2 excess of \$250,000,000.

3 SEC. 312. None of the funds made available in title
4 III of this Act shall be for Department of Energy Labora-
5 tory Directed Research and Development (LDRD), Plant
6 Directed Research and Development (PDRD), and Site
7 Directed Research and Development (SDRD) activities for
8 project costs incurred as Indirect Costs by Major Facility
9 Operating Contractors.

10 SEC. 313. None of the funds made available in title
11 III of this Act may be used to finance laboratory directed
12 research and development activities at Department of En-
13 ergy laboratories on behalf of other Federal agencies.

14 SEC. 314. None of the funds made available to the
15 Department of Energy under this Act shall be used to im-
16 plement or finance authorized price support or loan guar-
17 antee programs unless specific provision is made for such
18 programs in an appropriations Act.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

22 For expenses necessary to carry out the programs au-
23 thorized by the Appalachian Regional Development Act of
24 1965, as amended, for necessary expenses for the Federal
25 Co-Chairman and the alternate on the Appalachian Re-

1 gional Commission, for payment of the Federal share of
2 the administrative expenses of the Commission, including
3 services as authorized by 5 U.S.C. 3109, and hire of pas-
4 senger motor vehicles, \$38,500,000, to remain available
5 until expended.

6 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

7 SALARIES AND EXPENSES

8 For necessary expenses of the Defense Nuclear Fa-
9 cilities Safety Board in carrying out activities authorized
10 by the Atomic Energy Act of 1954, as amended by Public
11 Law 100-456, section 1441, \$22,032,000, to remain
12 available until expended.

13 DELTA REGIONAL AUTHORITY

14 SALARIES AND EXPENSES

15 For necessary expenses of the Delta Regional Author-
16 ity and to carry out its activities, as authorized by the
17 Delta Regional Authority Act of 2000, as amended, not-
18 withstanding sections 382C(b)(2), 382F(d), and 382M(b)
19 of said Act, \$6,000,000, to remain available until ex-
20 pended.

21 DENALI COMMISSION

22 For expenses of the Denali Commission, \$2,562,000,
23 to remain available until expended.

1 NUCLEAR REGULATORY COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Commission in car-
4 ryng out the purposes of the Energy Reorganization Act
5 of 1974, as amended, and the Atomic Energy Act of 1954,
6 as amended, including official representation expenses
7 (not to exceed \$15,000), and purchase of promotional
8 items for use in the recruitment of individuals for employ-
9 ment, \$714,376,000, to remain available until expended:
10 *Provided*, That of the amount appropriated herein,
11 \$66,717,000 shall be derived from the Nuclear Waste
12 Fund: *Provided further*, That revenues from licensing fees,
13 inspection services, and other services and collections esti-
14 mated at \$580,643,000 in fiscal year 2006 shall be re-
15 tained and used for necessary salaries and expenses in this
16 account, notwithstanding 31 U.S.C. 3302, and shall re-
17 main available until expended: *Provided further*, That the
18 sum herein appropriated shall be reduced by the amount
19 of revenues received during fiscal year 2006 so as to result
20 in a final fiscal year 2006 appropriation estimated at not
21 more than \$133,732,600: *Provided further*, That section
22 6101 of the Omnibus Budget Reconciliation Act of 1990
23 is amended by inserting before the period in subsection
24 (c)(2)(B)(v) the words “and fiscal year 2006”.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978, as amended, \$8,316,000, to remain
5 available until expended: *Provided*, That revenues from li-
6 censing fees, inspection services, and other services and
7 collections estimated at \$7,485,000 in fiscal year 2006
8 shall be retained and be available until expended, for nec-
9 essary salaries and expenses in this account, notwith-
10 standing 31 U.S.C. 3302: *Provided further*, That the sum
11 herein appropriated shall be reduced by the amount of rev-
12 enues received during fiscal year 2006 so as to result in
13 a final fiscal year 2006 appropriation estimated at not
14 more than \$831,000.

15 NUCLEAR WASTE TECHNICAL REVIEW BOARD

16 SALARIES AND EXPENSES

17 For necessary expenses of the Nuclear Waste Tech-
18 nical Review Board, as authorized by Public Law 100–
19 203, section 5051, \$3,608,000, to be derived from the Nu-
20 clear Waste Fund, and to remain available until expended.

21 TITLE V

22 GENERAL PROVISIONS

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

1 matters pending before Congress, other than to commu-
2 nicate to Members of Congress as described in 18 U.S.C.
3 1913.

4 SEC. 502. None of the funds made available in this
5 Act may be transferred to any department, agency, or in-
6 strumentality of the United States Government, except
7 pursuant to a transfer made by, or transfer authority pro-
8 vided in this Act or any other appropriation Act.

Union Calendar No. 44

109TH CONGRESS
1ST SESSION

H. R. 2419

[Report No. 109-86]

A BILL

Making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.

MAY 18, 2005

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