

Calendar No. 104111TH CONGRESS
1ST SESSION**S. 1436****[Report No. 111-45]**

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

IN THE SENATE OF THE UNITED STATES

JULY 9, 2009

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2010, and for other pur-
6 poses, namely:

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

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

12 GENERAL INVESTIGATIONS

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

1 CONSTRUCTION, GENERAL

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

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

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

9 MISSISSIPPI RIVER AND TRIBUTARIES

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

22 OPERATION AND MAINTENANCE

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

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

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

14 REGULATORY PROGRAM

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

18 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

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

23 GENERAL EXPENSES

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

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

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

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

1 ADMINISTRATIVE PROVISION

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

6 GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 WATER REALLOCATION, LAKE CUMBERLAND, KENTUCKY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (RESCISSION)

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

17 TITLE II

18 DEPARTMENT OF THE INTERIOR

19 CENTRAL UTAH PROJECT

20 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

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

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

7 BUREAU OF RECLAMATION

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

11 WATER AND RELATED RESOURCES

12 (INCLUDING TRANSFERS OF FUNDS)

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

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

21 CENTRAL VALLEY PROJECT RESTORATION FUND

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

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

12 CALIFORNIA BAY-DELTA RESTORATION

13 (INCLUDING TRANSFERS OF FUNDS)

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

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

7 POLICY AND ADMINISTRATION

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

17 ADMINISTRATIVE PROVISION

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

21 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (1) in paragraph (1)—

5 (A) in the matter preceding subparagraph

6 (A)—

7 (i) by striking “not more than”;

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

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

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

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

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

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

4 “(i) under subparagraph (A); and

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

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

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

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

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

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

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

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

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

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

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

24 (i) \$25,000,000 for—

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

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

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

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

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

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

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

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

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

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

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

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

12 (2) allocate—

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

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

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

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

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

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

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

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

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

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

14 TITLE III

15 DEPARTMENT OF ENERGY

16 ENERGY PROGRAMS

17 ENERGY EFFICIENCY AND RENEWABLE ENERGY

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

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

8 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

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

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

19 NUCLEAR ENERGY

20 (INCLUDING TRANSFER OF FUNDS)

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

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

12 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

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

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

9 NAVAL PETROLEUM AND OIL SHALE RESERVES

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

17 STRATEGIC PETROLEUM RESERVE

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

23 NORTHEAST HOME HEATING OIL RESERVE

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

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

3 ENERGY INFORMATION ADMINISTRATION

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

7 NON-DEFENSE ENVIRONMENTAL CLEANUP

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

17 URANIUM ENRICHMENT DECONTAMINATION AND
18 DECOMMISSIONING FUND

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

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

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

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

1 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
 2 PROGRAM

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

17 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
 18 LOAN PROGRAM

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

22 DEPARTMENTAL ADMINISTRATION
 23 (INCLUDING TRANSFER OF FUNDS)

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

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

1 OFFICE OF THE INSPECTOR GENERAL

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

6 ATOMIC ENERGY DEFENSE ACTIVITIES

7 NATIONAL NUCLEAR SECURITY

8 ADMINISTRATION

9 WEAPONS ACTIVITIES

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

20 DEFENSE NUCLEAR NONPROLIFERATION

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

1 ENVIRONMENTAL AND OTHER DEFENSE
2 ACTIVITIES

3 DEFENSE ENVIRONMENTAL CLEANUP
4 (INCLUDING TRANSFER OF FUNDS)

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

1 OTHER DEFENSE ACTIVITIES

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

19 DEFENSE NUCLEAR WASTE DISPOSAL

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

1 POWER MARKETING ADMINISTRATIONS

2 BONNEVILLE POWER ADMINISTRATION FUND

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

11 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
12 ADMINISTRATION

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

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

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

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

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

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

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

1 FALCON AND AMISTAD OPERATING AND MAINTENANCE
2 FUND

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

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

13 FEDERAL ENERGY REGULATORY COMMISSION

14 SALARIES AND EXPENSES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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, 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, \$76,000,000, to remain available until expended: *Provided*, That any congressionally directed spending shall be taken from within that State's allocation in the fiscal year in which it is provided.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$26,086,000, 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

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

5 DENALI COMMISSION

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

12 NUCLEAR REGULATORY COMMISSION

13 SALARIES AND EXPENSES

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

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

14 OFFICE OF INSPECTOR GENERAL

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

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

3 NUCLEAR WASTE TECHNICAL REVIEW BOARD

4 SALARIES AND EXPENSES

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

9 OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA

10 NATURAL GAS TRANSPORTATION PROJECTS

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

19 GENERAL PROVISION

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

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

3

TITLE V

4

GENERAL PROVISIONS

5

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

11

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

16

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

Calendar No. 104

111TH CONGRESS
1ST Session

S. 1436

[Report No. 111-45]

A BILL

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

JULY 9, 2009

Read twice and placed on the calendar