

Calendar No. 504

109TH CONGRESS
2^D SESSION**H.R. 5427****[Report No. 109-274]**

IN THE SENATE OF THE UNITED STATES

MAY 25, 2006

Received; read twice and referred to the Committee on Appropriations

JUNE 29, 2006

Reported by Mr. DOMENICI, with an amendment and an amendment to the
title[Strike out all after the enacting clause and insert the part printed in *italic*]**AN ACT**

Making appropriations for energy and water development
for the fiscal year ending September 30, 2007, 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, 2007, 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 control, shore protection and storm
10 damage reduction, aquatic ecosystem restoration, and re-
11 lated purposes.

12 INVESTIGATIONS

13 For expenses necessary for the collection and study
14 of basic information pertaining to river and harbor, flood
15 control, shore protection and storm damage reduction,
16 aquatic ecosystem restoration, and related projects, re-
17 study of authorized projects, miscellaneous investigations,
18 and, when authorized by law, surveys and detailed studies
19 and plans and specifications of projects prior to construc-
20 tion, \$128,000,000, to remain available until expended:
21 *Provided*, That, except as provided in section 101 of this
22 Act, the amounts made available under this paragraph
23 shall be expended in accordance with the terms and condi-
24 tions specified in the report accompanying this Act.

CONSTRUCTION

(INCLUDING RESCISSION)

For expenses necessary for the construction of river and harbor, flood control, shore protection and storm damage reduction, 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); \$1,947,171,000, to remain available until expended; of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction and rehabilitation of inland waterways projects; and of which \$8,000,000 shall be exclusively for projects and activities authorized under section 107 of the River and Harbor Act of 1960; and of which \$2,000,000 shall be exclusively for projects and activities authorized under section 103 of the River and Harbor Act of 1962; and of which \$29,933,000 shall be exclusively available for projects and activities authorized under section 205 of the Flood Control Act of 1948; and of which \$15,000,000 shall be exclusively for projects and ac-

1 tivities authorized under section 14 of the Flood Control
2 Act of 1946; and of which \$25,000,000 shall be exclusively
3 for projects and activities authorized under section 1135
4 of the Water Resources Development Act of 1986; and of
5 which \$25,000,000 shall be exclusively for projects and ac-
6 tivities authorized under section 206 of the Water Re-
7 sources Development Act of 1996; and of which
8 \$2,500,000 shall be for projects and activities authorized
9 under section 111 of the River and Harbor Act of 1968;
10 and of which \$5,000,000 shall be for projects and activi-
11 ties authorized under section 204 of the Water Resources
12 Act of 1992: *Provided*, That \$35,000,000 shall be avail-
13 able for projects and activities authorized under 16 U.S.C.
14 410r-8: *Provided further*, That, of the funds provided
15 under the heading “Construction” in title I of Public Law
16 109-103, \$56,046,000 is rescinded, to be derived from the
17 unobligated balances of the amounts made available for
18 the following projects in Louisiana: Grand Isle and Vicin-
19 ity, Lake Pontchartrain and Vicinity, Larose to Golden
20 Meadow, New Orleans to Venice, Southeast Louisiana,
21 and West Bank and Vicinity: *Provided further*, That, ex-
22 cept as provided in section 101 of this Act, the amounts
23 made available under this paragraph shall be expended in
24 accordance with the terms and conditions specified in the
25 report accompanying this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for the program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$290,607,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended in accordance with the terms and conditions specified in the report accompanying this Act.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law, including the construction of facilities, projects, or features (including islands and wetlands) to use materials dredged during Federal navigation maintenance activities; the mitigation of impacts on shorelines resulting from Federal navigation operation and maintenance activities; the benefit of federally listed species to address the effects of any civil works project under the jurisdiction of the Corps on any such species on project land within the watershed or operational

1 reach of the project; providing security for infrastructure
2 owned and operated by, or on behalf of, the Corps, includ-
3 ing administrative buildings and facilities; and labora-
4 tories; the maintenance of harbor channels provided by a
5 State, municipality, or other public agency that serve es-
6 sential navigation needs of general commerce; where au-
7 thorized by law; and surveys and charting of northern and
8 northwestern lakes and connecting waters; clearing and
9 straightening channels; and removal of obstructions to
10 navigation, \$2,195,471,000, to remain available until ex-
11 pended; of which \$45,078,000 shall be for projects and
12 activities in Region 1 New England; of which
13 \$143,250,000 shall be for projects and activities in Region
14 2 Mid Atlantic; of which \$297,043,000 shall be for
15 projects and activities in Region 3 South Atlantic Gulf;
16 of which \$101,407,000 shall be for projects and activities
17 in Region 4 Great Lakes; of which \$252,886,000 shall be
18 for projects and activities in Region 5 Ohio; of which
19 \$21,301,000 shall be for projects and activities in Region
20 6 Tennessee; of which \$233,803,000 shall be for projects
21 and activities in Region 7 Upper Mississippi; of which
22 \$147,021,000 shall be for projects and activities in Region
23 8 Lower Mississippi; of which \$2,999,000 shall be for
24 projects and activities in Region 9 Souris-Red-Rainy; of
25 which \$151,180,000 shall be for projects and activities in

1 Region 10 Missouri; of which \$178,084,000 shall be for
2 projects and activities in Region 11 Arkansas-White-Red;
3 of which \$141,113,000 shall be for projects and activities
4 in Region 12 Texas-Gulf; of which \$10,209,000 shall be
5 for projects and activities in Region 13 Rio Grande; of
6 which \$722,000 shall be for projects and activities in Re-
7 gion 14 Upper Colorado; of which \$3,327,000 shall be for
8 projects and activities in Region 15 Lower Colorado; of
9 which \$761,000 shall be for projects and activities in Re-
10 gion 16 Great Basin; of which \$242,593,000 shall be for
11 projects and activities in Region 17 Pacific Northwest; of
12 which \$102,461,000 shall be for projects and activities in
13 Region 18 California; of which \$22,204,000 shall be for
14 projects and activities in Region 19 Alaska; of which
15 \$1,995,000 shall be for projects and activities in Region
16 20 Hawaii; of which \$4,000,000 shall be for projects and
17 activities in Region 21 Caribbean; of which such sums as
18 are necessary to cover the Federal share of eligible oper-
19 ations and maintenance shall be derived from the Harbor
20 Maintenance Trust Fund of which such sums as become
21 available from the special account for the Corps estab-
22 lished by the Land and Water Conservation Act of 1965,
23 as amended (16 U.S.C. 460l-6a(i)), shall be used for re-
24 source protection, research, interpretation, and mainte-
25 nance activities related to resource protection in areas op-

1 erated by the Corps at which outdoor recreation is avail-
 2 able; and of which such sums as become available under
 3 section 217 of the Water Resources Development Act of
 4 1996, Public Law 104-303, shall be used to cover the cost
 5 of operation and maintenance of the dredged material dis-
 6 posal facilities for which fees have been collected: *Pro-*
 7 *vided,* That, except as provided in section 101 of this Act,
 8 the amounts made available under this paragraph shall be
 9 expended in accordance with the terms and conditions
 10 specified in the report accompanying this Act.

11 REGULATORY PROGRAM

12 For expenses necessary for administration of laws
 13 pertaining to regulation of navigable waters and wetlands,
 14 \$173,000,000, to remain available until expended.

15 FORMERLY UTILIZED SITES REMEDIAL ACTION 16 PROGRAM

17 For expenses necessary to clean up contamination
 18 from sites in the United States resulting from work per-
 19 formed as part of the Nation's early atomic energy pro-
 20 gram, \$130,000,000, to remain available until expended.

21 FLOOD CONTROL AND COASTAL EMERGENCIES

22 For expenses necessary to prepare for flood, hurri-
 23 cane, and other natural disasters and support emergency
 24 operations, repairs, and other activities in response to

1 flood and hurricane emergencies, as authorized by law,
2 \$32,000,000, to remain available until expended.

3 ~~GENERAL EXPENSES~~

4 For expenses necessary for general administration
5 and related civil works functions in the headquarters of
6 the United States Army Corps of Engineers, the offices
7 of the Division Engineers, the Humphreys Engineer Cen-
8 ter Support Activity, the Institute for Water Resources,
9 the United States Army Engineer Research and Develop-
10 ment Center, and the United States Army Corps of Engi-
11 neers Finance Center, \$142,100,000, to remain available
12 until expended: *Provided*, That no part of any other appro-
13 priation provided in title I of this Act shall be available
14 to fund the civil works activities of the Office of the Chief
15 of Engineers or the civil works executive direction and
16 management activities of the offices of the Division Engi-
17 neers: *Provided further*, That, of the funds provided under
18 this heading, \$10,000,000 shall be transferred to “Oper-
19 ation and Maintenance” upon the expiration of the 30-
20 day period following the date of enactment of this Act if,
21 during such period, the Secretary of the Army has not
22 submitted to the Committees on Appropriations of the
23 House of Representatives and the Senate a report summa-
24 rizing outstanding reprogramming commitments of the

1 Corps of Engineers for fiscal years 2000 through 2006
 2 on a project by project basis.

3 OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL
 4 WORKS)

5 For expenses necessary for the Office of Assistant
 6 Secretary of the Army (Civil Works), as authorized by 40
 7 U.S.C. 3016(b)(3), \$1,500,000: *Provided*, That, of the
 8 funds provided under this heading, \$1,000,000 shall be
 9 transferred to "Operation and Maintenance" upon the ex-
 10 piration of the 30-day period following the date of enact-
 11 ment of this Act if, during such period, the Secretary of
 12 the Army has not submitted to the Committees on Appro-
 13 priations of the House of Representatives and the Senate
 14 a report summarizing outstanding reprogramming com-
 15 mitments of the Corps of Engineers for fiscal years 2000
 16 through 2006 on a project by project basis.

17 ADMINISTRATIVE PROVISION

18 Appropriations in this title shall be available for offi-
 19 cial reception and representation expenses not to exceed
 20 \$5,000; and during the current fiscal year the Revolving
 21 Fund, Corps of Engineers, shall be available for purchase
 22 not to exceed 100 for replacement only and hire of pas-
 23 senger motor vehicles.

1 GENERAL PROVISIONS

2 CORPS OF ENGINEERS—CIVIL

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

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

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

9 (3) increases funds for any program, project, or
10 activity for which funds have been denied or re-
11 stricted by this Act;

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

15 (5) increases funds for any program, project, or
16 activity by more than \$2,000,000 or 25 percent,
17 whichever is less; or

18 (6) reduces funds for any program, project, or
19 activity by more than \$2,000,000 or 25 percent,
20 whichever is less.

21 (b) Subsection (a)(1) shall not apply to any project
22 or activity authorized under section 205 of the Flood Con-
23 trol Act of 1948; section 14 of the Flood Control Act of
24 1946; section 208 of the Flood Control Act of 1954; sec-
25 tion 107 of the River and Harbor Act of 1960; section

1 ~~103 of the River and Harbor Act of 1962; section 111~~
 2 ~~of the River and Harbor Act of 1968; section 1135 of the~~
 3 ~~Water Resources Development Act of 1986; section 206~~
 4 ~~of the Water Resources Development Act of 1996; sections~~
 5 ~~204 and 207 of the Water Resources Development Act of~~
 6 ~~1992 or section 933 of the Water Resources Development~~
 7 ~~Act of 1986.~~

8 SEC. 102. None of the funds made available in title
 9 I of this Act may be used to award any continuing con-
 10 tract or to make modifications to any existing continuing
 11 contract that commits an amount for a project in excess
 12 of the amount appropriated for such project pursuant to
 13 this Act. *Provided,* That the amounts appropriated in this
 14 Act may be modified pursuant to the authorities provided
 15 in section 101 of this Act or through the application of
 16 unobligated balances for such project.

17 SEC. 103. None of the funds provided in this Act may
 18 be expended by the Secretary of the Army to construct
 19 the Port Jersey element of the New York and New Jersey
 20 Harbor or to reimburse the local sponsor for the construc-
 21 tion of the Port Jersey element until commitments for
 22 construction of container handling facilities are obtained
 23 from the non-Federal sponsor for a second user along the
 24 Port Jersey element.

1 SEC. 104. (a) None of the funds provided in this Act
2 shall be available for operation and maritime maintenance
3 of the hopper dredge McFarland.

4 (b) Subsection (a) shall not apply to funds required
5 for the decommissioning of the vessel.

6 SEC. 105. None of the funds provided in this Act may
7 be expended to prevent or limit any reprogramming of
8 funds for a project to be carried out by the Corps of Engi-
9 neers, based on whether the project was included by the
10 President in the budget transmitted under section 1105(a)
11 of title 31, United States Code, or is otherwise proposed
12 by the President or considered part of the budget by the
13 Office of Management and Budget.

14 SEC. 106. None of the funds provided in this Act may
15 be used to repay the Department of Treasury's Judgment
16 Fund for past judgments against the United States on
17 Civil Works contracts and real estate acquisitions that
18 have been financed by the Judgment Fund.

19 SEC. 107. None of the funds provided in this Act may
20 be used to implement an A-76 study or similar privatiza-
21 tion process for Corps personnel employed to operate or
22 maintain locks and dams.

23 SEC. 108. None of the funds in this Act may be used
24 to further work on the Corps of Engineers proposal to re-
25 move a section of the dam for fish passage or to study

1 other alternatives to the trap and haul facility at Elk
2 Creek Dam, Oregon.

3 TITLE II

4 DEPARTMENT OF THE INTERIOR

5 CENTRAL UTAH PROJECT

6 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

7 For carrying out activities authorized by the Central
8 Utah Project Completion Act, \$38,552,000, to remain
9 available until expended, of which \$965,000 shall be de-
10 posited into the Utah Reclamation Mitigation and Con-
11 servation Account for use by the Utah Reclamation Miti-
12 gation and Conservation Commission.

13 In addition, for necessary expenses incurred in ear-
14 rying out related responsibilities of the Secretary of the
15 Interior, \$1,603,000, to remain available until expended.

16 BUREAU OF RECLAMATION

17 The following appropriations shall be expended to
18 execute authorized functions of the Bureau of Reclama-
19 tion.

20 WATER AND RELATED RESOURCES

21 (INCLUDING TRANSFER OF FUNDS AND RESCISSION)

22 For management, development, and restoration of
23 water and related natural resources and for related activi-
24 ties, including the operation, maintenance, and rehabilita-
25 tion of reclamation and other facilities, participation in

1 fulfilling related Federal responsibilities to Native Ameri-
2 cans, and related grants to, and cooperative and other
3 agreements with, State and local governments, Indian
4 tribes, and others, \$849,122,000, to remain available until
5 expended, of which \$57,298,000 shall be available for
6 transfer to the Upper Colorado River Basin Fund and
7 \$26,952,000 shall be available for transfer to the Lower
8 Colorado River Basin Development Fund; of which such
9 amounts as may be necessary may be advanced to the Col-
10 orado River Dam Fund; of which not more than \$500,000
11 is for high priority projects which shall be carried out by
12 the Youth Conservation Corps, as authorized by 16 U.S.C.
13 1706: *Provided*, That such transfers may be increased or
14 decreased within the overall appropriation under this
15 heading: *Provided further*, That of the total appropriated,
16 the amount for program activities that can be financed
17 by the Reclamation Fund or the Bureau of Reclamation
18 special fee account established by 16 U.S.C. 4601-6a(i)
19 shall be derived from that Fund or account: *Provided fur-*
20 *ther*, That funds contributed under 43 U.S.C. 395 are
21 available until expended for the purposes for which con-
22 tributed: *Provided further*, That funds advanced under 43
23 U.S.C. 397a shall be credited to this account and are
24 available until expended for the same purposes as the
25 sums appropriated under this heading: *Provided further*,

1 That funds available for expenditure for the Departmental
 2 Irrigation Drainage Program may be expended by the Bu-
 3 reau of Reclamation for site remediation on a non-reim-
 4 bursable basis: *Provided further*, That from unobligated
 5 balances made available under section 2507 of the Farm
 6 Security and Rural Investment Act of 2002 for the Bu-
 7 reau of Reclamation's At Risk Terminal Lakes Program,
 8 \$88,000,000 are rescinded: *Provided further*, That
 9 \$10,000,000 of the funds provided herein shall be depos-
 10 ited in the San Gabriel Restoration Fund established by
 11 section 1110 of division B, title I of Public Law 106-554
 12 as amended: *Provided further*, That of the sums provided
 13 herein, \$1,000,000 shall be used for assessing the feasi-
 14 bility of relocating the Highway 49 bridge, Auburn-Folsom
 15 South Unit of the Central Valley Project.

16 CENTRAL VALLEY PROJECT RESTORATION FUND

17 For carrying out the programs, projects, plans, and
 18 habitat restoration, improvement, and acquisition provi-
 19 sions of the Central Valley Project Improvement Act,
 20 \$41,478,000, to be derived from such sums as may be col-
 21 lected in the Central Valley Project Restoration Fund pur-
 22 suant to sections 3407(d), 3404(c)(3), 3405(f), and
 23 3406(e)(1) of Public Law 102-575, to remain available
 24 until expended: *Provided*, That the Bureau of Reclamation
 25 is directed to assess and collect the full amount of the

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

7 CALIFORNIA BAY-DELTA RESTORATION

8 (INCLUDING TRANSFER OF FUNDS)

9 For carrying out activities authorized by the Water
 10 Supply, Reliability, and Environmental Improvement Act,
 11 Public Law 108-361, consistent with plans to be approved
 12 by the Secretary of the Interior, \$40,110,000, to remain
 13 available until expended, of which such amounts as may
 14 be necessary to carry out such activities may be trans-
 15 ferred to appropriate accounts of other participating Fed-
 16 eral agencies to carry out authorized purposes: *Provided,*
 17 That funds appropriated herein may be used for the Fed-
 18 eral share of the costs of CALFED Program management:
 19 *Provided further,* That the use of any funds provided to
 20 the California Bay-Delta Authority for program-wide
 21 management and oversight activities shall be subject to
 22 the approval of the Secretary of the Interior: *Provided fur-*
 23 *ther,* That CALFED implementation shall be carried out
 24 in a balanced manner with clear performance measures
 25 demonstrating concurrent progress in achieving the goals

1 and objectives of the Program: *Provided further*, That
 2 \$6,000,000 shall be transferred to the Army Corps of En-
 3 gineers to carry out further study and analysis of the sta-
 4 bility of the levee projects authorized under section
 5 103(f)(3) of Public Law 108-361.

6 POLICY AND ADMINISTRATION

7 For necessary expenses of policy, administration, and
 8 related functions in the office of the Commissioner, the
 9 Denver office, and offices in the five regions of the Bureau
 10 of Reclamation, to remain available until expended,
 11 \$58,069,000, to be derived from the Reclamation Fund
 12 and be nonreimbursable as provided in 43 U.S.C. 377:
 13 *Provided*, That no part of any other appropriation in this
 14 Act shall be available for activities or functions budgeted
 15 as policy and administration expenses.

16 ADMINISTRATIVE PROVISION

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

20 GENERAL PROVISIONS, DEPARTMENT OF THE 21 INTERIOR

22 SEC. 201. (a) None of the funds appropriated or oth-
 23 erwise made available by this Act may be used to deter-
 24 mine the final point of discharge for the interceptor drain
 25 for the San Luis Unit until development by the Secretary

1 of the Interior and the State of California of a plan, which
2 shall conform to the water quality standards of the State
3 of California as approved by the Administrator of the En-
4 vironmental Protection Agency, to minimize any detri-
5 mental effect of the San Luis drainage waters.

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

21 SEC. 202. None of the funds appropriated or other-
22 wise made available by this Act may be used to pay the
23 salaries and expenses of personnel to purchase or lease
24 water in the Middle Rio Grande or the Carlsbad Projects
25 in New Mexico unless said purchase or lease is in compli-

1 anee with the purchase requirements of section 202 of
 2 Public Law 106–60.

3 TITLE III

4 DEPARTMENT OF ENERGY

5 ENERGY PROGRAMS

6 ENERGY SUPPLY AND CONSERVATION

7 For Department of Energy expenses including the
 8 purchase, construction, and acquisition of plant and cap-
 9 ital equipment, and other expenses necessary for energy
 10 supply and energy conservation activities in carrying out
 11 the purposes of the Department of Energy Organization
 12 Act (42 U.S.C. 7101 et seq.), including the acquisition or
 13 condemnation of any real property or any facility or for
 14 plant or facility acquisition, construction, or expansion,
 15 \$2,025,527,000 (increased by \$5,000,000) (reduced by
 16 \$5,000,000) (increased by \$25,000,000), to remain avail-
 17 able until September 30, 2009.

18 CLEAN COAL TECHNOLOGY

19 (RESCISSION)

20 Of the funds made available under this heading for
 21 obligation in prior years, \$257,000,000 are rescinded.

22 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

23 For necessary expenses in carrying out fossil energy
 24 research and development activities, under the authority
 25 of the Department of Energy Organization Act (42 U.S.C.

1 7101 et seq.); including the acquisition of interest, includ-
2 ing defeasible and equitable interests in any real property
3 or any facility or for plant or facility acquisition or expan-
4 sion; the hire of passenger motor vehicles; the hire, main-
5 tenance, and operation of aircraft; the purchase, repair,
6 and cleaning of uniforms; the reimbursement to the Gen-
7 eral Services Administration for security guard services;
8 and for conducting inquiries, technological investigations
9 and research concerning the extraction, processing, use,
10 and disposal of mineral substances without objectionable
11 social and environmental costs (30 U.S.C. 3, 1602, and
12 1603); \$558,204,000, to remain available until expended,
13 of which \$54,000,000 is available to continue a multi-year
14 project coordinated with the private sector for FutureGen;
15 without regard to the terms and conditions applicable to
16 clean coal technology projects: *Provided*, That the initial
17 planning and research stages of the FutureGen project
18 shall include a matching requirement from non-Federal
19 sources of at least 20 percent of the costs: *Provided fur-*
20 *ther*, That any demonstration component of such project
21 shall require a matching requirement from non-Federal
22 sources of at least 50 percent of the costs of the compo-
23 nent: *Provided further*, That of the amounts provided,
24 \$36,400,000 is available, after coordination with the pri-
25 vate sector, for a request for proposals for the Clean Coal

1 Power Initiative providing for competitively-awarded re-
2 search, development, and demonstration projects to reduce
3 the barriers to continued and expanded coal use: *Provided*
4 *further*, That no project may be selected for which suffi-
5 cient funding is not available to provide for the total
6 project: *Provided further*, That funds shall be expended in
7 accordance with the provisions governing the use of funds
8 contained under the heading “Clean Coal Technology” in
9 42 U.S.C. 5903d as well as those contained under the
10 heading “Clean Coal Technology” in prior appropriations:
11 *Provided further*, That the Department may include provi-
12 sions for repayment of Government contributions to indi-
13 vidual projects in an amount up to the Government con-
14 tribution to the project on terms and conditions that are
15 acceptable to the Department including repayments from
16 sale and licensing of technologies from both domestic and
17 foreign transactions: *Provided further*, That such repay-
18 ments shall be retained by the Department for future coal-
19 related research, development and demonstration projects:
20 *Provided further*, That any technology selected under this
21 program shall be considered a Clean Coal Technology, and
22 any project selected under this program shall be consid-
23 ered a Clean Coal Technology Project, for the purposes
24 of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title
25 40 of the Code of Federal Regulations: *Provided further*,

1 That no part of the sum herein made available shall be
2 used for the field testing of nuclear explosives in the recov-
3 ery of oil and gas: *Provided further*, That the Secretary
4 of Energy is authorized to accept fees and contributions
5 from public and private sources, to be deposited in a con-
6 tributed funds account, and prosecute projects using such
7 fees and contributions in cooperation with other Federal,
8 State, or private agencies or concerns: *Provided further*,
9 That revenues and other moneys received by or for the
10 account of the Department of Energy or otherwise gen-
11 erated by sale of products in connection with projects of
12 the Department appropriated under the Fossil Energy Re-
13 search and Development account may be retained by the
14 Secretary of Energy, to be available until expended, and
15 used only for plant construction, operation, costs, and pay-
16 ments to cost-sharing entities as provided in appropriate
17 cost-sharing contracts or agreements.

18 NAVAL PETROLEUM AND OIL SHALE RESERVES

19 For expenses necessary to carry out naval petroleum
20 and oil shale reserve activities, including the hire of pas-
21 senger motor vehicles, \$18,810,000, to remain available
22 until expended: *Provided*, That, notwithstanding any other
23 provision of law, unobligated funds remaining from prior
24 years shall be available for all naval petroleum and oil
25 shale reserve activities.

1 STRATEGIC PETROLEUM RESERVE

2 For necessary expenses for Strategic Petroleum Re-
3 serve facility development and operations and program
4 management activities pursuant to the Energy Policy and
5 Conservation Act of 1975, as amended (42 U.S.C. 6201
6 et seq.); including the hire of passenger motor vehicles,
7 the hire, maintenance, and operation of aircraft, the pur-
8 chase, repair, and cleaning of uniforms, the reimburse-
9 ment to the General Services Administration for security
10 guard services, \$155,430,000, to remain available until ex-
11 pended.

12 NORTHEAST HOME HEATING OIL RESERVE

13 For necessary expenses for Northeast Home Heating
14 Oil Reserve storage, operation, and management activities
15 pursuant to the Energy Policy and Conservation Act,
16 \$4,950,000, to remain available until expended.

17 ENERGY INFORMATION ADMINISTRATION

18 For necessary expenses in carrying out the activities
19 of the Energy Information Administration, \$89,769,000,
20 to remain available until expended.

21 NON-DEFENSE ENVIRONMENTAL CLEANUP

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 non-de-
25 fense environmental cleanup activities in carrying out the

1 purposes of the Department of Energy Organization Act
2 (42 U.S.C. 7101 et seq.), including the acquisition or con-
3 demnation of any real property or any facility or for plant
4 or facility acquisition, construction, or expansion, and the
5 purchase of not to exceed six passenger motor vehicles,
6 of which five shall be for replacement only, \$309,946,000,
7 to remain available until expended.

8 URANIUM ENRICHMENT DECONTAMINATION AND
9 DECOMMISSIONING FUND

10 For necessary expenses in carrying out uranium en-
11 richment facility decontamination and decommissioning,
12 remedial actions, and other activities of title II of the
13 Atomic Energy Act of 1954, as amended, and title X, sub-
14 title A, of the Energy Policy Act of 1992, \$579,368,000,
15 to be derived from the Fund, to remain available until ex-
16 pended, of which \$20,000,000 shall be available in accord-
17 ance with title X, subtitle A, of the Energy Policy Act
18 of 1992.

19 SCIENCE

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

erty or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed twenty-five passenger motor vehicles for replacement only, \$4,131,710,000, 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, \$186,420,000, to remain available until expended, of which \$156,420,000 shall be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for Nuclear Waste Disposal, \$2,000,000 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 \$4,000,000 shall be provided to affected units of local government, as defined in the Act, to conduct appropriate activities and participate in licensing activities: *Provided further*, That 7.5 percent of the funds provided 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.

1 *Provided further,* That notwithstanding the provisions of
2 chapters 65 and 75 of title 31, United States Code, the
3 Department shall have no monitoring, auditing or other
4 oversight rights or responsibilities over amounts provided
5 to affected units of local government under this heading:
6 *Provided further,* That the funds for the State of Nevada
7 shall be made available solely to the Nevada Division of
8 Emergency Management by direct payment and units of
9 local government by direct payment: *Provided further,*
10 That within 90 days of the completion of each Federal
11 fiscal year, the Nevada Division of Emergency Manage-
12 ment and the Governor of the State of Nevada shall pro-
13 vide certification to the Department of Energy that all
14 funds expended from such payments have been expended
15 for activities authorized by the Act and this Act: *Provided*
16 *further,* That failure to provide such certification shall
17 cause such entity to be prohibited from any further fund-
18 ing provided for similar activities: *Provided further,* That
19 none of the funds herein appropriated may be: (1) used
20 directly or indirectly to influence legislative action, except
21 for normal and recognized executive-legislative commu-
22 nications, on any matter pending before Congress or a
23 State legislature or for lobbying activity as provided in 48
24 U.S.C. 1913; (2) used for litigation expenses; or (3) used
25 to support multi-State efforts or other coalition building

1 activities inconsistent with the restrictions contained in
2 this Act: *Provided further*, That all proceeds and recoveries
3 realized by the Secretary in carrying out activities author-
4 ized by the Act, including but not limited to, any proceeds
5 from the sale of assets, shall be available without further
6 appropriation and shall remain available until expended:
7 *Provided further*, That no funds provided in this Act may
8 be used to pursue repayment or collection of funds pro-
9 vided in any fiscal year to affected units of local govern-
10 ment for oversight activities that had been previously ap-
11 proved by the Department of Energy, or to withhold pay-
12 ment of any such funds.

13 DEPARTMENTAL ADMINISTRATION

14 (INCLUDING TRANSFER OF FUNDS)

15 For salaries and expenses of the Department of En-
16 ergy necessary for departmental administration in ear-
17 rying out the purposes of the Department of Energy Orga-
18 nization Act (42 U.S.C. 7101 et seq.), including the hire
19 of passenger motor vehicles and official reception and rep-
20 resentation expenses not to exceed \$35,000, \$278,382,000
21 (reduced by \$25,000,000) (reduced by \$27,800,000), to
22 remain available until expended, plus such additional
23 amounts as necessary to cover increases in the estimated
24 amount of cost of work for others notwithstanding the pro-
25 visions of the Anti-Deficiency Act (31 U.S.C. 1511 et

1 seq.): *Provided*, That such increases in cost of work are
2 offset by revenue increases of the same or greater amount,
3 to remain available until expended: *Provided further*, That
4 moneys received by the Department for miscellaneous rev-
5 enues estimated to total \$123,000,000 in fiscal year 2007
6 may be retained and used for operating expenses within
7 this account, and may remain available until expended, as
8 authorized by section 201 of Public Law 95-238, notwith-
9 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
10 *ther*, That the sum herein appropriated shall be reduced
11 by the amount of miscellaneous revenues received during
12 2007, and any related appropriated receipt account bal-
13 ances remaining from prior years' miscellaneous revenues,
14 so as to result in a final fiscal year 2007 appropriation
15 from the general fund estimated at not more than
16 \$155,382,000.

17 OFFICE OF THE INSPECTOR GENERAL

18 For necessary expenses of the Office of the Inspector
19 General in carrying out the provisions of the Inspector
20 General Act of 1978, as amended, \$45,507,000, to remain
21 available until expended.

1 ATOMIC ENERGY DEFENSE ACTIVITIES

2 NATIONAL NUCLEAR SECURITY

3 ADMINISTRATION

4 WEAPONS ACTIVITIES

5 (INCLUDING TRANSFER OF FUNDS)

6 For Department of Energy expenses, including the
7 purchase, construction, and acquisition of plant and cap-
8 ital equipment and other incidental expenses necessary for
9 atomic energy defense weapons activities in carrying out
10 the purposes of the Department of Energy Organization
11 Act (42 U.S.C. 7101 et seq.), including the acquisition or
12 condemnation of any real property or any facility or for
13 plant or facility acquisition, construction, or expansion;
14 and the purchase of not to exceed 14 passenger motor ve-
15 hicles, for replacement only, including not to exceed two
16 buses; \$6,412,001,000, to remain available until ex-
17 pended: *Provided*, That \$40,000,000 of that amount is for
18 the Material Consolidation and Upgrade Construction
19 Project, Buildings 651 and 691, at the Idaho National
20 Laboratory.

21 DEFENSE NUCLEAR NONPROLIFERATION

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

1 activities, in carrying out the purposes of the Department
2 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
3 cluding the acquisition or condemnation of any real prop-
4 erty or any facility or for plant or facility acquisition, con-
5 struction, or expansion, \$1,593,101,000 (increased by
6 \$27,800,000), to remain available until expended.

7 NAVAL REACTORS

8 For Department of Energy expenses necessary for
9 naval reactors activities to carry out the Department of
10 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
11 ing the acquisition (by purchase, condemnation, construe-
12 tion, or otherwise) of real property, plant, and capital
13 equipment, facilities, and facility expansion,
14 \$795,133,000, to remain available until expended.

15 OFFICE OF THE ADMINISTRATOR

16 For necessary expenses of the Office of the Adminis-
17 trator in the National Nuclear Security Administration,
18 including official reception and representation expenses
19 not to exceed \$12,000, \$399,576,000, to remain available
20 until expended.

21 ENVIRONMENTAL AND OTHER DEFENSE

22 ACTIVITIES

23 DEFENSE ENVIRONMENTAL CLEANUP

24 For Department of Energy expenses, including the
25 purchase, construction, and acquisition of plant and cap-

1 ital equipment and other expenses necessary for atomic
2 energy defense environmental cleanup activities in ear-
3 rying out the purposes of the Department of Energy Orga-
4 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
5 sition or condemnation of any real property or any facility
6 or for plant or facility acquisition, construction, or expan-
7 sion, \$4,951,812,000, to remain available until expended,
8 and \$600,000,000 for the Waste Treatment and Immo-
9 bilization Plant at Hanford, Washington, to remain avail-
10 able until September 30, 2007.

11 OTHER DEFENSE ACTIVITIES

12 For Department of Energy expenses, including the
13 purchase, construction, and acquisition of plant and cap-
14 ital equipment and other expenses, necessary for atomic
15 energy defense, other defense activities, and classified ac-
16 tivities, in carrying out the purposes of the Department
17 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
18 cluding the acquisition or condemnation of any real prop-
19 erty or any facility or for plant or facility acquisition, con-
20 struction, or expansion, and the purchase of not to exceed
21 ten passenger motor vehicles for replacement only,
22 \$720,788,000, to remain available until expended.

23 DEFENSE NUCLEAR WASTE DISPOSAL

24 For nuclear waste disposal activities to carry out the
25 purposes of Public Law 97-425, as amended, including

1 the acquisition of real property or facility construction or
 2 expansion, \$388,080,000, to remain available until ex-
 3 pended.

4 POWER MARKETING ADMINISTRATIONS

5 BONNEVILLE POWER ADMINISTRATION FUND

6 Expenditures from the Bonneville Power Administra-
 7 tion Fund, established pursuant to Public Law 93-454,
 8 are approved for official reception and representation ex-
 9 penses in an amount not to exceed \$1,500. During fiscal
 10 year 2007, no new direct loan obligations may be made.

11 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER 12 ADMINISTRATION

13 For necessary expenses of operation and maintenance
 14 of power transmission facilities and of electric power and
 15 energy, including transmission wheeling and ancillary
 16 services pursuant to section 5 of the Flood Control Act
 17 of 1944 (16 U.S.C. 825s), as applied to the southeastern
 18 power area, \$5,723,000, to remain available until ex-
 19 pended: *Provided*, That, notwithstanding 31 U.S.C. 3302,
 20 up to \$48,003,000 collected by the Southeastern Power
 21 Administration pursuant to the Flood Control Act of 1944
 22 to recover purchase power and wheeling expenses shall be
 23 credited to this account as offsetting collections, to remain
 24 available until expended for the sole purpose of making
 25 purchase power and wheeling expenditures.

20 CONSTRUCTION, REHABILITATION, OPERATION AND
21 MAINTENANCE, WESTERN AREA POWER ADMINIS-
22 TRATION

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1 servation and renewable resources programs as author-
 2 ized, including official reception and representation ex-
 3 penses in an amount not to exceed \$1,500; ~~\$212,213,000,~~
 4 to remain available until expended, of which \$208,776,000
 5 shall be derived from the Department of the Interior Rec-
 6 lamation Fund: *Provided,* That of the amount herein ap-
 7 propriated, ~~\$6,893,000~~ is for deposit into the Utah Rec-
 8 lamation Mitigation and Conservation Account pursuant
 9 to title IV of the Reclamation Projects Authorization and
 10 Adjustment Act of 1992: *Provided further,* That of the
 11 amount herein appropriated, \$6,000,000 shall be available
 12 until expended on a nonreimbursable basis to the Western
 13 Area Power Administration for Topock-Davis-Mead
 14 Transmission Line Upgrades: *Provided further,* That of
 15 the amount herein appropriated, ~~\$500,000~~ shall be avail-
 16 able until expended on a nonreimbursable basis to the Dy-
 17 namic Engineering Studies on the TOT-3 and Wyoming
 18 West Transmission projects: *Provided further,* That not-
 19 withstanding the provision of ~~31~~ U.S.C. ~~3302,~~ up to
 20 ~~\$472,593,000~~ collected by the Western Area Power Ad-
 21 ministration pursuant to the Flood Control Act of 1944
 22 and the Reclamation Project Act of 1939 to recover pur-
 23 chase power and wheeling expenses shall be credited to
 24 this account as offsetting collections, to remain available

1 until expended for the sole purpose of making purchase
 2 power and wheeling expenditures.

3 ~~FALCON AND AMISTAD OPERATING AND MAINTENANCE~~
 4 ~~FUND~~

5 For operation, maintenance, and emergency costs for
 6 the hydroelectric facilities at the Falcon and Amistad
 7 Dams, \$2,500,000, to remain available until expended,
 8 and to be derived from the Falcon and Amistad Operating
 9 and Maintenance Fund of the Western Area Power Ad-
 10 ministration, as provided in section 423 of the Foreign
 11 Relations Authorization Act, Fiscal Years 1994 and 1995.

12 ~~FEDERAL ENERGY REGULATORY COMMISSION~~
 13 ~~SALARIES AND EXPENSES~~

14 For necessary expenses of the Federal Energy Regu-
 15 latory Commission to carry out the provisions of the De-
 16 partment of Energy Organization Act (42 U.S.C. 7101 et
 17 seq.), including services as authorized by 5 U.S.C. 3109,
 18 the hire of passenger motor vehicles, and official reception
 19 and representation expenses not to exceed \$3,000,
 20 \$230,800,000, to remain available until expended: *Pro-*
 21 *vided,* That notwithstanding any other provision of law,
 22 not to exceed \$230,800,000 of revenues from fees and an-
 23 nual charges, and other services and collections in fiscal
 24 year 2007 shall be retained and used for necessary ex-
 25 penses in this account, and shall remain available until

1 expended: *Provided further*, That the sum herein appro-
2 priated from the general fund shall be reduced as revenues
3 are received during fiscal year 2007 so as to result in a
4 final fiscal year 2007 appropriation from the general fund
5 estimated at not more than \$0.

6 GENERAL PROVISIONS

7 DEPARTMENT OF ENERGY

8 SEC. 301. CONTRACT COMPETITION.—(a)(1) None of
9 the funds in this or any other appropriations Act for fiscal
10 year 2007 or any previous fiscal year may be used to make
11 payments for a noncompetitive management and operating
12 contract unless the Secretary of Energy has published in
13 the Federal Register and submitted to the Committees on
14 Appropriations of the House of Representatives and the
15 Senate a written notification, with respect to each such
16 contract, of the Secretary's decision to use competitive
17 procedures for the award of the contract, or to not renew
18 the contract, when the term of the contract expires.

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

25 (b) In this section:

1 (1) The term “noncompetitive management and
2 operating contract” means a contract that was
3 awarded more than 50 years ago without competi-
4 tion for the management and operation of Ames
5 Laboratory, Argonne National Laboratory, and Law-
6 rence Livermore National Laboratory.

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. WORKFORCE RESTRUCTURING.—None of~~
 7 ~~the funds appropriated by this Act may be used to—~~

8 (1) develop or implement a workforce restruc-
 9 turing plan that covers employees of the Department
 10 of Energy; or

11 (2) provide enhanced severance payments or
 12 other benefits for employees of the Department of
 13 Energy, under section 3161 of the National Defense
 14 Authorization Act for Fiscal Year 1993 (Public Law
 15 102–484; 42 U.S.C. 7274h).

16 ~~SEC. 303. SECTION 3161 ASSISTANCE.—None of the~~
 17 ~~funds appropriated by this Act may be used to augment~~
 18 ~~the funds made available for obligation by this Act for sev-~~
 19 ~~erance payments and other benefits and community assist-~~
 20 ~~ance grants under section 3161 of the National Defense~~
 21 ~~Authorization Act for Fiscal Year 1993 (Public Law 102–~~
 22 ~~484; 42 U.S.C. 7274h) unless the Department of Energy~~
 23 ~~submits a reprogramming request to the appropriate con-~~
 24 ~~gressional committees.~~

1 ~~SEC. 304. UNFUNDED REQUESTS FOR PRO-~~
2 ~~POSALS.—None of the funds appropriated by this Act may~~
3 ~~be used to prepare or initiate Requests For Proposals~~
4 ~~(RFPs) or other solicitations for a program if the program~~
5 ~~has not been funded by Congress.~~

6 ~~SEC. 305. UNEXPENDED BALANCES.—The unex-~~
7 ~~pended balances of prior appropriations provided for ac-~~
8 ~~tivities in this Act may be available to the same appropria-~~
9 ~~tion accounts for such activities established pursuant to~~
10 ~~this title. Available balances may be merged with funds~~
11 ~~in the applicable established accounts and thereafter may~~
12 ~~be accounted for as one fund for the same time period~~
13 ~~as originally enacted.~~

14 ~~SEC. 306. BONNEVILLE POWER ADMINISTRATION~~
15 ~~SERVICE TERRITORY.—None of the funds in this or any~~
16 ~~other Act for the Administrator of the Bonneville Power~~
17 ~~Administration may be used to enter into any agreement~~
18 ~~to perform energy efficiency services outside the legally de-~~
19 ~~finied Bonneville service territory, with the exception of~~
20 ~~services provided internationally, including services pro-~~
21 ~~vided on a reimbursable basis, unless the Administrator~~
22 ~~certifies in advance that such services are not available~~
23 ~~from private sector businesses.~~

24 ~~SEC. 307. USER FACILITIES.—When the Department~~
25 ~~of Energy makes a user facility available to universities~~

1 or other potential users, or seeks input from universities
2 or other potential users regarding significant characteris-
3 ties or equipment in a user facility or a proposed user fa-
4 cility, the Department shall ensure broad public notice of
5 such availability or such need for input to universities and
6 other potential users. When the Department of Energy
7 considers the participation of a university or other poten-
8 tial user as a formal partner in the establishment or oper-
9 ation of a user facility, the Department shall employ full
10 and open competition in selecting such a partner. For pur-
11 poses of this section, the term “user facility” includes, but
12 is not limited to: (1) a user facility as described in section
13 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C.
14 13503(a)(2)); (2) a National Nuclear Security Adminis-
15 tration Defense Programs Technology Deployment Cen-
16 ter/User Facility; and (3) any other Departmental facility
17 designated by the Department as a user facility.

18 SEC. 308. INTELLIGENCE ACTIVITIES.—Funds ap-
19 propriated by this or any other Act, or made available by
20 the transfer of funds in this Act, for intelligence activities
21 are deemed to be specifically authorized by the Congress
22 for purposes of section 504 of the National Security Act
23 of 1947 (50 U.S.C. 414) during fiscal year 2007 until the
24 enactment of the Intelligence Authorization Act for fiscal
25 year 2007.

1 SEC. 309. LABORATORY DIRECTED RESEARCH AND
2 DEVELOPMENT.—Of the funds made available by the De-
3 partment of Energy for activities at government-owned,
4 contractor-operator operated laboratories funded in this
5 Act, the Secretary may authorize a specific amount, not
6 to exceed 8 percent of such funds, to be used by such lab-
7 oratories for laboratory-directed research and develop-
8 ment: *Provided*, That the Secretary may also authorize a
9 specific amount not to exceed 3 percent of such funds,
10 to be used by the plant manager of a covered nuclear
11 weapons production plant or the manager of the Nevada
12 Site Office for plant or site-directed research and develop-
13 ment.

14 SEC. 310. TECHNOLOGY COMMERCIALIZATION
15 FUND.—None of the funds made available by this Act may
16 be used for technology commercialization activities funded
17 via a tax on applied energy research, development, dem-
18 onstration, and commercial application activities by the
19 Department of Energy as authorized by section 1001(e)
20 of title X of the Energy Policy Act of 2005.

21 SEC. 311. CONTRACTOR PENSION BENEFITS.—None
22 of the funds made available in title III of this Act shall
23 be used for implementation of the Department of Energy
24 Order N 351.1 modifying contractor employee pension and
25 medical benefits policy.

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TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding 40 U.S.C. 14704, and, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$35,472,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$22,260,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b)

1 of said Act, \$5,940,000, to remain available until ex-
 2 pended.

3 DENALI COMMISSION

4 For expenses of the Denali Commission including the
 5 purchase, construction and acquisition of plant and capital
 6 equipment as necessary and other expenses, \$7,536,000,
 7 to remain available until expended, notwithstanding the
 8 limitations contained in section 306(g) of the Denali Com-
 9 mission Act of 1998.

10 NUCLEAR REGULATORY COMMISSION

11 SALARIES AND EXPENSES

12 For necessary expenses of the Commission in ear-
 13 rying out the purposes of the Energy Reorganization Act
 14 of 1974, as amended, and the Atomic Energy Act of 1954,
 15 as amended, including official representation expenses not
 16 to exceed \$19,000, \$808,410,000, to remain available
 17 until expended: *Provided*, That of the amount appro-
 18 priated herein, \$40,981,840 shall be derived from the Nu-
 19 clear Waste Fund: *Provided further*, That revenues from
 20 licensing fees, inspection services, and other services and
 21 collections estimated at \$656,328,000 in fiscal year 2007
 22 shall be retained and used for necessary salaries and ex-
 23 penses in this account, notwithstanding 31 U.S.C. 3302,
 24 and shall remain available until expended: *Provided fur-*
 25 *ther*, That the sum herein appropriated shall be reduced

1 by the amount of revenues received during fiscal year
 2 2007 so as to result in a final fiscal year 2007 appropria-
 3 tion estimated at not more than \$152,082,000.

4 OFFICE OF INSPECTOR GENERAL

5 For necessary expenses of the Office of Inspector
 6 General in carrying out the provisions of the Inspector
 7 General Act of 1978, as amended, \$8,144,000, to remain
 8 available until expended: *Provided*, That revenues from li-
 9 censing fees, inspection services, and other services and
 10 collections estimated at \$7,330,000 in fiscal year 2007
 11 shall be retained and be available until expended, for nec-
 12 essary salaries and expenses in this account, notwith-
 13 standing 31 U.S.C. 3302: *Provided further*, That the sum
 14 herein appropriated shall be reduced by the amount of rev-
 15 enues received during fiscal year 2007 so as to result in
 16 a final fiscal year 2007 appropriation estimated at not
 17 more than \$814,000.

18 NUCLEAR WASTE TECHNICAL REVIEW BOARD

19 SALARIES AND EXPENSES

20 For necessary expenses of the Nuclear Waste Tech-
 21 nical Review Board, as authorized by Public Law 100-
 22 203, section 5051, \$3,670,000, to be derived from the Nu-
 23 clear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. 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 Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

SEC. 503. None of the funds made available by this Act from the Nuclear Waste Fund may be used to carry out the Global Nuclear Energy Partnership program.

SEC. 504. None of the funds made available by this Act shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order No. 13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), or subtitle A of title I of the Energy Policy Act of 2005 (including the amendments made thereby).

1 ~~SEC. 505.~~ None of the funds made available in this
 2 Act may be used in contravention of section 303 of the
 3 ~~Energy Policy Act of 1992 (42 U.S.C. 13212).~~

4 ~~SEC. 506.~~ None of the funds made available by this
 5 Act shall be used by the Federal Energy Regulatory Com-
 6 mission to enforce any claim for a termination payment
 7 (as defined in any jurisdictional contract) asserted by any
 8 regulated entity the Commission has found to have vio-
 9 lated the terms of its market-based rate authority by en-
 10 gaging in manipulation of market rules or exercise of mar-
 11 ket power in the Western Interconnection during the pe-
 12 riod ~~January 1, 2000, to June 20, 2001.~~

13 This Act may be cited as the “Energy and Water De-
 14 velopment Appropriations Act, 2007”.

15 *That the following sums are appropriated, out of any*
 16 *money in the Treasury not otherwise appropriated, for the*
 17 *fiscal year ending September 30, 2007, for energy and*
 18 *water development and for other purposes, namely:*

19 *TITLE I*

20 *CORPS OF ENGINEERS—CIVIL*

21 *DEPARTMENT OF THE ARMY*

22 *CORPS OF ENGINEERS—CIVIL*

23 *The following appropriations shall be expended under*
 24 *the direction of the Secretary of the Army and the super-*
 25 *vision of the Chief of Engineers for authorized civil func-*

1 *tions of the Department of the Army pertaining to rivers*
 2 *and harbors, flood control, shore protection and storm dam-*
 3 *age reduction, aquatic ecosystem restoration, and related*
 4 *purposes.*

5 *GENERAL INVESTIGATIONS*

6 *For expenses necessary for the collection and study of*
 7 *basic information pertaining to river and harbor, flood con-*
 8 *trol, shore protection and storm damage reduction, aquatic*
 9 *ecosystem restoration, and related projects, restudy of au-*
 10 *thorized projects, miscellaneous investigations, and, when*
 11 *authorized by law, surveys and detailed studies and plans*
 12 *and specifications of projects prior to construction,*
 13 *\$168,517,000, to remain available until expended: Pro-*
 14 *vided, That, the Secretary of the Army shall use the unobli-*
 15 *gated balances of \$818,000 for the Waikiki Shore Protection*
 16 *Study, Hawaii, and \$143,000 for the Kihei Shore Protec-*
 17 *tion Study, Hawaii, for the Laupahoehoe Harbor, Hawaii,*
 18 *preconstruction engineering and design, at full Federal ex-*
 19 *pense; to continue the Kawaihae Harbor, Hawaii, feasi-*
 20 *bility studies; and to continue preconstruction engineering*
 21 *and design studies for the Wailupe Stream, Oahu, Hawaii.*

22 *CONSTRUCTION GENERAL*

23 *(INCLUDING RESCISSION OF FUNDS)*

24 *For expenses necessary for the construction of river*
 25 *and harbor, flood control, shore protection and storm dam-*
 26 *age reduction, aquatic ecosystem restoration, and related*

1 *projects authorized by law; for conducting detailed studies,*
2 *and plans and specifications, of such projects (including*
3 *those involving participation by States, local governments,*
4 *or private groups) authorized or made eligible for selection*
5 *by law (but such detailed studies, and plans and specifica-*
6 *tions, shall not constitute a commitment of the Government*
7 *to construction); \$2,042,429,000, to remain available until*
8 *expended; of which such sums as are necessary to cover the*
9 *Federal share of construction costs for facilities under the*
10 *Dredged Material Disposal Facilities program shall be de-*
11 *derived from the Harbor Maintenance Trust Fund as author-*
12 *ized by Public Law 104–303; and of which such sums as*
13 *are necessary pursuant to Public Law 99–662 shall be de-*
14 *derived from the Inland Waterways Trust Fund, to cover one-*
15 *half of the costs of construction and rehabilitation of inland*
16 *waterways projects (including the rehabilitation costs for*
17 *Lock and Dam 11, Mississippi River, Iowa; Lock and Dam*
18 *19, Mississippi River, Iowa; Lock and Dam 24, Mississippi*
19 *River, Illinois and Missouri; Lock 27, Mississippi River,*
20 *Illinois; Markland Locks and Dam, Kentucky and Indiana;*
21 *Emsworth Locks and Dam, Ohio River, Pennsylvania; and*
22 *Lock and Dam 3, Mississippi River, Minnesota) shall be*
23 *derived from the Inland Waterways Trust Fund: Provided,*
24 *That the Chief of Engineers is directed to use \$13,000,000*
25 *of the funds appropriated herein for the Dallas Floodway*

1 *Extension, Texas, project, including the Cadillac Heights*
2 *feature, generally in accordance with the Chief of Engineers*
3 *report dated December 7, 1999: Provided further, That the*
4 *Chief of Engineers is directed to use \$1,500,000 of the funds*
5 *provided herein for the Hawaii Water Management Project:*
6 *Provided further, That the Chief of Engineers is directed*
7 *to use \$5,300,000 of the funds appropriated herein for plan-*
8 *ning, engineering, design or construction of the Grundy,*
9 *Buchanan County, and Dickenson County, Virginia, ele-*
10 *ments of the Levisa and Tug Forks of the Big Sandy River*
11 *and Upper Cumberland River Project: Provided further,*
12 *That the Chief of Engineers is directed to use \$7,500,000*
13 *of the funds appropriated herein for planning, engineering,*
14 *design or construction of the Lower Mingo County, Upper*
15 *Mingo County, Wayne County, McDowell County, West Vir-*
16 *ginia, elements of the Levisa and Tug Forks of the Big*
17 *Sandy River and Upper Cumberland River Project: Pro-*
18 *vided further, That the Chief of Engineers is directed to con-*
19 *tinue the Dickenson County Detailed Project Report as gen-*
20 *erally defined in Plan 4 of the Huntington District Engi-*
21 *neer's Draft Supplement to the section 202 General Plan*
22 *for Flood Damage Reduction dated April 1997, including*
23 *all Russell Fork tributary streams within the County and*
24 *special considerations as may be appropriate to address the*
25 *unique relocations and resettlement needs for the flood*

1 *prone communities within the County: Provided further,*
 2 *That the Chief of Engineers is directed to proceed with work*
 3 *on the permanent bridge to replace Folsom Bridge Dam*
 4 *Road, Folsom, California, as authorized by the Energy and*
 5 *Water Development Appropriations Act, 2004 (Public Law*
 6 *108–137), and, of the \$23,400,000 available for the Amer-*
 7 *ican River Watershed (Folsom Dam Mini-Raise), Cali-*
 8 *fornia, project, \$15,000,000 of those funds be directed for*
 9 *the permanent bridge, with all remaining devoted to the*
 10 *Mini-Raise: Provided further, That the Secretary of the*
 11 *Army shall use the prior unobligated balance of \$4,972,000*
 12 *from the Devils Lake Outlet, North Dakota, project for the*
 13 *Devils Lake, North Dakota, environmental infrastructure*
 14 *project: Provided further, That the Secretary of the Army*
 15 *shall use the prior year unobligated balance of \$1,500,000*
 16 *from the Waterbury Dam repairs project for the Lake*
 17 *Champlain Watershed project.*

18 *Of the funds provided under this heading in title I*
 19 *of Public Law 109–103, \$56,046,000 are rescinded.*

20 *FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES,*
 21 *ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MIS-*
 22 *SISSIPPI, MISSOURI, AND TENNESSEE*

23 *For expenses necessary for the flood damage reduction*
 24 *program for the Mississippi River alluvial valley below*
 25 *Cape Girardeau, Missouri, as authorized by law,*
 26 *\$450,530,000, to remain available until expended, of which*

1 *such sums as are necessary to cover the Federal share of*
2 *operation and maintenance costs for inland harbors shall*
3 *be derived from the Harbor Maintenance Trust Fund: Pro-*
4 *vided, That the Chief of Engineers is directed to use*
5 *\$15,000,000 of the funds provided herein for design and real*
6 *estate activities and pump supply elements for the Yazoo*
7 *Basin, Yazoo Backwater Pumping Plant, Mississippi: Pro-*
8 *vided further, That the Secretary of the Army, acting*
9 *through the Chief of Engineers is directed to use*
10 *\$14,000,000 appropriated herein for construction of water*
11 *withdrawal features of the Grand Prairie, Arkansas,*
12 *project.*

13 *OPERATION AND MAINTENANCE*

14 *For expenses necessary for the operation, maintenance,*
15 *and care of existing river and harbor, flood and storm dam-*
16 *age reduction, aquatic ecosystem restoration, and related*
17 *projects authorized by law, for providing security for infra-*
18 *structure owned and operated by, or on behalf of, the United*
19 *States Army Corps of Engineers (the “Corps”), including*
20 *administrative buildings and facilities, and laboratories,*
21 *and the Washington Aqueduct; for the maintenance of har-*
22 *bor channels provided by a State, municipality, or other*
23 *public agency that serve essential navigation needs of gen-*
24 *eral commerce, where authorized by law; and for surveys*
25 *and charting of northern and northwestern lakes and con-*
26 *necting waters, clearing and straightening channels, and re-*

1 *moval of obstructions to navigation, \$2,030,000,000, to re-*
2 *main available until expended, of which such sums as are*
3 *necessary to cover the Federal share of operation and main-*
4 *tenance costs for coastal harbors and channels, and inland*
5 *harbors shall be derived from the Harbor Maintenance*
6 *Trust Fund, pursuant to Public Law 99–662 may be de-*
7 *rived from that fund, as amended; of which such sums as*
8 *become available from the special account for the Corps es-*
9 *tablished by the Land and Water Conservation Act of 1965,*
10 *as amended (16 U.S.C. 460l–6a(i)), may be derived from*
11 *that account for resource protection, research, interpreta-*
12 *tion, and maintenance activities related to resource protec-*
13 *tion in the areas at which outdoor recreation is available;*
14 *and of which such sums as become available under section*
15 *217 of the Water Resources Development Act of 1996, Public*
16 *Law 104–303, shall be used to cover the cost of operation*
17 *and maintenance of the dredged material disposal facilities*
18 *for which fees have been collected: Provided, That utilizing*
19 *funds appropriated herein, for the Intracoastal Waterway,*
20 *Delaware River to Chesapeake Bay, Delaware and Mary-*
21 *land, the Chief of Engineers, is directed to reimburse the*
22 *State of Delaware for normal operation and maintenance*
23 *costs incurred by the State of Delaware for the SR1 Bridge*
24 *from station 58 + 00 to station 293 + 00 between October 1,*
25 *2005, and September 30, 2006: Provided further, That the*

1 *Chief of Engineers using \$500,000 of the funds made avail-*
2 *able, herein is authorized to complete, at full Federal ex-*
3 *pense, a detailed evaluation of the Albuquerque levees for*
4 *purposes of determining structural integrity, impacts of*
5 *vegetative growth, and performance under current*
6 *hydrological conditions.*

7 *FLOOD CONTROL AND COASTAL EMERGENCIES*

8 *For expenses necessary to prepare for flood, hurricane,*
9 *and other natural disasters and support emergency oper-*
10 *ations, repairs, and other activities in response to flood and*
11 *hurricane emergencies, as authorized by law, \$32,000,000,*
12 *to remain available until expended.*

13 *REGULATORY PROGRAM*

14 *For expenses necessary for administration of laws per-*
15 *taining to regulation of navigable waters and wetlands,*
16 *\$168,000,000, to remain available until expended.*

17 *FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM*

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

22 *GENERAL EXPENSES*

23 *For expenses necessary for general administration and*
24 *related civil works functions in the headquarters of the*
25 *United States Army Corps of Engineers, the offices of the*
26 *Division Engineers, the Humphreys Engineer Center Sup-*

1 *port Activity, the Institute for Water Resources, the United*
 2 *States Army Engineer Research and Development Center,*
 3 *and the United States Army Corps of Engineers Finance*
 4 *Center, \$164,000,000, to remain available until expended:*
 5 *Provided, That no part of any other appropriation pro-*
 6 *vided in title I of this Act shall be available to fund the*
 7 *civil works activities of the Office of the Chief of Engineers*
 8 *or the civil works executive direction and management ac-*
 9 *tivities of the division offices.*

10 *OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL*
 11 *WORKS)*

12 *No funds have been provided for the Office of the As-*
 13 *sistant Secretary of the Army (Civil Works).*

14 *ADMINISTRATIVE PROVISION*

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

21 *GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL*

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

25 *(1) creates or initiates a program, project or ac-*
 26 *tivity;*

1 (2) *GENERAL INVESTIGATIONS.—Reprogram-*
2 *ming a cumulative total of 50 percent or \$1,000,000,*
3 *whichever is less, is permitted for each study, pro-*
4 *gram or activity in this account unless prior ap-*
5 *proval is received from the House and Senate Com-*
6 *mittees on Appropriations: Provided, That the Com-*
7 *mittee does not object to reprogramming up to*
8 *\$50,000 to any continuing study or program that did*
9 *not receive an appropriation in the current year;*

10 (3) *CONSTRUCTION, GENERAL.—Reprogramming*
11 *a cumulative total of 50 percent or \$3,000,000, which-*
12 *ever is less, is permitted for each study, program or*
13 *activity in this account unless prior approval is re-*
14 *ceived from the House and Senate Committees on Ap-*
15 *propriations: Provided, That the Committee does not*
16 *object to reprogramming up to \$300,000 to any con-*
17 *tinuing project or program that did not receive an*
18 *appropriation in the current year;*

19 (4) *OPERATION AND MAINTENANCE.—Unlimited*
20 *reprogramming authority is granted in order for the*
21 *Corps to be able to respond to emergencies: Provided,*
22 *That the Chief of Engineers must notify the House*
23 *and Senate Committees on Appropriations of these*
24 *emergency actions as soon thereafter as practicable:*
25 *Provided further, That for all other situations, re-*

1 *programming a cumulative total of 50 percent or*
2 *\$5,000,000, whichever is less, is permitted for each*
3 *study, program or activity in this account unless*
4 *prior approval is received from the House and Senate*
5 *Committees on Appropriations: Provided further,*
6 *That the Committee does not object to reprogramming*
7 *up to \$500,000 to any continuing project or program*
8 *that did not receive an appropriation in the current*
9 *year;*

10 (5) *MISSISSIPPI RIVER AND TRIBUTARIES.—The*
11 *same reprogramming guidelines for the General In-*
12 *vestigations, Construction, General and Operation*
13 *and Maintenance portions of the Mississippi River*
14 *and Tributaries Account as listed above.*

15 (6) *FORMERLY UTILIZED SITES REMEDIAL AC-*
16 *TION PROGRAM.—Reprogramming of up to 15 percent*
17 *of the base of the receiving project is permitted unless*
18 *prior approval is received from the House and Senate*
19 *Committees on Appropriations.*

20 (b) *CONTINUING AUTHORITIES PROGRAM.—No funds*
21 *shall be reprogrammed into or out of section 205 of the*
22 *Flood Control Act of 1948; section 14 of the Flood Control*
23 *Act of 1946; section 208 of the Flood Control Act of 1954;*
24 *section 107 of the River and Harbor Act of 1960; section*
25 *103 of the River and Harbor Act of 1962; section 111 of*

1 *the River and Harbor Act of 1968; section 1135 of the Water*
2 *Resources Development Act of 1986; section 206 of the*
3 *Water Resources Development Act of 1996; sections 204 and*
4 *207 of the Water Resources Development Act of 1992 or sec-*
5 *tion 933 of the Water Resources Development Act of 1986:*
6 *Provided, That unlimited reprogramming is permitted*
7 *within any of the Continuing Authorities Programs Sec-*
8 *tions listed above.*

9 *SEC. 102. Beginning in fiscal year 2006 and there-*
10 *after, agreements proposed for execution by the Assistant*
11 *Secretary of the Army for Civil Works or the United States*
12 *Army Corps of Engineers after the date of the enactment*
13 *of this Act pursuant to section 4 of the River and Harbor*
14 *Act of 1915, Public Law 64–291; section 11 of the River*
15 *and Harbor Act of 1925, Public Law 68–585; the Civil*
16 *Functions Appropriations Act, 1936, Public Law 75–208;*
17 *section 215 of the Flood Control Act of 1968, as amended,*
18 *Public Law 90–483; sections 104, 203, and 204 of the Water*
19 *Resources Development Act of 1986, as amended, Public*
20 *Law 99–662; section 206 of the Water Resources Develop-*
21 *ment Act of 1992, as amended, Public Law 102–580; section*
22 *211 of the Water Resources Development Act of 1996, Public*
23 *Law 104–303; and any other specific project authority,*
24 *shall be limited to total credits and reimbursements for all*

1 *applicable projects not to exceed \$100,000,000 in each fiscal*
2 *year.*

3 *SEC. 103. None of the funds appropriated in this or*
4 *any other Act shall be used to demonstrate or implement*
5 *any plans divesting or transferring any Civil Works mis-*
6 *sions, functions, or responsibilities of the United States*
7 *Army Corps of Engineers to other government agencies*
8 *without specific direction in a subsequent Act of Congress.*

9 *SEC. 104. ST. GEORGES BRIDGE, DELAWARE.—None*
10 *of the funds made available in this Act may be used to carry*
11 *out any activity relating to closure or removal of the St.*
12 *Georges Bridge across the Intracoastal Waterway, Delaware*
13 *River to Chesapeake Bay, Delaware and Maryland, includ-*
14 *ing a hearing or any other activity relating to preparation*
15 *of an environmental impact statement concerning the clo-*
16 *sure or removal.*

17 *SEC. 105. Within 75 days of the date of the Chief of*
18 *Engineers Report on a water resource matter, the Assistant*
19 *Secretary of the Army (Civil Works) shall submit the report*
20 *to the appropriate authorizing and appropriating commit-*
21 *tees of the Congress.*

22 *SEC. 106. WATER REALLOCATION, LAKE CUM-*
23 *BERLAND, KENTUCKY. (a) IN GENERAL.—Subject to sub-*
24 *section (b), none of the funds made available by this Act*
25 *may be used to carry out any water reallocation project*

1 *or component under the Wolf Creek Project, Lake Cum-*
2 *berland, Kentucky, authorized under the Act of June 28,*
3 *1938 (52 Stat. 1215, chapter 795) and the Act of July 24,*
4 *1946 (60 Stat. 636, chapter 595).*

5 (b) *EXISTING REALLOCATIONS.*—Subsection (a) shall
6 *not apply to any water reallocation for Lake Cumberland,*
7 *Kentucky, that is carried out subject to an agreement or*
8 *payment schedule in effect on the date of enactment of this*
9 *Act.*

10 *SEC. 107. The project for flood control at Milton, West*
11 *Virginia, authorized by section 580 of the Water Resources*
12 *Development Act of 1996 (110 Stat. 3790), as modified by*
13 *section 340 of the Water Resources Development Act of 2000*
14 *(114 Stat. 2612), is modified to authorize the Secretary to*
15 *construct the project substantially in accordance with the*
16 *draft report of the Corps of Engineers dated April 2006,*
17 *at an estimated total cost of \$45,500,000, with an estimated*
18 *Federal cost of \$34,125,000 and an estimated non-Federal*
19 *cost of \$11,375,000.*

20 *SEC. 108. Using amounts available in the Revolving*
21 *Fund, the Secretary of the Army is authorized to construct*
22 *a new Environmental Laboratory and improvements to the*
23 *Information Technology Laboratory at the Engineer Re-*
24 *search and Development Center in Vicksburg, Mississippi:*
25 *Provided, That the Secretary shall ensure that the Revolv-*

1 *ing Fund is appropriately reimbursed from appropriations*
2 *of the Corps' benefiting programs by collection each year*
3 *of amounts sufficient to repay the capitalized cost of such*
4 *construction and improvements.*

5 *SEC. 109. The Secretary of the Army may enter into*
6 *cooperative agreements with any Indian Tribe whose lands*
7 *are located in New Mexico and occupied by a flood control*
8 *project owned and operated by the Corps of Engineers, to*
9 *assist in carrying out Operation and Maintenance activi-*
10 *ties associated with such project.*

11 *SEC. 110. Notwithstanding section 729 of the Water*
12 *Resources Development Act of 1986, as amended (33 U.S.C.*
13 *2267a), the Secretary shall credit toward the non-Federal*
14 *share of the cost of the Rio Grande Basin Watershed Study,*
15 *New Mexico, Colorado and Texas, the cost of in-kind serv-*
16 *ices contributed by the New Mexico Interstate Stream Com-*
17 *mission for the Study up to the full amount of the required*
18 *non-Federal share, in accordance with the Agreement be-*
19 *tween the Commission and the Department of the Army*
20 *dated December 3, 2001 as modified on January 14, 2002.*

21 *SEC. 111. Section 121 of the Energy and Water Devel-*
22 *opment Appropriations Act, 2006 (Public Law 109–103;*
23 *119 Stat. 2256) is amended by striking subsection (a) and*
24 *inserting the following:*

1 “(a) *The Secretary of the Army may carry out and*
2 *fund planning studies, watershed surveys and assessments,*
3 *or technical studies at 100 percent Federal expense to ac-*
4 *complish the purposes of the 2003 Biological Opinion de-*
5 *scribed in section 205(b) of the Energy and Water Develop-*
6 *ment Appropriations Act, 2005 (Public Law 108–447; 118*
7 *Stat. 2949) as amended by subsection (b). In carrying out*
8 *a study, survey, or assessment under this subsection the Sec-*
9 *retary shall consult with Federal, State, tribal and local*
10 *governmental entities, as well as entities participating in*
11 *the Middle Rio Grande Endangered Species Collaborative*
12 *Program referred to in section 205 of the Energy and Water*
13 *Development Appropriations Act, 2007. The Secretary may*
14 *also provide planning and administrative assistance to the*
15 *Middle Rio Grande Endangered Species Collaborative Pro-*
16 *gram, which assistance shall not be subject to cost sharing*
17 *requirements with non-Federal interests.”.*

18 *SEC. 112. Nothing in this Act or any other Act shall*
19 *be construed to require a specific deadline for implementa-*
20 *tion of 33 CFR 222.5(f)(2) and (3).*

21 *SEC. 113. The project for flood damage reduction, Rio*
22 *de Flag, Flagstaff, Arizona, authorized in section 101(b)(3)*
23 *of the Water Resources Development Act, 2000, is modified*
24 *to authorize the Secretary to construct the project, at a total*
25 *cost of \$54,130,000, with an estimated Federal cost of*

1 \$34,970,000, and an estimated non-Federal cost of
2 \$19,160,000.

3 *SEC. 114. Section 582(c)(2) of the Water Resources De-*
4 *velopment Act of 1999 (Public Law 106–53) is modified*
5 *by striking “\$1,000,000” and inserting “\$2,000,000”, in*
6 *lieu thereof.*

7 *SEC. 115. The project for flood control, Santa Ana*
8 *River Mainstem, including Santiago Creek, California, au-*
9 *thorized by section 401(a) of the Water Resources Develop-*
10 *ment Act of 1986 (Public Law 99–662), modified by section*
11 *104 of the Energy and Water Development Appropriations*
12 *Act, 1988 (Public Law 100–202), and by section 309 of the*
13 *Water Resources Development Act of 1996 (Public Law*
14 *104–303), is further modified to authorize the Chief of En-*
15 *gineers to carry out the project at a total cost of*
16 *\$1,800,000,000.*

17 *SEC. 116. The project for flood damage reduction and*
18 *recreation, Upper Guadalupe River, California, authorized*
19 *by section 101(a)(9) of the Water Resources Development*
20 *Act of 1999 (113 Stat. 275), is modified to authorize the*
21 *Secretary to construct the project generally in accordance*
22 *with the Upper Guadalupe River Flood Damage Reduction,*
23 *San Jose, California, Limited Reevaluation Report, dated*
24 *March 2004, at a total cost of \$244,500,000, with an esti-*

1 mated Federal cost of \$130,600,000 and an estimated non-
 2 Federal cost of \$113,900,000.

3 *SEC. 117. The Secretary of the Army, acting through*
 4 *the Chief of Engineers, is directed to convey at no cost,*
 5 *lands to Tate County School District, Tate County, Mis-*
 6 *issippi, the transfer of any real property interests, not to*
 7 *exceed 50 acres, at Arkabutla Lake deemed available by the*
 8 *Army that is located adjacent to school district property*
 9 *in the vicinity of State Highway 306 west of Coldwater,*
 10 *Mississippi. Such transfer shall be subject to the reservation*
 11 *of any required flowage easements for the operation of*
 12 *Arkabutla Lake and which preclude structures for human*
 13 *habitation. This property shall be used by the Tate County*
 14 *School District for public educational purposes.*

15 *SEC. 118. Section 219(f) of the Water Resources Devel-*
 16 *opment Act of 1992 (106 Stat. 4835; 113 Stat. 335–337;*
 17 *114 Stat. 2763A–220–221) is amended by adding at the*
 18 *end the following—*

19 “(72) *CLARK COUNTY, NEVADA.—\$50,000,000 for*
 20 *wastewater infrastructure, Clark County, Nevada.*

21 “(73) *HENDERSON, NEVADA.—\$15,000,000 for*
 22 *wastewater infrastructure, Henderson, Nevada.”.*

23 *SEC. 119. DEVILS LAKE, NORTH DAKOTA. (a) FUND-*
 24 *ING.—The matter under the heading “Construction, Gen-*
 25 *eral” in title I of the Energy and Water Development Ap-*

1 *appropriations Act, 2003 (117 Stat. 134), is amended by*
 2 *striking “as provided herein” and all that follows through*
 3 *“Sheyenne River” and inserting “, of which \$4,972,000*
 4 *shall be used to provide a municipal water supply system*
 5 *for Devils Lake, North Dakota in accordance with section*
 6 *598 of the Water Resources Act of 1999”.*

7 *(b) MUNICIPAL WATER SUPPLY SYSTEM.—*

8 *(1) IN GENERAL.—The Water Resources Develop-*
 9 *ment Act of 1999 (Public Law 106–53; 113 Stat. 269)*
 10 *is amended by inserting after section 597 the fol-*
 11 *lowing:*

12 **“SEC. 598. DEVILS LAKE, NORTH DAKOTA.**

13 *“(a) DEFINITION OF PROJECT.—In this section, the*
 14 *term ‘project’ means a project to provide a continued safe*
 15 *and reliable municipal water supply system for Devils*
 16 *Lake, North Dakota.*

17 *“(b) PROJECT COOPERATION AGREEMENT.—*

18 *“(1) IN GENERAL.—Subject to paragraph (2), the*
 19 *Secretary shall enter into a project cooperation agree-*
 20 *ment with the non-Federal interest to provide assist-*
 21 *ance in designing and constructing the project.*

22 *“(2) RESPONSIBILITY FOR DESIGN WORK.—At*
 23 *the option of the non-Federal interest, the non-Federal*
 24 *interest may complete the design work for the project.*

1 “(3) *NEPA.*—*The Secretary shall comply with*
 2 *all applicable requirements under the National Envi-*
 3 *ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)*
 4 *before beginning construction on the project.*

5 “(4) *REQUIREMENTS.*—*The project cooperation*
 6 *agreement entered into under this subsection shall*
 7 *provide for—*

8 “(A) *the development by local officials of a*
 9 *water supply project and related facilities, and*
 10 *if the non-Federal interest elects to complete the*
 11 *design work for the project, appropriate engi-*
 12 *neering plans and specifications; and*

13 “(B) *the establishment of such legal and in-*
 14 *stitutional structures as are necessary to ensure*
 15 *the effective long-term operation of the project by*
 16 *the non-Federal interest.*

17 “(5) *COST SHARING.*—

18 “(A) *IN GENERAL.*—*The project cooperation*
 19 *agreement shall provide that the Federal share of*
 20 *the cost of the project—*

21 “(i) *shall be 75 percent; and*

22 “(ii) *may be in the form of grants or*
 23 *reimbursements of project costs.*

24 “(B) *CREDIT FOR DESIGN AND ENGINEER-*
 25 *ING WORK.*—*The non-Federal interest shall re-*

ceive credit, not to exceed 6 percent of the total construction costs of design and engineering work completed by the non-Federal interest before entering into a project cooperation agreement with the Secretary under this subsection for the project.

“(C) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit, not to exceed 25 percent of the total cost of the project, for lands, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land).

“(D) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for the project shall be 100 percent.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$15,000,000, to remain available until expended.

SEC. 120. The Secretary of the Army, acting through the Chief of Engineers, is directed to fully utilize the Federal dredging fleet in support of all Army Corps of Engi-

1 *neers missions and no restrictions shall be placed on the*
2 *use or maintenance of any dredge in the Federal Fleet.*

3 *SEC. 121. The Secretary of the Army, acting through*
4 *the Chief of Engineers, is directed to maintain the Federal*
5 *dredging fleet to technologically modern and efficient stand-*
6 *ards.*

7 *SEC. 122. The Secretary of the Army, acting through*
8 *the Chief of Engineers is directed to utilize funds from the*
9 *revolving fund to expeditiously undertake necessary health*
10 *and safety improvements to the dredge “McFarland”: Pro-*
11 *vided, That the Secretary shall ensure that the Revolving*
12 *Fund is appropriately reimbursed from appropriations of*
13 *the Corps’ benefiting programs by collection each year of*
14 *amounts sufficient to repay the capitalized cost of such con-*
15 *struction and improvements.*

16 *SEC. 123. The Secretary of the Army is authorized to*
17 *use funds appropriated under the Missouri River Recovery*
18 *and Mitigation Program to assist the Bureau of Reclama-*
19 *tion in the design and construction of facilities of the Bu-*
20 *reau of Reclamation’s Lower Yellowstone Project near In-*
21 *take, Montana, for the purpose of ecosystem restoration; and*
22 *if appropriate may transfer such funds to the Bureau of*
23 *Reclamation, which shall use such transferred funds for*
24 *such purposes.*

1 *SEC. 124. The U.S. Army Corps of Engineers' share*
2 *of the total cost for projects and activities authorized under*
3 *16 U.S.C. 410-r-8 shall be limited to \$34,650,000.*

4 *SEC. 125. Sections 106 and 108 under title I of Public*
5 *Law 109-103 are repealed.*

6 *SEC. 126. Section 227 of Public Law 104-303 is modi-*
7 *fied as follows:*

8 *(1) Section 5(a) is amended by striking "7", and*
9 *inserting "12" in lieu thereof; and*

10 *(2) section 5(e)(2) is amended by striking*
11 *"\$25,000,000", and inserting "\$40,000,000" in lieu*
12 *thereof.*

13 *SEC. 127. All budget documents and justification ma-*
14 *terials for the Corps of Engineers annual budget submission*
15 *to Congress shall be assembled and presented based on the*
16 *most recent annual appropriations Act: Provided, That new*
17 *budget proposals for fiscal year 2008 and thereafter, shall*
18 *not be integrated into the budget justifications submitted*
19 *to Congress but shall be submitted separately from the budg-*
20 *et justifications documents.*

21 *SEC. 128. CONNECTICUT RIVER WATERSHED STUDY,*
22 *NEW HAMPSHIRE, CONNECTICUT, MASSACHUSETTS, AND*
23 *VERMONT.—Notwithstanding section 221 of the Flood Con-*
24 *trol Act of 1970 (42 U.S.C. 1962d-5b), The Nature Conser-*
25 *vancy may act as the non-Federal interest for purposes of*

1 *carrying out the work detailed in the agreement executed*
2 *between The Nature Conservancy and the Department of*
3 *the Army on August 5, 2005.*

4 *SEC. 129. The last sentence of section 215(a) of the*
5 *Flood Control Act of 1968 (42 U.S.C. 1962d–5a(a)) is*
6 *amended by striking “\$5,000,000” and inserting*
7 *“\$7,000,000”.*

8 *SEC. 130. JOHNSON CREEK, ARLINGTON, TEXAS. (a)*
9 *IN GENERAL.—The project for flood damage reduction, en-*
10 *vironmental restoration and recreation, Johnson Creek, Ar-*
11 *lington, Texas, authorized by section 101(b)(14) of the*
12 *Water Resources Development Act of 1999 (113 Stat. 280–*
13 *281) is modified to authorize the Secretary to construct the*
14 *project substantially in accordance with the report entitled*
15 *Johnson Creek: A Vision of Conservation, dated March 30,*
16 *2006, at a total cost of \$80,000,000, with an estimated Fed-*
17 *eral cost of \$52,000,000 and an estimated non-Federal cost*
18 *of \$28,000,000 if the Secretary determines that the project*
19 *is technically sound and environmentally acceptable.*

20 *(b) NON-FEDERAL SHARE.—*

21 *(1) IN GENERAL.—The non-Federal share of the*
22 *cost of the project may be provided in cash or in the*
23 *form of in-kind services or materials.*

24 *(2) CREDIT AND REIMBURSEMENT.—The Sec-*
25 *retary shall credit toward the non-Federal share of*

1 *the cost of the project the cost of planning, design,*
 2 *and construction work carried out by the non-Federal*
 3 *interest for implementation of the project, if the Sec-*
 4 *retary determines that the work is integral to the*
 5 *project. Subject to the availability of funds, the non-*
 6 *Federal interest shall be reimbursed for costs incurred*
 7 *by the non-Federal interest that exceed the non-Fed-*
 8 *eral share of project costs.*

9 (c) *CONFORMING AMENDMENT.*—*Section 134 of the*
 10 *Energy and Water Development Appropriations Act, 2006*
 11 *(119 Stat. 2264) is repealed.*

12 *SEC. 131. MCALPINE LOCK AND DAM, INDIANA AND*
 13 *KENTUCKY. Section 101(a)(10) of the Water Resources De-*
 14 *velopment Act of 1990, Public Law 101–640, is amended*
 15 *by striking both occurrences of “\$219,600,000” and insert-*
 16 *ing in their place “\$430,000,000”.*

17 *SEC. 132. AUTHORITY TO WAIVE ANNUAL LIMITATION*
 18 *ON TOTAL COMPENSATION PAID TO FEDERAL CIVILIAN EM-*
 19 *PLOYEES. (a) WAIVER AUTHORITY.*—*During 2006 and not-*
 20 *withstanding section 5547 of title 5, United States Code,*
 21 *the secretary of a military department may waive, subject*
 22 *to subsection (b), the limitation established in that section*
 23 *for total compensation (including limitations on the aggre-*
 24 *gate of basic pay and premium pay payable in a calendar*
 25 *year) of an employee who performs work in connection with*

1 *an emergency that involves a direct threat to life or prop-*
 2 *erty, including work performed in the aftermath of such an*
 3 *emergency.*

4 (b) *\$200,000 MAXIMUM TOTAL COMPENSATION.—The*
 5 *total compensation of an employee whose pay is covered by*
 6 *a waiver under subsection (a) may not exceed \$200,000 in*
 7 *a calendar year.*

8 (c) *ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—*
 9 *To the extent that a waiver under subsection (a) results in*
 10 *payment of additional premium pay of a type that is nor-*
 11 *mally creditable as basic pay for retirement or any other*
 12 *purpose, such additional pay—*

13 (1) *shall not be considered to be basic pay for*
 14 *any purpose; and*

15 (2) *shall not be used in computing a lump sum*
 16 *payment for accumulated and accrued annual leave*
 17 *under section 5551 of title 5, United States Code.*

18 SEC. 133. *The Secretary is authorized and directed to*
 19 *reimburse local governments for expenses they have incurred*
 20 *in storm-proofing pumping stations, constructing safe*
 21 *houses for operators, and other interim flood control meas-*
 22 *ures in and around the New Orleans metropolitan area,*
 23 *provided the Secretary determines those elements of work*
 24 *and related expenses to be integral to the overall plan to*
 25 *ensure operability of the stations during hurricanes, storms*

1 *and high water events and the flood control plan for the*
 2 *area.*

3 *SEC. 134. Section 101(a)(5) of the Water Resources De-*
 4 *velopment Act of 1996 (110 Stat. 3663) is amended—*

5 *(1) by inserting “(A) IN GENERAL.—” before*
 6 *“The”; and*

7 *(2) by adding at the end the following:*

8 *“(B) CREDIT TOWARD NON-FEDERAL*
 9 *SHARE.—The Secretary shall credit toward the*
 10 *non-Federal share of the project the costs ex-*
 11 *pended by non-Federal interests for the replace-*
 12 *ment and reconstruction of the Soquel Avenue*
 13 *Bridge, if the Secretary determines that the work*
 14 *is integral to the project.*

15 *“(C) MAXIMUM AMOUNT OF CREDIT.—The*
 16 *credit under paragraph (B) may not exceed*
 17 *\$2,000,000.*

18 *“(D) LIMITATION OF TOTAL PROJECT*
 19 *COST.—The Secretary shall not include the costs*
 20 *to be credited under paragraphs (B) and (C) in*
 21 *total project costs in determining the amounts of*
 22 *the Federal and non-Federal contributions.”.*

23 *SEC. 135. MISSOURI AND MIDDLE MISSISSIPPI RIV-*
 24 *ERS ENHANCEMENT PROJECT. Section 514(g) of the Water*
 25 *Resources Development Act of 1999 (Public Law 106–53)*

1 *is amended by striking the words “for the period of fiscal*
 2 *years 2000 and 2001.” and inserting in lieu thereof “per*
 3 *year, and that authority shall extend until Federal fiscal*
 4 *year 2015.”.*

5 *TITLE II*

6 *DEPARTMENT OF THE INTERIOR*

7 *CENTRAL UTAH PROJECT*

8 *CENTRAL UTAH PROJECT COMPLETION ACCOUNT*

9 *For carrying out activities authorized by the Central*
 10 *Utah Project Completion Act, \$38,552,000, to remain avail-*
 11 *able until expended, of which \$965,000 shall be deposited*
 12 *into the Utah Reclamation Mitigation and Conservation*
 13 *Account for use by the Utah Reclamation Mitigation and*
 14 *Conservation Commission.*

15 *In addition, for necessary expenses incurred in car-*
 16 *rying out related responsibilities of the Secretary of the In-*
 17 *terior, \$1,603,000, to remain available until expended.*

18 *For fiscal year 2007, the Commission may use an*
 19 *amount not to exceed \$1,500,000 for administrative ex-*
 20 *penses.*

21 *BUREAU OF RECLAMATION*

22 *The following appropriations shall be expended to exe-*
 23 *cute authorized functions of the Bureau of Reclamation:*

1 WATER AND RELATED RESOURCES

2 (INCLUDING TRANSFER OF FUNDS)

3 For management, development, and restoration of
4 water and related natural resources and for related activi-
5 ties, including the operation, maintenance, and rehabilita-
6 tion of reclamation and other facilities, participation in
7 fulfilling related Federal responsibilities to Native Ameri-
8 cans, and related grants to, and cooperative and other
9 agreements with, State and local governments, Indian
10 tribes, and others, \$888,994,000, to remain available until
11 expended, of which \$64,878,000 shall be available for trans-
12 fer to the Upper Colorado River Basin Fund and
13 \$27,552,000 shall be available for transfer to the Lower Col-
14 orado River Basin Development Fund; of which such
15 amounts as may be necessary may be advanced to the Colo-
16 rado River Dam Fund; of which not more than \$500,000
17 is for high priority projects which shall be carried out by
18 the Youth Conservation Corps, as authorized by 16 U.S.C.
19 1706: Provided, That such transfers may be increased or
20 decreased within the overall appropriation under this head-
21 ing: Provided further, That of the total appropriated, the
22 amount for program activities that can be financed by the
23 Reclamation Fund or the Bureau of Reclamation special
24 fee account established by 16 U.S.C. 460l-6a(i) shall be de-
25 rived from that Fund or account: Provided further, That
26 funds contributed under 43 U.S.C. 395 are available until

1 expended for the purposes for which contributed: Provided
2 further, That funds advanced under 43 U.S.C. 397a shall
3 be credited to this account and are available until expended
4 for the same purposes as the sums appropriated under this
5 heading: Provided further, That funds available for expend-
6 iture for the Departmental Irrigation Drainage Program
7 may be expended by the Bureau of Reclamation for site re-
8 mediation on a non-reimbursable basis: Provided further,
9 That the Bureau of Reclamation is authorized to determine
10 the feasibility of rehabilitating the St. Mary Diversion and
11 Conveyance Works in order to provide for sustained envi-
12 ronmental and economic benefit within the St. Mary and
13 Milk River Basins; and to develop an emergency response
14 plan, in the case of a catastrophic failure of the St. Mary
15 Diversion and Conveyance Works: Provided further, That
16 the costs related to this feasibility study shall be expended
17 on a non-reimbursable basis: Provided further, That the Bu-
18 reau of Reclamation is authorized to analyze, review, and
19 enhance current cost and design estimates for the repair of
20 the inlet and outlet canals of the Jackson Gulch, Mancos
21 Project: Provided further, That the Federal share of the cost
22 of the studies carried out under this section shall be ex-
23 pended on a non-reimbursable basis.

24 CENTRAL VALLEY PROJECT RESTORATION FUND

25 For carrying out the programs, projects, plans, and
26 habitat restoration, improvement, and acquisition provi-

1 sions of the Central Valley Project Improvement Act,
 2 \$41,478,000, to be derived from such sums as may be col-
 3 lected in the Central Valley Project Restoration Fund pur-
 4 suant to sections 3407(d), 3404(c)(3), 3405(f), and
 5 3406(c)(1) of Public Law 102-575, to remain available
 6 until expended: Provided, That the Bureau of Reclamation
 7 is directed to assess and collect the full amount of the addi-
 8 tional mitigation and restoration payments authorized by
 9 section 3407(d) of Public Law 102-575: Provided further,
 10 That none of the funds made available under this heading
 11 may be used for the acquisition or leasing of water for in-
 12 stream purposes if the water is already committed to in-
 13 stream purposes by a court adopted decree or order.

14 CALIFORNIA BAY-DELTA RESTORATION

15 (INCLUDING TRANSFER OF FUNDS)

16 For carrying out activities authorized by the Water
 17 Supply, Reliability, and Environmental Improvement Act,
 18 consistent with plans to be approved by the Secretary of
 19 the Interior, \$38,610,000, to remain available until ex-
 20 pended, of which such amounts as may be necessary to
 21 carry out such activities may be transferred to appropriate
 22 accounts of other participating Federal agencies to carry
 23 out authorized purposes: Provided, That funds appro-
 24 priated herein may be used for the Federal share of the costs
 25 of CALFED Program management: Provided further, That
 26 the use of any funds provided to the California Bay-Delta

1 *Authority for program-wide management and oversight ac-*
 2 *tivities shall be subject to the approval of the Secretary of*
 3 *the Interior: Provided further, That CALFED implementa-*
 4 *tion shall be carried out in a balanced manner with clear*
 5 *performance measures demonstrating concurrent progress*
 6 *in achieving the goals and objectives of the Program.*

7 *POLICY AND ADMINISTRATION*

8 *For necessary expenses of policy, administration, and*
 9 *related functions in the office of the Commissioner, the Den-*
 10 *ver office, and offices in the five regions of the Bureau of*
 11 *Reclamation, to remain available until expended,*
 12 *\$58,069,000, to be derived from the Reclamation Fund and*
 13 *be nonreimbursable as provided in 43 U.S.C. 377: Provided,*
 14 *That no part of any other appropriation in this Act shall*
 15 *be available for activities or functions budgeted as policy*
 16 *and administration expenses.*

17 *ADMINISTRATIVE PROVISIONS*

18 *Appropriations for the Bureau of Reclamation shall*
 19 *be available for purchase of not to exceed 14 passenger*
 20 *motor vehicles, of which 11 are for replacement only.*

21 *GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR*

22 *SEC. 201. (a) None of the funds appropriated or other-*
 23 *wise made available by this Act may be used to determine*
 24 *the final point of discharge for the interceptor drain for*
 25 *the San Luis Unit until development by the Secretary of*
 26 *the Interior and the State of California of a plan, which*

1 *shall conform to the water quality standards of the State*
2 *of California as approved by the Administrator of the Envi-*
3 *ronmental Protection Agency, to minimize any detrimental*
4 *effect of the San Luis drainage waters.*

5 **(b)** *The costs of the Kesterson Reservoir Cleanup Pro-*
6 *gram and the costs of the San Joaquin Valley Drainage*
7 *Program shall be classified by the Secretary of the Interior*
8 *as reimbursable or nonreimbursable and collected until fully*
9 *repaid pursuant to the “Cleanup Program-Alternative Re-*
10 *payment Plan” and the “SJVDP-Alternative Repayment*
11 *Plan” described in the report entitled “Repayment Report,*
12 *Kesterson Reservoir Cleanup Program and San Joaquin*
13 *Valley Drainage Program, February 1995”, prepared by*
14 *the Department of the Interior, Bureau of Reclamation.*
15 *Any future obligations of funds by the United States relat-*
16 *ing to, or providing for, drainage service or drainage stud-*
17 *ies for the San Luis Unit shall be fully reimbursable by*
18 *San Luis Unit beneficiaries of such service or studies pur-*
19 *suant to Federal reclamation law.*

20 **SEC. 202.** *None of the funds appropriated or otherwise*
21 *made available by this or any other Act may be used to*
22 *pay the salaries and expenses of personnel to purchase or*
23 *lease water in the Middle Rio Grande or the Carlsbad*
24 *Projects in New Mexico unless said purchase or lease is in*

1 *compliance with the purchase requirements of section 202*
2 *of Public Law 106–60.*

3 *SEC. 203. Funds under this title for Drought Emer-*
4 *gency Assistance shall be made available primarily for leas-*
5 *ing of water for specified drought related purposes from*
6 *willing lessors, in compliance with existing State laws and*
7 *administered under State water priority allocation. Such*
8 *leases may be entered into with an option to purchase: Pro-*
9 *vided, That such purchase is approved by the State in*
10 *which the purchase takes place and the purchase does not*
11 *cause economic harm within the State in which the pur-*
12 *chase is made.*

13 *SEC. 204. The Secretary of the Interior, acting through*
14 *the Commissioner of the Bureau of Reclamation, is author-*
15 *ized to enter into grants, cooperative agreements, and other*
16 *agreements with irrigation or water districts and States to*
17 *fund up to 50 percent of the cost of planning, designing,*
18 *and constructing improvements that will conserve water,*
19 *increase water use efficiency, or enhance water management*
20 *through measurement or automation, at existing water sup-*
21 *ply projects within the States identified in the Act of June*
22 *17, 1902, as amended, and supplemented: Provided, That*
23 *when such improvements are to federally owned facilities,*
24 *such funds may be provided in advance on a non-reimburs-*
25 *able basis to an entity operating affected transferred works*

1 or may be deemed non-reimbursable for non-transferred
 2 works: Provided further, That the calculation of the non-
 3 Federal contribution shall provide for consideration of the
 4 value of any in-kind contributions, but shall not include
 5 funds received from other Federal agencies: Provided fur-
 6 ther, That the cost of operating and maintaining such im-
 7 provements shall be the responsibility of the non-Federal en-
 8 tity: Provided further, That this section shall not supercede
 9 any existing project-specific funding authority: Provided
 10 further, That the Secretary is also authorized to enter into
 11 grants or cooperative agreements with universities or non-
 12 profit research institutions to fund water use efficiency re-
 13 search.

14 SEC. 205. (a) Section 209 of the Energy and Water
 15 Development Appropriations Act, 2004 (Public Law 108-
 16 137; 117 Stat. 1850) is repealed.

17 (b) The Secretary of the Interior (referred to in this
 18 section as the “Secretary”) shall establish an Executive
 19 Committee of the Middle Rio Grande Endangered Species
 20 Collaborative Program (referred to in this section as the
 21 “Executive Committee”) consistent with section 5 of the by-
 22 laws of the Middle Rio Grande Endangered Species Collabo-
 23 rative Program adopted on June 9, 2006.

24 (c) In compliance with applicable Federal and State
 25 laws, the Secretary (acting through the Commissioner of

1 *Reclamation*), in collaboration with the Executive Com-
2 mittee, may enter into any grants, contracts, cooperative
3 agreements, interagency agreements, or other agreements
4 that the Secretary determines to be necessary to comply
5 with the 2003 Biological Opinion described in section
6 205(b) of the Energy and Water Development Appropria-
7 tions Act, 2005 (Public Law 108–447; 118 Stat. 2949) as
8 amended by section 121(b) of the Energy and Water Devel-
9 opment Appropriations Act, 2006 (Public Law 109–103;
10 119 Stat. 2256).

11 (d)(1) *The acquisition of water under subsection (c)*
12 *and any administrative costs associated with carrying out*
13 *subsection (c) shall be at full Federal expense.*

14 (2) *Not more than 15 percent of amounts appropriated*
15 *to carry out subsection (c) shall be made available for the*
16 *payment of administrative expenses associated with car-*
17 *rying out that subsection.*

18 (e)(1) *The non-Federal share of activities carried out*
19 *under subsection (c) (other than an activity or a cost de-*
20 *scribed in subsection (d)(1)) shall be 25 percent. The non-*
21 *Federal cost share shall be determined on a programmatic,*
22 *rather than a project-by-project basis.*

23 (2) *The non-Federal share required under paragraph*
24 *(1) may be in the form of in-kind contributions, the value*
25 *of which shall be determined by the Secretary.*

1 (f) *Nothing in this section modifies or expands the dis-*
2 *cretion of the Secretary with respect to operating reservoir*
3 *facilities under the jurisdiction of the Secretary in the Rio*
4 *Grande Valley, New Mexico.*

5 *SEC. 206. In furtherance of section 529 of Public Law*
6 *106–541, the Secretary of the Interior shall continue to par-*
7 *ticipate in implementation of the Project at Las Vegas*
8 *Wash and Lake Mead in accordance with the Plan, and*
9 *may provide grants to the Southern Nevada Water Author-*
10 *ity to carry out the implementation of the Project at Las*
11 *Vegas Wash and Lake Mead in accordance with the Plan:*
12 *Provided, That issuance of any such grants shall not modify*
13 *the cost sharing requirements provided in section 529(b) of*
14 *Public Law 106–541.*

15 *SEC. 207. RESTORATION OF FISH, WILDLIFE, AND AS-*
16 *SOCIATED HABITATS IN WATERSHEDS OF CERTAIN LAKES.*
17 *In carrying out section 2507 of Public Law 107–171, the*
18 *Secretary of the Interior, acting through the Commissioner*
19 *of Reclamation, shall use \$5,000,000 to provide grants, to*
20 *be divided equally, to the State of Nevada, the State of Cali-*
21 *fornia, the Federal Watermaster, the Truckee Meadows*
22 *Water Authority, and the Pyramid Lake Paiute Tribe, to*
23 *implement the Truckee River Settlement Act, Public Law*
24 *101–618.*

1 *SEC. 208. ALL AMERICAN CANAL PROJECTS. Public*
 2 *Law 100–675 (102 Stat. 4000 et seq.) is amended by adding*
 3 *at the end the following new section:*

4 **“SEC. 211. ALL AMERICAN CANAL PROJECTS.**

5 *“(a) Notwithstanding any other provision of law, upon*
 6 *enactment of this subsection, the Secretary shall without*
 7 *delay implement the All American Canal Lining Project*
 8 *identified as the preferred alternative in the Record of Deci-*
 9 *sion dated July 29, 1994, and as defined in the Allocation*
 10 *Agreement allocating water from the All American Canal*
 11 *Lining Project entered into as of October 10, 2003. If a*
 12 *State conducts a review or study of the implications of the*
 13 *All American Canal Lining Project as implemented, then*
 14 *upon request from the Governor of said State, the Commis-*
 15 *sioner of Reclamation shall cooperate, to the extent prac-*
 16 *ticable, in such review or study: Provided, That in no event*
 17 *shall the review or study delay implementation of the All*
 18 *American Canal Lining Project.*

19 *“(b) Notwithstanding any other provision of law, upon*
 20 *enactment of this subsection, the Secretary shall, pursuant*
 21 *to authority granted by the Act of January 21, 1927 (44*
 22 *Stat. 1010 et seq.), as amended by the Act of July 1, 1940*
 23 *(54 Stat. 708), the Act of June 28, 1946 (60 Stat. 338),*
 24 *and the Act of May 1, 1958 (72 Stat. 101), without delay*
 25 *proceed to design and provide for the construction, oper-*

1 *ation and maintenance of a regulated water storage facility,*
 2 *including all incidental works that are reasonably nec-*
 3 *essary to operate the storage facility, to provide additional*
 4 *storage capacity to reduce non-storable flows on the Colo-*
 5 *rado River below Parker Dam. The storage facility shall*
 6 *be located near or on the All American Canal, including*
 7 *all incidental works.*

8 “(c) *The Treaty between the United States of America*
 9 *and the Republic of Mexico relating to Utilization of the*
 10 *Waters of the Colorado and Tijuana Rivers and of the Rio*
 11 *Grande, Treaty Series 994 (59 Stat. 1219), is the exclusive*
 12 *authority for identifying, considering, analyzing, or ad-*
 13 *ressing impacts occurring outside the boundary of the*
 14 *United States of works constructed, acquired or used within*
 15 *the territorial limits of the United States.”.*

16 *TITLE III*

17 *DEPARTMENT OF ENERGY*

18 *ENERGY PROGRAMS*

19 *ENERGY SUPPLY AND CONSERVATION*

20 *For Department of Energy expenses including the pur-*
 21 *chase, construction, and acquisition of plant and capital*
 22 *equipment, and other expenses necessary for energy supply*
 23 *and energy conservation activities in carrying out the pur-*
 24 *poses of the Department of Energy Organization Act (42*
 25 *U.S.C. 7101 et seq.), including the acquisition or con-*

1 *demnation of any real property or any facility or for plant*
 2 *or facility acquisition, construction, or expansion,*
 3 *\$2,294,053,000, to remain available until expended: Pro-*
 4 *vided, That \$300,000,000 is authorized to be appropriated*
 5 *for the Advanced Fuel Cycle Initiative and that*
 6 *\$500,000,000 is authorized to be appropriated for nuclear*
 7 *energy research and development activities within the De-*
 8 *partment of Energy.*

9 *CLEAN COAL TECHNOLOGY*

10 *(DEFERRAL AND RESCISSION AND TRANSFER)*

11 *Of the funds made available under this heading for*
 12 *obligation in prior years, \$203,000,000 shall not be avail-*
 13 *able until October 1, 2007: Provided, That funds made*
 14 *available in previous appropriations Acts shall be made*
 15 *available for any ongoing project regardless of the separate*
 16 *request for proposal under which the project was selected:*
 17 *Provided further, That \$50,000,000 of uncommitted bal-*
 18 *ances is rescinded.*

19 *FOSSIL ENERGY RESEARCH AND DEVELOPMENT*

20 *For necessary expenses in carrying out fossil energy*
 21 *research and development activities, under the authority of*
 22 *the Department of Energy Organization Act (Public Law*
 23 *95–91), including the acquisition of interest, including de-*
 24 *feasible and equitable interests in any real property or any*
 25 *facility or for plant or facility acquisition or expansion,*

1 *and for conducting inquiries, technological investigations*
2 *and research concerning the extraction, processing, use, and*
3 *disposal of mineral substances without objectionable social*
4 *and environmental costs (30 U.S.C. 3, 1602, and 1603),*
5 *\$644,267,000, to remain available until expended, of which*
6 *\$54,000,000 shall be derived by transfer from “Clean Coal*
7 *Technology” and is available to continue a multi-year*
8 *project coordinated with the private sector for FutureGen,*
9 *without regard to the terms and conditions applicable to*
10 *clean coal technology projects: Provided, That the initial*
11 *planning and research stages of the FutureGen project shall*
12 *include a matching requirement from non-Federal sources*
13 *of at least 20 percent of the costs: Provided further, That*
14 *any demonstration component of such project shall require*
15 *a matching requirement from non-Federal sources of at*
16 *least 50 percent of the costs of the component: Provided fur-*
17 *ther, That of the amounts provided, \$70,000,000 is avail-*
18 *able, after coordination with the private sector, for a request*
19 *for proposals for the Clean Coal Power Initiative in accord-*
20 *ance with sections 401 and 402 of Public Law 109–58: Pro-*
21 *vided further, That funds appropriated for prior solicita-*
22 *tions under the Clean Coal Technology Program, Power*
23 *Plant Improvement Initiative, and Clean Coal Power Ini-*
24 *tiative, but not required by the Department to meet its obli-*
25 *gations on projects selected under such solicitations, may*

1 *be utilized for the solicitation under this Act in accordance*
2 *with the requirements of this Act rather than the Acts under*
3 *which the funds were appropriated: Provided further, That*
4 *no project may be selected for which full funding is not*
5 *available to provide for the total project: Provided further,*
6 *That if applications selected for negotiation under this Act,*
7 *are not awarded within two years from the date the appli-*
8 *cation was selected, negotiations shall cease and the Federal*
9 *funds committed to the application shall be applied to the*
10 *next round of the Clean Coal Power Initiative, except that*
11 *the time limits may be extended at the Secretary's discre-*
12 *tion for matters outside the control of the applicant, or if*
13 *the Secretary determines that extension of the time limits*
14 *are in the public interest: Provided further, That the De-*
15 *partment shall not finance more than 50 percent of the total*
16 *costs of a project as estimated by the Department as of the*
17 *date of award of financial assistance: Provided further,*
18 *That financial assistance for costs in excess of those esti-*
19 *mated as of the date of award of original financial assist-*
20 *ance may not be provided in excess of the proportion of*
21 *costs borne by the Government in the original agreement*
22 *and only up to 25 percent of the original financial assist-*
23 *ance: Provided further, That at least 50 percent cost-sharing*
24 *shall be required in each budget period of a project: Pro-*
25 *vided further, That other appropriated funds are not cost-*

1 *sharing for the purposes of this appropriation: Provided*
2 *further, That funds derived by the Tennessee Valley Author-*
3 *ity from its power program shall be considered as eligible*
4 *to meet cost-sharing requirements except to the extent that*
5 *such funds are provided by annual appropriations Acts:*
6 *Provided further, That funds provided for Clean Coal Power*
7 *Initiative cooperative agreements awarded pursuant to this*
8 *Act shall not be subject to repayment in accordance with*
9 *section 988 of Public Law 109–58: Provided further, That*
10 *no funds are appropriated hereunder to support centers for*
11 *excellence under section 404 of Public Law 109–58: Pro-*
12 *vided further, That no part of the sum herein made avail-*
13 *able shall be used for the field testing of nuclear explosives*
14 *in the recovery of oil and gas: Provided further, That up*
15 *to 4 percent of program direction funds available to the Na-*
16 *tional Energy Technology Laboratory may be used to sup-*
17 *port Department of Energy activities not included in this*
18 *account: Provided further, That for fiscal year 2007 salaries*
19 *for Federal employees performing research and development*
20 *activities at the National Energy Technology Laboratory*
21 *can continue to be funded from program accounts: Provided*
22 *further, That the Secretary of Energy is authorized to ac-*
23 *cept fees and contributions from public and private sources,*
24 *to be deposited in a contributed funds account, and pros-*
25 *ecute projects using such fees and contributions in coopera-*

1 *tion with other Federal, State, or private agencies or con-*
2 *cerns: Provided further, That revenues and other moneys*
3 *received by or for the account of the Department of Energy*
4 *or otherwise generated by sale of products in connection*
5 *with projects of the Department appropriated under the*
6 *Fossil Energy Research and Development account may be*
7 *retained by the Secretary of Energy, to be available until*
8 *expended, and used only for plant construction, operation,*
9 *costs, and payments to cost-sharing entities as provided in*
10 *appropriate cost-sharing contracts or agreements.*

11 *NAVAL PETROLEUM AND OIL SHALE RESERVES*

12 *For expenses necessary to carry out naval petroleum*
13 *and oil shale reserve activities, including the hire of pas-*
14 *senger motor vehicles, \$39,810,000, to remain available*
15 *until expended: Provided, That, notwithstanding any other*
16 *provision of law, unobligated funds remaining from prior*
17 *years shall be available for all naval petroleum and oil shale*
18 *reserve activities.*

19 *STRATEGIC PETROLEUM RESERVE*

20 *For necessary expenses for Strategic Petroleum Reserve*
21 *facility development and operations and program manage-*
22 *ment activities pursuant to the Energy Policy and Con-*
23 *servation Act of 1975, as amended (42 U.S.C. 6201 et seq.),*
24 *including the hire of passenger motor vehicles, the hire,*
25 *maintenance, and operation of aircraft, the purchase, re-*

1 *pair, and cleaning of uniforms, the reimbursement to the*
2 *General Services Administration for security guard serv-*
3 *ices, \$155,430,000, to remain available until expended.*

4 *NORTHEAST HOME HEATING OIL RESERVE*

5 *For necessary expenses for Northeast Home Heating*
6 *Oil Reserve storage, operation, and management activities*
7 *pursuant to the Energy Policy and Conservation Act,*
8 *\$4,950,000, to remain available until expended.*

9 *ENERGY INFORMATION ADMINISTRATION*

10 *For necessary expenses in carrying out the activities*
11 *of the Energy Information Administration, \$93,032,000, to*
12 *remain available until expended.*

13 *NON-DEFENSE ENVIRONMENTAL CLEANUP*

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 non-defense*
17 *environmental cleanup activities in carrying out the pur-*
18 *poses of the Department of Energy Organization Act (42*
19 *U.S.C. 7101 et seq.), including the acquisition or con-*
20 *demnation of any real property or any facility or for plant*
21 *or facility acquisition, construction, or expansion, and the*
22 *purchase of not to exceed six passenger motor vehicles for*
23 *replacement only, \$310,358,000, to remain available until*
24 *expended.*

1 *URANIUM ENRICHMENT DECONTAMINATION AND*
2 *DECOMMISSIONING FUND*

3 *For necessary expenses in carrying out uranium en-*
4 *richment facility decontamination and decommissioning,*
5 *remedial actions, and other activities of title II of the Atom-*
6 *ic Energy Act of 1954, as amended, and title X, subtitle*
7 *A, of the Energy Policy Act of 1992, \$573,368,000, to be*
8 *derived from the Fund, to remain available until expended,*
9 *of which \$0 shall be available in accordance with title X,*
10 *subtitle A, of the Energy Policy Act of 1992.*

11 *SCIENCE*

12 *For Department of Energy expenses including the pur-*
13 *chase, construction and acquisition of plant and capital*
14 *equipment, and other expenses necessary for science activi-*
15 *ties in carrying out the purposes of the Department of En-*
16 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
17 *the acquisition or condemnation of any real property or*
18 *facility or for plant or facility acquisition, construction, or*
19 *expansion, and purchase of not to exceed twenty-five pas-*
20 *senger motor vehicles for replacement only, \$4,241,062,000,*
21 *to remain available until expended.*

22 *NUCLEAR WASTE DISPOSAL*

23 *For nuclear waste disposal activities to carry out the*
24 *purposes of the Nuclear Waste Policy Act of 1982, Public*
25 *Law 97-425, as amended (the “Act”), including the acqui-*

1 *sition of real property or facility construction or expansion,*
2 *\$136,420,000, to remain available until expended, of which*
3 *\$136,000,000 shall be derived from the Nuclear Waste Fund:*
4 *Provided, That of the amounts provided, \$10,000,000 shall*
5 *be used to promote the development of one or more Depart-*
6 *ment of Energy consolidation and preparation facilities for*
7 *spent nuclear fuel at locations that are both (i) away from*
8 *civilian nuclear power reactors, and (ii) in a State other*
9 *than one in which there is located a site that has been either*
10 *recommended by the President for a permanent repository*
11 *for spent nuclear fuel and high-level radioactive waste, or*
12 *for which the Nuclear Regulatory Commission has author-*
13 *ized the construction and operation of a commercial, away*
14 *from reactor, dry storage facility for spent nuclear fuel:*
15 *Provided further, That of the funds made available in this*
16 *Act for Nuclear Waste Disposal, \$2,000,000 shall be pro-*
17 *vided to the State of Nevada solely for expenditures, other*
18 *than salaries and expenses of State employees, to conduct*
19 *scientific oversight responsibilities and participate in li-*
20 *censing activities pursuant to the Act: Provided further,*
21 *That notwithstanding the lack of a written agreement with*
22 *the State of Nevada under section 117(c) of the Nuclear*
23 *Waste Policy Act of 1982, Public Law 97-425, as amended,*
24 *not less than \$500,000 shall be provided to Nye County,*
25 *Nevada, for on-site oversight activities under section 117(d)*

1 *of that Act: Provided further, That \$7,500,000 shall be pro-*
2 *vided to affected units of local government, as defined in*
3 *the Act, to conduct appropriate activities and participate*
4 *in licensing activities: Provided further, That 7.5 percent*
5 *of the funds provided shall be made available to affected*
6 *units of local government in California with the balance*
7 *made available to affected units of local government in Ne-*
8 *vada for distribution as determined by the Nevada units*
9 *of local government: Provided further, That notwith-*
10 *standing the provisions of chapters 65 and 75 of title 31,*
11 *United States Code, the Department shall have no moni-*
12 *toring, auditing or other oversight rights or responsibilities*
13 *over amounts provided to affected units of local government*
14 *in this or any previous year: Provided further, That the*
15 *funds for the State of Nevada shall be made available solely*
16 *to the Nevada Division of Emergency Management by direct*
17 *payment and to units of local government by direct pay-*
18 *ment: Provided further, That within 90 days of the comple-*
19 *tion of each Federal fiscal year, the Nevada Division of*
20 *Emergency Management and the Governor of the State of*
21 *Nevada and each of the affected units of local government*
22 *shall provide certification to the Department of Energy that*
23 *all funds expended from such payments have been expended*
24 *for activities authorized by the Act and this Act: Provided*
25 *further, That failure to provide such certification shall*

1 *cause such entity to be prohibited from any further funding*
2 *provided for similar activities: Provided further, That none*
3 *of the funds herein appropriated may be: (1) used directly*
4 *or indirectly to influence legislative action, except for nor-*
5 *mal and recognized executive-legislative communications,*
6 *on any matter pending before Congress or a State legisla-*
7 *ture or for lobbying activity as provided in 18 U.S.C. 1913;*
8 *(2) used for litigation expenses; or (3) used to support*
9 *multi-State efforts or other coalition building activities in-*
10 *consistent with the restrictions contained in this Act: Pro-*
11 *vided further, That all proceeds and recoveries realized by*
12 *the Secretary in carrying out activities authorized by the*
13 *Act, including but not limited to, any proceeds from the*
14 *sale of assets, shall be available without further appropria-*
15 *tion and shall remain available until expended: Provided*
16 *further, That no funds provided in this Act or any previous*
17 *Act may be used to pursue repayment or collection of funds*
18 *provided in any fiscal year to affected units of local govern-*
19 *ment for oversight activities that had been previously ap-*
20 *proved by the Department of Energy, or to withhold pay-*
21 *ment of any such funds.*

22 *DEPARTMENTAL ADMINISTRATION*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *For salaries and expenses of the Department of Energy*
25 *necessary for departmental administration in carrying out*

1 *the purposes of the Department of Energy Organization Act*
2 *(42 U.S.C. 7101 et seq.), including the hire of passenger*
3 *motor vehicles and official reception and representation ex-*
4 *penses not to exceed \$35,000, \$281,382,000, to remain*
5 *available until expended, plus such additional amounts as*
6 *necessary to cover increases in the estimated amount of cost*
7 *of work for others notwithstanding the provisions of the*
8 *Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided,*
9 *That such increases in cost of work are offset by revenue*
10 *increases of the same or greater amount, to remain avail-*
11 *able until expended: Provided further, That moneys received*
12 *by the Department for miscellaneous revenues estimated to*
13 *total \$123,000,000 in fiscal year 2007 may be retained and*
14 *used for operating expenses within this account, and may*
15 *remain available until expended, as authorized by section*
16 *201 of Public Law 95–238, notwithstanding the provisions*
17 *of 31 U.S.C. 3302: Provided further, That the sum herein*
18 *appropriated shall be reduced by the amount of miscella-*
19 *neous revenues received during 2007, and any related ap-*
20 *propriated receipt account balances remaining from prior*
21 *years' miscellaneous revenues, so as to result in a final fis-*
22 *cal year 2007 appropriation from the general fund esti-*
23 *mated at not more than \$158,382,000.*

1 *OFFICE OF THE INSPECTOR GENERAL*

2 *For necessary expenses of the Office of the Inspector*
3 *General in carrying out the provisions of the Inspector Gen-*
4 *eral Act of 1978, as amended, \$45,507,000, to remain avail-*
5 *able until expended.*

6 *ATOMIC ENERGY DEFENSE ACTIVITIES*

7 *NATIONAL NUCLEAR SECURITY ADMINISTRATION*

8 *WEAPONS ACTIVITIES*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *For Department of Energy expenses, including the*
11 *purchase, construction, and acquisition of plant and cap-*
12 *ital equipment and other incidental expenses necessary for*
13 *atomic energy defense weapons activities in carrying out*
14 *the purposes of the Department of Energy Organization Act*
15 *(42 U.S.C. 7101 et seq.), including the acquisition or con-*
16 *demnation of any real property or any facility or for plant*
17 *or facility acquisition, construction, or expansion; and the*
18 *purchase of not to exceed 14 passenger motor vehicles, for*
19 *replacement only, including not to exceed two buses;*
20 *\$6,503,051,000, to remain available until expended: Pro-*
21 *vided, That \$112,422,000 is provided for the 04-D-125*
22 *Chemistry and Metallurgy facility replacement project:*
23 *Provided further, That \$7,000,000 is provide for project en-*
24 *gineering and design work on LANSCE-Replacement.*

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 ac-*
6 *tivities, in carrying out the purposes of the Department of*
7 *Energy Organization Act (42 U.S.C. 7101 et seq.), includ-*
8 *ing the acquisition or condemnation of any real property*
9 *or any facility or for plant or facility acquisition, construc-*
10 *tion, or expansion, \$1,572,654,000, to remain available*
11 *until expended.*

12 *NAVAL REACTORS*

13 *For Department of Energy expenses necessary for*
14 *naval reactors activities to carry out the Department of En-*
15 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
16 *the acquisition (by purchase, condemnation, construction,*
17 *or otherwise) of real property, plant, and capital equip-*
18 *ment, facilities, and facility expansion, \$795,133,000, to re-*
19 *main 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, in-*
23 *cluding official reception and representation expenses not*
24 *to exceed \$12,000, \$386,576,000, to remain available until*
25 *expended.*

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 en-*
7 *ergy defense environmental cleanup activities in carrying*
8 *out the purposes of the Department of Energy Organization*
9 *Act (42 U.S.C. 7101 et seq.), including the acquisition or*
10 *condemnation of any real property or any facility or for*
11 *plant or facility acquisition, construction, or expansion,*
12 *\$5,479,070,000, to remain available until expended: Pro-*
13 *vided, That any penalties assessed for non-compliance with*
14 *the Consent Order for the cleanup at Los Alamos National*
15 *Lab shall be assessed to the Program Direction account.*

17 *For Department of Energy expenses, including the*
18 *purchase, construction, and acquisition of plant and cap-*
19 *ital equipment and other expenses, necessary for atomic en-*
20 *ergy defense, other defense activities, and classified activi-*
21 *ties, in carrying out the purposes of the Department of En-*
22 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
23 *the acquisition or condemnation of any real property or*
24 *any facility or for plant or facility acquisition, construc-*
25 *tion, or expansion, and the purchase of not to exceed ten*

1 *passenger motor vehicles for replacement only,*
2 *\$731,788,000, to remain available until expended.*

3 *DEFENSE NUCLEAR WASTE DISPOSAL*

4 *For nuclear waste disposal activities to carry out the*
5 *purposes of Public Law 97–425, as amended, including the*
6 *acquisition of real property or facility construction or ex-*
7 *pansion, \$358,080,000, to remain available until expended.*

8 *POWER MARKETING ADMINISTRATIONS*

9 *BONNEVILLE POWER ADMINISTRATION FUND*

10 *Expenditures from the Bonneville Power Administra-*
11 *tion Fund, established pursuant to Public Law 93–454, are*
12 *approved for the Lower Granite Dam fish trap, the Chief*
13 *Joseph Dam Hatchery, the Kootenai River White Sturgeon*
14 *Hatchery, the Nez Perce Tribal Hatchery, Redfish Lake*
15 *Sockeye Captive Brood expansion, and, in addition, for offi-*
16 *cial reception and representation expenses in an amount*
17 *not to exceed \$1,500. During fiscal year 2007, no new direct*
18 *loan obligations may be made.*

19 *OPERATION AND MAINTENANCE, SOUTHEASTERN POWER*
20 *ADMINISTRATION*

21 *For necessary expenses of operation and maintenance*
22 *of power transmission facilities and of electric power and*
23 *energy, including transmission wheeling and ancillary*
24 *services pursuant to section 5 of the Flood Control Act of*
25 *1944 (16 U.S.C. 825s), as applied to the southeastern power*

1 area, \$5,723,000, to remain available until expended: Pro-
 2 vided, That, notwithstanding 31 U.S.C. 3302, up to
 3 \$34,392,000 collected by the Southeastern Power Adminis-
 4 tration pursuant to the Flood Control Act of 1944 to recover
 5 purchase power and wheeling expenses shall be credited to
 6 this account as offsetting collections, to remain available
 7 until expended for the sole purpose of making purchase
 8 power and wheeling expenditures.

9 OPERATION AND MAINTENANCE, SOUTHWESTERN POWER
 10 ADMINISTRATION

11 For necessary expenses of operation and maintenance
 12 of power transmission facilities and of marketing electric
 13 power and energy, for construction and acquisition of
 14 transmission lines, substations and appurtenant facilities,
 15 and for administrative expenses, including official recep-
 16 tion and representation expenses in an amount not to ex-
 17 ceed \$1,500 in carrying out section 5 of the Flood Control
 18 Act of 1944 (16 U.S.C. 825s), as applied to the southwestern
 19 power administration, \$31,539,000, to remain available
 20 until expended: Provided, That, notwithstanding 31 U.S.C.
 21 3302, up to \$40,600,000 collected by the Southwestern
 22 Power Administration pursuant to the Flood Control Act
 23 to recover purchase power and wheeling expenses shall be
 24 credited to this account as offsetting collections, to remain

1 *available until expended for the sole purpose of making pur-*
 2 *chase power and wheeling expenditures.*

3 *CONSTRUCTION, REHABILITATION, OPERATION AND*
 4 *MAINTENANCE, WESTERN AREA POWER ADMINISTRATION*

5 *For carrying out the functions authorized by title III,*
 6 *section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C.*
 7 *7152), and other related activities including conservation*
 8 *and renewable resources programs as authorized, including*
 9 *official reception and representation expenses in an amount*
 10 *not to exceed \$1,500; \$212,213,000, to remain available*
 11 *until expended, of which \$208,776,000 shall be derived from*
 12 *the Department of the Interior Reclamation Fund: Pro-*
 13 *vided, That of the amount herein appropriated, \$6,892,000*
 14 *is for deposit into the Utah Reclamation Mitigation and*
 15 *Conservation Account pursuant to title IV of the Reclama-*
 16 *tion Projects Authorization and Adjustment Act of 1992:*
 17 *Provided further, That notwithstanding the provision of 31*
 18 *U.S.C. 3302, up to \$274,852,000 collected by the Western*
 19 *Area Power Administration pursuant to the Flood Control*
 20 *Act of 1944 and the Reclamation Project Act of 1939 to*
 21 *recover purchase power and wheeling expenses shall be cred-*
 22 *ited to this account as offsetting collections, to remain avail-*
 23 *able until expended for the sole purpose of making purchase*
 24 *power and wheeling expenditures.*

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, \$2,500,000, to remain available until expended, and*
6 *to be derived from the Falcon and Amistad Operating and*
7 *Maintenance Fund of the Western Area Power Administra-*
8 *tion, as provided in section 423 of the Foreign Relations*
9 *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 *\$230,800,000, to remain available until expended: Pro-*
19 *vided, That notwithstanding any other provision of law, not*
20 *to exceed \$230,800,000 of revenues from fees and annual*
21 *charges, and other services and collections in fiscal year*
22 *2007 shall be retained and used for necessary expenses in*
23 *this account, and shall remain available until expended:*
24 *Provided further, That the sum herein appropriated from*
25 *the general fund shall be reduced as revenues are received*

1 *during fiscal year 2007 so as to result in a final fiscal year*
2 *2007 appropriation from the general fund estimated at not*
3 *more than \$0.*

4 *GENERAL PROVISIONS, DEPARTMENT OF*
5 *ENERGY*

6 *SEC. 301. CONTRACT COMPETITION. (a)(1) None of the*
7 *funds in this or any other appropriations Act for fiscal year*
8 *2007 or any previous fiscal year may be used to make pay-*
9 *ments for a noncompetitive management and operating*
10 *contract unless the Secretary of Energy has published in*
11 *the Federal Register and submitted to the Committees on*
12 *Appropriations of the House of Representatives and the*
13 *Senate a written notification, with respect to each such con-*
14 *tract, of the Secretary's decision to use competitive proce-*
15 *dures for the award of the contract, or to not renew the*
16 *contract, when 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 con-*
21 *tinuity of service between contracts, or to complete a con-*
22 *tract 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 competition*
2 *for the management and operation of Ames Labora-*
3 *tory, Argonne National Laboratory, Lawrence Berke-*
4 *ley National Laboratory, Lawrence Livermore Na-*
5 *tional Laboratory, and Los Alamos National Labora-*
6 *tory.*

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

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

1 *House of Representatives and the Senate a report notifying*
2 *the Committees of the waiver and setting forth, in speci-*
3 *ficity, the substantive reasons why the Secretary believes the*
4 *requirement for competition should be waived for this par-*
5 *ticular award.*

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

8 *(1) develop or implement a workforce restruc-*
9 *turing plan that covers employees of the Department*
10 *of Energy; or*

11 *(2) provide enhanced severance payments or*
12 *other benefits for employees of the Department of En-*
13 *ergy, under section 3161 of the National Defense Au-*
14 *thorization Act for Fiscal Year 1993 (Public Law*
15 *102–484; 42 U.S.C. 7274h).*

16 *SEC. 303. SECTION 3161 ASSISTANCE. None of the*
17 *funds appropriated by this Act may be used to augment*
18 *the funds made available for obligation by this Act for sever-*
19 *ance payments and other benefits and community assist-*
20 *ance grants under section 3161 of the National Defense Au-*
21 *thorization Act for Fiscal Year 1993 (Public Law 102–484;*
22 *42 U.S.C. 7274h) unless the Department of Energy submits*
23 *a reprogramming request to the appropriate congressional*
24 *committees.*

1 *SEC. 304. UNFUNDED REQUESTS FOR PROPOSALS.*

2 *None of the funds appropriated by this Act may be used*
3 *to prepare or initiate Requests For Proposals (RFPs) for*
4 *a program if the program has not been funded by Congress.*

5 *SEC. 305. UNEXPEND BALANCES. The unexpended bal-*
6 *ances of prior appropriations provided for activities in this*
7 *Act may be available to the same appropriation accounts*
8 *for such activities established pursuant to this title. Avail-*
9 *able balances may be merged with funds in the applicable*
10 *established accounts and thereafter may be accounted for*
11 *as one fund for the same time period as originally enacted.*

12 *SEC. 306. BONNEVILLE POWER AUTHORITY SERVICE*
13 *TERRITORY. None of the funds in this or any other Act for*
14 *the Administrator of the Bonneville Power Administration*
15 *may be used to enter into any agreement to perform energy*
16 *efficiency services outside the legally defined Bonneville*
17 *service territory, with the exception of services provided*
18 *internationally, including services provided on a reimburs-*
19 *able basis, unless the Administrator certifies in advance*
20 *that such services are not available from private sector busi-*
21 *nesses.*

22 *SEC. 307. USER FACILITIES. When the Department of*
23 *Energy makes a user facility available to universities or*
24 *other potential users, or seeks input from universities or*
25 *other potential users regarding significant characteristics or*

1 equipment in a user facility or a proposed user facility,
 2 the Department shall ensure broad public notice of such
 3 availability or such need for input to universities and other
 4 potential users. When the Department of Energy considers
 5 the participation of a university or other potential user as
 6 a formal partner in the establishment or operation of a user
 7 facility, the Department shall employ full and open com-
 8 petition in selecting such a partner. For purposes of this
 9 section, the term “user facility” includes, but is not limited
 10 to: (1) a user facility as described in section 2203(a)(2) of
 11 the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2)
 12 a National Nuclear Security Administration Defense Pro-
 13 grams Technology Deployment Center/User Facility; and
 14 (3) any other Departmental facility designated by the De-
 15 partment as a user facility.

16 *SEC. 308. INTELLIGENCE ACTIVITIES.* Funds appro-
 17 priated by this or any other Act, or made available by the
 18 transfer of funds in this Act, for intelligence activities are
 19 deemed to be specifically authorized by the Congress for pur-
 20 poses of section 504 of the National Security Act of 1947
 21 (50 U.S.C. 414) during fiscal year 2007 until the enactment
 22 of the Intelligence Authorization Act for fiscal year 2007.

23 *SEC. 309. LABORATORY DIRECTED RESEARCH AND*
 24 *DEVELOPMENT.* Of the funds made available by the Depart-
 25 ment of Energy for activities at government-owned, con-

1 *tractor-operator operated laboratories funded in this Act or*
2 *subsequent Energy and Water Development Appropriations*
3 *Acts, the Secretary may authorize a specific amount, not*
4 *to exceed 8 percent of such funds, to be used by such labora-*
5 *tories for laboratory-directed research and development:*
6 *Provided, That the Secretary may also authorize a specific*
7 *amount not to exceed 4 percent of such funds, to be used*
8 *by the plant manager of a covered nuclear weapons produc-*
9 *tion plant or the manager of the Nevada Site Office for*
10 *plant or site-directed research and development: Provided*
11 *further, That notwithstanding Department of Energy order*
12 *413.2A, dated January 8, 2001, beginning in fiscal year*
13 *2006 and thereafter, all DOE laboratories may be eligible*
14 *for laboratory directed research and development funding.*

15 *SEC. 310. For fiscal year 2007 and each year there-*
16 *after, for the cost of guaranteed loans as authorized by sec-*
17 *tion 1702(b)(2) of the Energy Policy Act of 2005, such sums*
18 *as are hereafter derived from amounts received from bor-*
19 *rowers pursuant to section 1702(b)(2) of that Act, to remain*
20 *available until expended: Provided, That the source of such*
21 *payments received from borrowers is not a loan or other*
22 *debt obligation that is guaranteed by the Federal Govern-*
23 *ment. In addition, for administrative expenses to carry out*
24 *the guaranteed loan program, such sums as are hereafter*
25 *derived from loan fees collected under section 1702(h) of the*

1 *Energy Policy Act of 2006, which shall be transferred to*
2 *and merged with the appropriation for “Departmental Ad-*
3 *ministration”, to be used only for the costs of administering*
4 *the loan guarantee program authorized under that Act, and*
5 *to remain available until expended.*

6 *SEC. 311. To the extent the Secretary of Energy deems*
7 *necessary to implement research and development activities*
8 *at a site to establish and evaluate the technical feasibility*
9 *of advanced recycling technologies, the Secretary of Energy*
10 *may take title to spent fuel from civilian nuclear power*
11 *reactors and transport such spent fuel to and store it at*
12 *the site; provided that the Secretary shall remove from the*
13 *site such spent fuel or any high-level radioactive waste re-*
14 *sulting from processing the spent fuel not later than one*
15 *year after the completion of the research and development*
16 *activities.*

17 *SEC. 312. For fiscal year 2007, except as otherwise*
18 *provided by law in effect as of the date of this Act or unless*
19 *a rate is specifically set by an Act of Congress thereafter,*
20 *the Administrators of the Southeastern Power Administra-*
21 *tion, the Southwestern Power Administration, and the*
22 *Western Area Power Administration, shall use the “yield”*
23 *rate in computing interest during construction and interest*
24 *on the unpaid balance of the costs of Federal power facili-*
25 *ties. The yield rate shall be defined as the average yield*

1 *during the preceding fiscal year on interest-bearing market-*
 2 *able securities of the United States which, at the time the*
 3 *computation is made, have terms of 15 years or more re-*
 4 *maining to maturity.*

5 *SEC. 313. CONSOLIDATION AND PREPARATION FACILI-*
 6 *TIES. (a) DEFINITIONS.—*

7 *(1) ACCEPT, ACCEPTANCE.—The terms “accept”*
 8 *and “acceptance” mean the Secretary’s act of taking*
 9 *possession of, and title to, spent nuclear fuel or high-*
 10 *level radioactive waste.*

11 *(2) CIVILIAN NUCLEAR POWER REACTOR.—The*
 12 *term “civilian nuclear power reactor” shall have the*
 13 *same meaning as provided in the Nuclear Waste Pol-*
 14 *icy Act of 1982 (42 U.S.C. 10101 et seq.).*

15 *(3) COMMISSION.—The term “Commission”*
 16 *means the Nuclear Regulatory Commission.*

17 *(4) CONSOLIDATION AND PREPARATION FACIL-*
 18 *ITY.—The term “consolidation and preparation facil-*
 19 *ity” means a facility designed and constructed for the*
 20 *receipt, handling, possession, safeguarding, and stor-*
 21 *age of spent nuclear fuel and high-level radioactive*
 22 *waste in accordance with this section.*

23 *(5) CONTRACTS.—The term “contracts” means*
 24 *the contracts executed under section 302(a) of the Nu-*
 25 *clear Waste Policy Act of 1982, by the Secretary and*

1 *any person who generates or holds title to spent nu-*
2 *clear fuel or high-level radioactive waste of domestic*
3 *origin for acceptance of such waste or fuel by the Sec-*
4 *retary and the payment of fees to offset the Sec-*
5 *retary's expenditures.*

6 (6) *CONTRACT HOLDERS.*—*The term “contract*
7 *holders” means parties (other than the Secretary) to*
8 *contracts.*

9 (7) *DISPOSAL.*—*The term “disposal” shall have*
10 *the same meaning as provided in the Nuclear Waste*
11 *Policy Act of 1982 (42 U.S.C. 10101 et seq.).*

12 (8) *REPOSITORY.*—*The term “repository” shall*
13 *have the same meaning as provided in the Nuclear*
14 *Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.).*

15 (9) *SECRETARY.*—*The term “Secretary” shall*
16 *mean the Secretary of Energy.*

17 (10) *STORAGE.*—*The term “storage” shall have*
18 *the same meaning as provided in the Nuclear Waste*
19 *Policy Act of 1982 (42 U.S.C. 10101 et seq.).*

20 (b) *ACCEPTANCE.*—

21 (1) *ACCEPTANCE FOR SHUT DOWN REACTORS.*—
22 *If a civilian nuclear power reactor has reached the*
23 *end of its useful life or has been shut down perma-*
24 *nently for whatever reason, the Secretary, at the re-*

1 *quest of the contract holder or the successor thereto,*
2 *shall assume—*

3 *(A) the title to the high-level nuclear waste*
4 *and spent nuclear fuel remaining at the site of*
5 *the shutdown facility; and*

6 *(B) responsibility for the storage of the*
7 *high-level radioactive waste and spent nuclear*
8 *fuel at the site of the shutdown facility until*
9 *such time as the high-level radioactive waste or*
10 *spent nuclear fuel can be moved to another site*
11 *for storage or disposal.*

12 *(2) ACCEPTANCE FOR STORAGE AT CONSOLIDA-*
13 *TION AND PREPARATION FACILITIES.—*

14 *(A) ACCEPTANCE.—The Secretary shall ac-*
15 *cept spent nuclear fuel and high-level radioactive*
16 *waste at facilities designated by contract holders*
17 *pursuant to the contracts, for storage at consoli-*
18 *dation and preparation facilities constructed*
19 *pursuant to this section.*

20 *(B) PRIORITY.—After receipt of a license to*
21 *construct and operate an consolidation and*
22 *preparation facility under this section, the Sec-*
23 *retary shall, to the greatest extent practicable,*
24 *accept fuel eligible to be moved to that consolida-*
25 *tion and preparation facility based upon the Ac-*

1 *ceptance Priority Ranking established under*
 2 *part 961 of title 10, Code of Federal Regulations.*

3 (c) *TRANSPORTATION.—The Secretary shall provide*
 4 *for the transportation of spent nuclear fuel and high-level*
 5 *radioactive waste accepted by the Secretary. The Secretary*
 6 *shall procure all systems and components necessary to*
 7 *transport spent nuclear fuel and high-level radioactive*
 8 *waste from facilities designated by contract holders to the*
 9 *consolidation and preparation facilities. Transportation of*
 10 *spent nuclear fuel under this section shall be subject to li-*
 11 *censing and regulation by the Commission and by the Sec-*
 12 *retary of Transportation as provided for transportation of*
 13 *commercial spent nuclear fuel under existing law.*

14 (d) *DESIGNATION AND CONSTRUCTION OF CONSOLIDA-*
 15 *TION AND PREPARATION FACILITY SITES.—*

16 (1) *DESIGNATION OF CONSOLIDATION AND PREP-*
 17 *ARATION FACILITY SITES.—*

18 (A) *Within 90 days of the issuance of the*
 19 *report under paragraph (4)(C), the Secretary, in*
 20 *consultation with the Governor of each State*
 21 *containing the site of a civilian nuclear power*
 22 *reactor, shall designate an eligible site within*
 23 *that State for the location of a consolidation and*
 24 *preparation facility for spent nuclear fuel stored*
 25 *within that State, unless the Secretary deter-*

1 *mines that designation of such a site is not fea-*
2 *sible or desirable. During the consultation, the*
3 *Governor may nominate an eligible site or sites.*

4 *(B) Within 90 days of the issuance of the*
5 *report under paragraph (4)(C), the Secretary*
6 *may determine that it is in the national interest*
7 *to locate a regional consolidation and prepara-*
8 *tion facility and on that basis designate an eligi-*
9 *ble site for that purpose, except that no eligible*
10 *site shall be designated for a regional consolida-*
11 *tion and preparation facility in a State in*
12 *which a site has been designated pursuant to*
13 *(1)(A).*

14 *(2) ELIGIBLE SITES.—Subject to the limitations*
15 *set forth in subsection (3), any site that is within a*
16 *State that contains a civilian nuclear power reactor*
17 *that is owned by the Federal Government or that can*
18 *be purchased by the Federal government from any*
19 *willing seller is eligible for designation by the Sec-*
20 *retary pursuant to (d)(1).*

21 *(3) INELIGIBLE SITES.—No site can be des-*
22 *ignated for the location, construction and operation of*
23 *a consolidation and preparation facility for spent nu-*
24 *clear fuel—*

1 (A) in any State in which there is located
2 any site selected for a repository under section
3 115 of the Nuclear Waste Policy Act of 1982 (42
4 U.S.C. 10101 et seq.);

5 (B) in any State in which the Nuclear Reg-
6 ulatory Commission has authorized the construc-
7 tion and operation of commercial, away from re-
8 actor, above ground dry cask storage facility for
9 spent nuclear fuel that is currently authorized to
10 receive additional spent nuclear fuel; or

11 (C) which includes lands within the Na-
12 tional Park System, National Forests or Wildlife
13 Refuges or lands managed by the Bureau of
14 Land Management that are within a conserva-
15 tion system unit.

16 (4) DIRECTOR OF CONSOLIDATION AND PREPARA-
17 TION.—

18 (A) Within 60 days of enactment of this
19 Act, the Secretary shall designate a Director of
20 Consolidation and Preparation.

21 (B) Within 180 days of enactment of this
22 Act, the Director of Consolidation and Prepara-
23 tion, in consultation with the Governor of each
24 State containing the site of a civilian nuclear
25 power reactor, shall evaluate the feasibility and

1 *desirability of locating a consolidation and prep-*
2 *aration facility within each State containing a*
3 *civilian nuclear power reactor, and shall make*
4 *recommendations to the Secretary regarding*
5 *methods to most efficiently and expeditiously lo-*
6 *cate such a facility in each State containing a*
7 *civilian nuclear power reactor.*

8 *(C) The Coordinator shall issue a report of*
9 *findings to the Secretary and such report shall*
10 *be provided to the relevant Congressional Com-*
11 *mittees of jurisdiction, and published in the Fed-*
12 *eral Register for comment.*

13 *(5) LICENSE APPLICATION.—No later than 30*
14 *days after the date on which the Secretary designates*
15 *a consolidation and preparation facility site under*
16 *paragraphs (1)(A) or (1)(B) of this subsection, the*
17 *Secretary shall submit a license application and an*
18 *environmental report to the Commission in accord-*
19 *ance with applicable regulations (subpart B of part*
20 *72 of title 10, Code of Federal Regulations, and sub-*
21 *part A of part 51 of title 10, Code of Federal Regula-*
22 *tions, respectively). The license application shall be*
23 *for a term of 25 years, and the license shall be non-*
24 *renewable.*

25 *(6) DESIGN.—*

1 (A) *The design for the consolidation and*
2 *preparation facilities shall provide for the use of*
3 *storage technologies which are licensed, approved,*
4 *or certified by the Commission, to ensure com-*
5 *patibility between the consolidation and prepa-*
6 *ration facilities and contract holders' spent nu-*
7 *clear fuel and facilities.*

8 (B) *The Secretary shall consent to an*
9 *amendment to the contracts to provide for reim-*
10 *bursement to contract holders for transportable*
11 *storage systems purchased by contract holders if*
12 *the Secretary determines that it is cost effective*
13 *to use such transportable storage systems, pro-*
14 *vided that the Secretary shall not be required to*
15 *expend any funds to modify contract holders'*
16 *storage or transport systems or to seek additional*
17 *regulatory approvals in order to use such sys-*
18 *tems.*

19 (7) *AUTHORIZATION.—There is authorized to be*
20 *appropriated to carry out this subsection \$10,000,000*
21 *for each of fiscal years 2007 through 2011.*

22 (e) *LICENSE AMENDMENTS.—The Secretary may seek*
23 *such amendments to the licenses for the consolidation and*
24 *preparation facilities as the Secretary may deem appro-*
25 *priate, including amendments to use new storage tech-*

1 *nologies licensed by the Commission or to respond to*
2 *changes in Commission regulations.*

3 *(f) COMMISSION ACTIONS.—*

4 *(1) The issuance of a license to construct and op-*
5 *erate the consolidation and preparation facilities*
6 *shall be considered a major Federal action signifi-*
7 *cantly affecting the quality of the human environment*
8 *for purposes of the National Environmental Policy*
9 *Act of 1969 (42 U.S.C. 4321 et seq.). Prior to issuing*
10 *a license under this section, the Commission shall pre-*
11 *pare a final environmental impact statement in ac-*
12 *cordance with the National Environmental Policy Act*
13 *of 1969, the Commission's regulations. The Commis-*
14 *sion shall ensure that this environmental impact*
15 *statement is consistent with the scope of the licensing*
16 *action and shall analyze the impacts of transpor-*
17 *tation of spent nuclear fuel and high-level radioactive*
18 *waste to the consolidation and preparation facility.*

19 *(2) CONSIDERATION.—Such environmental im-*
20 *portant statement shall not consider the environmental*
21 *impacts of the storage of spent nuclear fuel and high-*
22 *level radioactive waste at the consolidation and prep-*
23 *aration facility beyond the term of the license.*

24 *(g) PRELIMINARY DECISIONMAKING ACTIVITIES.—The*
25 *Secretary's activities under this section, including, but not*

1 *limited to, the selection of sites for the consolidation and*
 2 *preparation facilities, assessments, the preparation and*
 3 *submittal of a license application and supporting docu-*
 4 *mentation, the construction and use of a facility licensed*
 5 *by the Commission pursuant to this section shall be consid-*
 6 *ered preliminary decisionmaking activities for purposes of*
 7 *judicial review. The Secretary shall not prepare an environ-*
 8 *mental impact statement under section 102(2)(C) of the Na-*
 9 *tional Environmental Policy Act of 1969 (42 U.S.C.*
 10 *4332(2)(C)) or any environmental review under subpara-*
 11 *graph (E) or (F) of such Act before conducting these activi-*
 12 *ties.*

13 (h) *JUDICIAL REVIEW.*—*Judicial review of the Com-*
 14 *mission’s environmental impact statement under the Na-*
 15 *tional Environmental Policy Act of 1969 (42 U.S.C. 4321*
 16 *et seq.) shall be consolidated with judicial review of the*
 17 *Commission’s licensing decision.*

18 (i) *LICENSING DEADLINE.*—*The Commission shall*
 19 *issue a final decision granting or denying a license for a*
 20 *consolidation and preparation facility not later than 32*
 21 *months after the date of submittal of the application for*
 22 *such license.*

23 (j) *WASTE CONFIDENCE.*—*The provisions of this Act,*
 24 *and the Secretary’s obligation to develop a repository in*
 25 *accordance with the provisions of the Nuclear Waste Policy*

1 *Act of 1982 (42 U.S.C. 10101 et seq.), shall provide suffi-*
2 *cient and independent grounds for any further findings by*
3 *the Commission of reasonable assurance that spent nuclear*
4 *fuel and high-level radioactive waste will be disposed of*
5 *safely and on a timely basis for purposes of the Commis-*
6 *sion's decision to grant or amend any license to operate*
7 *any civilian nuclear power reactor under the Atomic En-*
8 *ergy Act of 1954 (42 U.S.C. 2011, et seq.).*

9 (k) *EXPENDITURES FROM THE NUCLEAR WASTE*
10 *FUND.—Notwithstanding the provisions of section 302(d)*
11 *of the Nuclear Waste Policy Act of 1982 (42 U.S.C.*
12 *10222(d)), the Secretary shall make expenditures from the*
13 *Waste Fund for the identification, development, licensing,*
14 *construction, operation, decommissioning of any consolida-*
15 *tion and preparation facility constructed under this section,*
16 *any costs that may be incurred by the Secretary in connec-*
17 *tion with the transportation, treating, or packaging of spent*
18 *nuclear fuel or high-level radioactive waste to be stored in*
19 *a consolidation and preparation facility authorized under*
20 *this section and any cost that may be incurred as a result*
21 *of the Secretary's obligation to accept and store high level*
22 *nuclear waste and spent fuel under subsection (b)(1) of this*
23 *section.*

24 (l) *CONSOLIDATION AND PREPARATION FUND.—Sec-*
25 *tion 136 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.*

1 10157) shall not apply to consolidation and preparation
2 facilities authorized under this Act.

3 SEC. 314. NUCLEAR MEDICINE. For fiscal year 2007,
4 the Secretary shall use funding provided by section 1001(e)
5 of title X of the Energy Policy Act of 2005, to support nu-
6 clear medicine research within the Office of Science, Bio-
7 logical and Environmental Research program.

8 TITLE IV

9 INDEPENDENT AGENCIES

10 APPALACHIAN REGIONAL COMMISSION

11 For expenses necessary to carry out the programs au-
12 thorized by the Appalachian Regional Development Act of
13 1965, as amended, notwithstanding 40 U.S.C. 14704, and,
14 for necessary expenses for the Federal Co-Chairman and the
15 alternate on the Appalachian Regional Commission, for
16 payment of the Federal share of the administrative expenses
17 of the Commission, including services as authorized by 5
18 U.S.C. 3109, and hire of passenger motor vehicles,
19 \$65,472,000, to remain available until expended: Provided,
20 That any congressionally directed spending shall be taken
21 from within that State's allocation in the fiscal year in
22 which it is provided.

1 *DEFENSE NUCLEAR FACILITIES SAFETY BOARD*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Defense Nuclear Facili-*
4 *ties Safety Board in carrying out activities authorized by*
5 *the Atomic Energy Act of 1954, as amended by Public Law*
6 *100–456, section 1441, \$22,260,000, to remain available*
7 *until expended.*

8 *DELTA REGIONAL AUTHORITY*9 *SALARIES AND EXPENSES*

10 *For necessary expenses of the Delta Regional Authority*
11 *and to carry out its activities, as authorized by the Delta*
12 *Regional Authority Act of 2000, as amended, notwith-*
13 *standing sections 382C(b)(2), 382F(d), and 382M(b) of said*
14 *Act, \$12,000,000, to remain available until expended.*

15 *DENALI COMMISSION*

16 *For expenses of the Denali Commission including the*
17 *purchase, construction and acquisition of plant and capital*
18 *equipment as necessary and other expenses, \$50,000,000, to*
19 *remain available until expended, notwithstanding the lim-*
20 *itations contained in section 306(g) of the Denali Commis-*
21 *sion Act of 1998.*

22 *NUCLEAR REGULATORY COMMISSION*23 *SALARIES AND EXPENSES*

24 *For necessary expenses of the Commission in carrying*
25 *out the purposes of the Energy Reorganization Act of 1974,*

1 *as amended, and the Atomic Energy Act of 1954, as amend-*
2 *ed, including official representation expenses not to exceed*
3 *\$19,000, \$808,410,000, to remain available until expended:*
4 *Provided, That of the amount appropriated herein,*
5 *\$40,981,840 shall be derived from the Nuclear Waste Fund:*
6 *Provided further, That revenues from licensing fees, inspec-*
7 *tion services, and other services and collections estimated*
8 *at \$656,328,000 in fiscal year 2007 shall be retained and*
9 *used for necessary salaries and expenses in this account,*
10 *notwithstanding 31 U.S.C. 3302, and shall remain avail-*
11 *able until expended: Provided further, That the sum herein*
12 *appropriated shall be reduced by the amount of revenues*
13 *received during fiscal year 2007 so as to result in a final*
14 *fiscal year 2007 appropriation estimated at not more than*
15 *\$152,082,000.*

16 *OFFICE OF INSPECTOR GENERAL*

17 *For necessary expenses of the Office of Inspector Gen-*
18 *eral in carrying out the provisions of the Inspector General*
19 *Act of 1978, as amended, \$8,144,000, to remain available*
20 *until expended: Provided, That revenues from licensing fees,*
21 *inspection services, and other services and collections esti-*
22 *mated at \$7,330,000 in fiscal year 2007 shall be retained*
23 *and be available until expended, for necessary salaries and*
24 *expenses in this account, notwithstanding 31 U.S.C. 3302:*
25 *Provided further, That the sum herein appropriated shall*
26 *be reduced by the amount of revenues received during fiscal*

1 *year 2007 so as to result in a final fiscal year 2007 appro-*
2 *priation estimated at not more than \$814,000.*

3 *NUCLEAR WASTE TECHNICAL REVIEW BOARD*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Nuclear Waste Technical*
6 *Review Board, as authorized by Public Law 100–203, sec-*
7 *tion 5051, \$3,670,000, to be derived from the Nuclear Waste*
8 *Fund, and to remain available until expended.*

9 *GENERAL PROVISIONS, INDEPENDENT AGENCIES*

10 *SEC. 401. Section 306(c)(1) of title III as contained*
11 *in division C of the Omnibus Consolidated and Emergency*
12 *Supplemental Appropriations Act of 1999 (Public Law*
13 *105–277) is amended by inserting “and terminate” after*
14 *“appoint”.*

15 *Sec. 402. Section 309(a) of title III as contained in*
16 *division C of the Omnibus Consolidated and Emergency*
17 *Supplemental Appropriations Act of 1999 (Public Law*
18 *105–277) is amended by striking “2000, 2001, 2002, and*
19 *2003” and inserting in lieu thereof: “2007, 2008, 2009,*
20 *2010, and 2011.”.*

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 pur-*
7 *suant to a transfer made by, or transfer authority provided*
8 *in this Act or any other appropriation Act.*

9 *SEC. 503. Notwithstanding part 750 of title 23, Code*
10 *of Federal Regulations (or a successor regulation), if per-*
11 *mitted by State law, a legal nonconforming sign constructed*
12 *in a commercial or industrial area on or after October 22,*
13 *1965, that is or has been damaged or destroyed as a result*
14 *of a natural disaster (as defined in 42 U.S.C. 6195A) that*
15 *occurs after August 1, 2004, may be repaired, replaced or*
16 *reconstructed at the same location to its original height and*
17 *size using like materials. The provisions of this section shall*
18 *not preempt State or local law or ordinance. The Secretary*
19 *shall not reduce or withhold Federal-aid highway funds ap-*
20 *portioned to a State that complies with these provisions and*
21 *shall report to the Congress within 36 months with respect*
22 *to the impact of these provisions on the public interest.*

23 *SEC. 504. The fiscal year 2008 budget justifications*
24 *are due to the appropriate Senate Appropriations sub-*
25 *committees no later than the day the President's fiscal year*

1 2008 budget is released: Provided, That the amount appro-
2 priated for salaries and expenses for the Office of Manage-
3 ment and Budget shall be reduced by \$100,000 per day for
4 each day after the required date that the budget justifica-
5 tions have not been submitted to the Senate.

6 SEC. 505. No funds provided in this Act may be used
7 to undertake any engineering evaluations or other studies
8 of the potential for multi-purpose storage facilities down-
9 stream of the confluence of the North and Middle Forks of
10 the American River, unless and until the Bureau of Rec-
11 lamation completes its special report to update the analysis
12 of the costs and associated benefits of the Auburn-Folsom
13 South Unit of the Central Valley Project, and includes in
14 its cost-benefit analysis an assessment of the following:

15 (1) an updated evaluation of seismic hazard
16 issues, prepared in consultation with the United
17 States Geological Survey, including both the seis-
18 micity of the region and the level of enhanced seismic
19 risk associated with creating a reservoir containing
20 fluctuating water levels;

21 (2) an estimate of the cost-per-acre-foot of new
22 water supply provided by the project, and a compari-
23 son to other potential sources of new supply; and

24 (3) an estimate of the project's additional flood
25 control benefits and the cost of those benefits.

1 *This Act may be cited as the “Energy and Water Ap-*
2 *propriations Act, 2007”.*

Amend the title so as to read: “An Act making appropriations for energy and water for the fiscal year ending September 30, 2007, and for other purposes.”.

Calendar No. 504

109TH CONGRESS
2^D Session

H.R. 5427

[Report No. 109-274]

AN ACT

Making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes.

MAY 25, 2006

Received; read twice and referred to the Committee on
Appropriations

JUNE 29, 2006

Reported with an amendment and an amendment to the
title