

# Union Calendar No. 262

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5427

[Report No. 109-474]

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2006

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

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## A BILL

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.

## 1 CONSTRUCTION

2 (INCLUDING RESCISSION)

3 For expenses necessary for the construction of river  
4 and harbor, flood control, shore protection and storm  
5 damage reduction, aquatic ecosystem restoration, and re-  
6 lated projects authorized by law; for conducting detailed  
7 studies, and plans and specifications, of such projects (in-  
8 cluding those involving participation by States, local gov-  
9 ernments, or private groups) authorized or made eligible  
10 for selection by law (but such detailed studies, and plans  
11 and specifications, shall not constitute a commitment of  
12 the Government to construction); \$1,947,171,000, to re-  
13 main available until expended; of which such sums as are  
14 necessary pursuant to Public Law 99-662 shall be derived  
15 from the Inland Waterways Trust Fund, to cover one-half  
16 of the costs of construction and rehabilitation of inland  
17 waterways projects; and of which \$8,000,000 shall be ex-  
18 clusively for projects and activities authorized under sec-  
19 tion 107 of the River and Harbor Act of 1960; and of  
20 which \$2,000,000 shall be exclusively for projects and ac-  
21 tivities authorized under section 103 of the River and Har-  
22 bor Act of 1962; and of which \$29,933,000 shall be exclu-  
23 sively available for projects and activities authorized under  
24 section 205 of the Flood Control Act of 1948; and of  
25 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.  
14 410–r–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.

## 1 MISSISSIPPI RIVER AND TRIBUTARIES

2 For expenses necessary for the program for the Mis-  
3 sissippi River alluvial valley below Cape Girardeau, Mis-  
4 souri, as authorized by law, \$290,607,000, to remain  
5 available until expended, of which such sums as are nec-  
6 essary to cover the Federal share of operation and mainte-  
7 nance costs for inland harbors shall be derived from the  
8 Harbor Maintenance Trust Fund: *Provided, That*, except  
9 as provided in section 101 of this Act, the amounts made  
10 available under this paragraph shall be expended in ac-  
11 cordance with the terms and conditions specified in the  
12 report accompanying this Act.

## 13 OPERATION AND MAINTENANCE

14 For expenses necessary for the operation, mainte-  
15 nance, and care of existing river and harbor, flood and  
16 storm damage reduction, aquatic ecosystem restoration,  
17 and related projects authorized by law, including the con-  
18 struction of facilities, projects, or features (including is-  
19 lands and wetlands) to use materials dredged during Fed-  
20 eral navigation maintenance activities; the mitigation of  
21 impacts on shorelines resulting from Federal navigation  
22 operation and maintenance activities; the benefit of feder-  
23 ally listed species to address the effects of any civil works  
24 project under the jurisdiction of the Corps on any such  
25 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 10  
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. Notwithstanding any other provision of  
9 law, the requirements regarding the use of continuing con-  
10 tracts under the authority of section 206 of the Water Re-  
11 sources Development Act of 1999 (33 U.S.C. 2331) shall  
12 apply only to projects funded under the Operation and  
13 Maintenance account and the Operation and Maintenance  
14 subaccount of the Flood Control, Mississippi River and  
15 Tributaries account.

16       SEC. 103. None of the funds made available in title  
17 I of this Act may be used to award any continuing con-  
18 tract or to make modifications to any existing continuing  
19 contract that commits an amount for a project in excess  
20 of the amount appropriated for such project pursuant to  
21 this Act: *Provided*, That the amounts appropriated in this  
22 Act may be modified pursuant to the authorities provided  
23 in section 101 of this Act or through the application of  
24 unobligated balances for such project.

1       SEC. 104. None of the funds provided in this Act may  
2 be expended by the Secretary of the Army to construct  
3 the Port Jersey element of the New York and New Jersey  
4 Harbor or to reimburse the local sponsor for the construc-  
5 tion of the Port Jersey element until commitments for  
6 construction of container handling facilities are obtained  
7 from the non-Federal sponsor for a second user along the  
8 Port Jersey element.

9       SEC. 105. (a) None of the funds provided in this Act  
10 shall be available for operation and maritime maintenance  
11 of the hopper dredge McFarland.

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

14       SEC. 106. None of the funds provided in this Act may  
15 be expended to prevent or limit any reprogramming of  
16 funds for a project to be carried out by the Corps of Engi-  
17 neers, based on whether the project was included by the  
18 President in the budget transmitted under section 1105(a)  
19 of title 31, United States Code, or is otherwise proposed  
20 by the President or considered part of the budget by the  
21 Office of Management and Budget.

22       SEC. 107. None of the funds provided in this Act may  
23 be used to repay the Department of Treasury's Judgment  
24 Fund for past judgments against the United States on

1 Civil Works contracts and real estate acquisitions that  
2 have been financed by the Judgment Fund.

3 SEC. 108. None of the funds provided in this Act may  
4 be used to implement an A-76 study or similar privatiza-  
5 tion process for Corps personnel employed to operate or  
6 maintain locks and dams.

7 SEC. 109. None of the funds in this Act may be used  
8 to further work on the Corps of Engineers proposal to re-  
9 move a section of the dam for fish passage or to study  
10 other alternatives to the trap and haul facility at Elk  
11 Creek Dam, Oregon.

12 SEC. 110. None of the funds made available under  
13 this Act may be used to revise the master control plans  
14 and master manuals of the Corps of Engineers for the  
15 Alabama, Coosa, Tallapoosa River basin in Alabama and  
16 Georgia or the Apalachicola, Chattahoochee, Flint River  
17 Basin in Alabama, Georgia, and Florida.

## 18 TITLE II

### 19 DEPARTMENT OF THE INTERIOR

#### 20 CENTRAL UTAH PROJECT

##### 21 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

22 For carrying out activities authorized by the Central  
23 Utah Project Completion Act, \$38,552,000, to remain  
24 available until expended, of which \$965,000 shall be de-  
25 posited into the Utah Reclamation Mitigation and Con-

1 servation Account for use by the Utah Reclamation Miti-  
2 gation and Conservation Commission.

3 In addition, for necessary expenses incurred in car-  
4 rying out related responsibilities of the Secretary of the  
5 Interior, \$1,603,000, to remain available until expended.

6 BUREAU OF RECLAMATION

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

10 WATER AND RELATED RESOURCES

11 (INCLUDING TRANSFER OF FUNDS AND RESCISSION)

12 For management, development, and restoration of  
13 water and related natural resources and for related activi-  
14 ties, including the operation, maintenance, and rehabilita-  
15 tion of reclamation and other facilities, participation in  
16 fulfilling related Federal responsibilities to Native Ameri-  
17 cans, and related grants to, and cooperative and other  
18 agreements with, State and local governments, Indian  
19 tribes, and others, \$849,122,000, to remain available until  
20 expended, of which \$57,298,000 shall be available for  
21 transfer to the Upper Colorado River Basin Fund and  
22 \$26,952,000 shall be available for transfer to the Lower  
23 Colorado River Basin Development Fund; of which such  
24 amounts as may be necessary may be advanced to the Col-  
25 orado River Dam Fund; of which not more than \$500,000

1 is for high priority projects which shall be carried out by  
2 the Youth Conservation Corps, as authorized by 16 U.S.C.  
3 1706: *Provided*, That such transfers may be increased or  
4 decreased within the overall appropriation under this  
5 heading: *Provided further*, That of the total appropriated,  
6 the amount for program activities that can be financed  
7 by the Reclamation Fund or the Bureau of Reclamation  
8 special fee account established by 16 U.S.C. 4601–6a(i)  
9 shall be derived from that Fund or account: *Provided fur-*  
10 *ther*, That funds contributed under 43 U.S.C. 395 are  
11 available until expended for the purposes for which con-  
12 tributed: *Provided further*, That funds advanced under 43  
13 U.S.C. 397a shall be credited to this account and are  
14 available until expended for the same purposes as the  
15 sums appropriated under this heading: *Provided further*,  
16 That funds available for expenditure for the Departmental  
17 Irrigation Drainage Program may be expended by the Bu-  
18 reau of Reclamation for site remediation on a non-reim-  
19 bursable basis: *Provided further*, That from unobligated  
20 balances made available under section 2507 of the Farm  
21 Security and Rural Investment Act of 2002 for the Bu-  
22 reau of Reclamation’s At Risk Terminal Lakes Program,  
23 \$88,000,000 are rescinded: *Provided further*, That  
24 \$10,000,000 of the funds provided herein shall be depos-  
25 ited in the San Gabriel Restoration Fund established by

1 section 1110 of division B, title I of Public Law 106–554  
2 as amended: *Provided further*, That of the sums provided  
3 herein, \$1,000,000 shall be used for assessing the feasi-  
4 bility of relocating the Highway 49 bridge, Auburn-Folsom  
5 South Unit of the Central Valley Project.

6 CENTRAL VALLEY PROJECT RESTORATION FUND

7 For carrying out the programs, projects, plans, and  
8 habitat restoration, improvement, and acquisition provi-  
9 sions of the Central Valley Project Improvement Act,  
10 \$41,478,000, to be derived from such sums as may be col-  
11 lected in the Central Valley Project Restoration Fund pur-  
12 suant to sections 3407(d), 3404(c)(3), 3405(f), and  
13 3406(c)(1) of Public Law 102–575, to remain available  
14 until expended: *Provided*, That the Bureau of Reclamation  
15 is directed to assess and collect the full amount of the  
16 additional mitigation and restoration payments authorized  
17 by section 3407(d) of Public Law 102–575: *Provided fur-*  
18 *ther*, That none of the funds made available under this  
19 heading may be used for the acquisition or leasing of water  
20 for in-stream purposes if the water is already committed  
21 to in-stream purposes by a court adopted decree or order.

22 CALIFORNIA BAY-DELTA RESTORATION  
23 (INCLUDING TRANSFER OF FUNDS)

24 For carrying out activities authorized by the Water  
25 Supply, Reliability, and Environmental Improvement Act,

1 Public Law 108–361, consistent with plans to be approved  
2 by the Secretary of the Interior, \$40,110,000, to remain  
3 available until expended, of which such amounts as may  
4 be necessary to carry out such activities may be trans-  
5 ferred to appropriate accounts of other participating Fed-  
6 eral agencies to carry out authorized purposes: *Provided*,  
7 That funds appropriated herein may be used for the Fed-  
8 eral share of the costs of CALFED Program management:  
9 *Provided further*, That the use of any funds provided to  
10 the California Bay-Delta Authority for program-wide  
11 management and oversight activities shall be subject to  
12 the approval of the Secretary of the Interior: *Provided fur-*  
13 *ther*, That CALFED implementation shall be carried out  
14 in a balanced manner with clear performance measures  
15 demonstrating concurrent progress in achieving the goals  
16 and objectives of the Program: *Provided further*, That  
17 \$6,000,000 shall be transferred to the Army Corps of En-  
18 gineers to carry out further study and analysis of the sta-  
19 bility of the levee projects authorized under section  
20 103(f)(3) of Public Law 108–361.

21 POLICY AND ADMINISTRATION

22 For necessary expenses of policy, administration, and  
23 related functions in the office of the Commissioner, the  
24 Denver office, and offices in the five regions of the Bureau  
25 of Reclamation, to remain available until expended,

1 \$58,069,000, to be derived from the Reclamation Fund  
2 and be nonreimbursable as provided in 43 U.S.C. 377:  
3 *Provided*, That no part of any other appropriation in this  
4 Act shall be available for activities or functions budgeted  
5 as policy and administration expenses.

6 ADMINISTRATIVE PROVISION

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

10 GENERAL PROVISIONS, DEPARTMENT OF THE  
11 INTERIOR

12 SEC. 201. (a) None of the funds appropriated or oth-  
13 erwise made available by this Act may be used to deter-  
14 mine the final point of discharge for the interceptor drain  
15 for the San Luis Unit until development by the Secretary  
16 of the Interior and the State of California of a plan, which  
17 shall conform to the water quality standards of the State  
18 of California as approved by the Administrator of the En-  
19 vironmental Protection Agency, to minimize any detri-  
20 mental effect of the San Luis drainage waters.

21 (b) The costs of the Kesterson Reservoir Cleanup  
22 Program and the costs of the San Joaquin Valley Drain-  
23 age Program shall be classified by the Secretary of the  
24 Interior as reimbursable or nonreimbursable and collected  
25 until fully repaid pursuant to the "Cleanup Program-Al-

1 ternative Repayment Plan” and the “SJVDP-Alternative  
2 Repayment Plan” described in the report entitled “Repay-  
3 ment Report, Kesterson Reservoir Cleanup Program and  
4 San Joaquin Valley Drainage Program, February 1995”,  
5 prepared by the Department of the Interior, Bureau of  
6 Reclamation. Any future obligations of funds by the  
7 United States relating to, or providing for, drainage serv-  
8 ice or drainage studies for the San Luis Unit shall be fully  
9 reimbursable by San Luis Unit beneficiaries of such serv-  
10 ice or studies pursuant to Federal reclamation law.

11 SEC. 202. None of the funds appropriated or other-  
12 wise made available by this Act may be used to pay the  
13 salaries and expenses of personnel to purchase or lease  
14 water in the Middle Rio Grande or the Carlsbad Projects  
15 in New Mexico unless said purchase or lease is in compli-  
16 ance with the purchase requirements of section 202 of  
17 Public Law 106–60.

### 18 TITLE III

#### 19 DEPARTMENT OF ENERGY

#### 20 ENERGY PROGRAMS

#### 21 ENERGY SUPPLY AND CONSERVATION

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

1 the purposes of the Department of Energy Organization  
2 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
3 condemnation of any real property or any facility or for  
4 plant or facility acquisition, construction, or expansion,  
5 \$2,025,527,000, to remain available until September 30,  
6 2009.

7 CLEAN COAL TECHNOLOGY

8 (RESCISSION)

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

11 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

12 For necessary expenses in carrying out fossil energy  
13 research and development activities, under the authority  
14 of the Department of Energy Organization Act (42 U.S.C.  
15 7101 et seq.), including the acquisition of interest, includ-  
16 ing defeasible and equitable interests in any real property  
17 or any facility or for plant or facility acquisition or expan-  
18 sion, the hire of passenger motor vehicles, the hire, main-  
19 tenance, and operation of aircraft, the purchase, repair,  
20 and cleaning of uniforms, the reimbursement to the Gen-  
21 eral Services Administration for security guard services,  
22 and for conducting inquiries, technological investigations  
23 and research concerning the extraction, processing, use,  
24 and disposal of mineral substances without objectionable  
25 social and environmental costs (30 U.S.C. 3, 1602, and

1 1603), \$558,204,000, to remain available until expended,  
2 of which \$54,000,000 is available to continue a multi-year  
3 project coordinated with the private sector for FutureGen,  
4 without regard to the terms and conditions applicable to  
5 clean coal technology projects: *Provided*, That the initial  
6 planning and research stages of the FutureGen project  
7 shall include a matching requirement from non-Federal  
8 sources of at least 20 percent of the costs: *Provided fur-*  
9 *ther*, That any demonstration component of such project  
10 shall require a matching requirement from non-Federal  
11 sources of at least 50 percent of the costs of the compo-  
12 nent: *Provided further*, That of the amounts provided,  
13 \$36,400,000 is available, after coordination with the pri-  
14 vate sector, for a request for proposals for the Clean Coal  
15 Power Initiative providing for competitively-awarded re-  
16 search, development, and demonstration projects to reduce  
17 the barriers to continued and expanded coal use: *Provided*  
18 *further*, That no project may be selected for which suffi-  
19 cient funding is not available to provide for the total  
20 project: *Provided further*, That funds shall be expended in  
21 accordance with the provisions governing the use of funds  
22 contained under the heading “Clean Coal Technology” in  
23 42 U.S.C. 5903d as well as those contained under the  
24 heading “Clean Coal Technology” in prior appropriations:  
25 *Provided further*, That the Department may include provi-

1 sions for repayment of Government contributions to indi-  
2 vidual projects in an amount up to the Government con-  
3 tribution to the project on terms and conditions that are  
4 acceptable to the Department including repayments from  
5 sale and licensing of technologies from both domestic and  
6 foreign transactions: *Provided further*, That such repay-  
7 ments shall be retained by the Department for future coal-  
8 related research, development and demonstration projects:  
9 *Provided further*, That any technology selected under this  
10 program shall be considered a Clean Coal Technology, and  
11 any project selected under this program shall be consid-  
12 ered a Clean Coal Technology Project, for the purposes  
13 of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title  
14 40 of the Code of Federal Regulations: *Provided further*,  
15 That no part of the sum herein made available shall be  
16 used for the field testing of nuclear explosives in the recov-  
17 ery of oil and gas: *Provided further*, That the Secretary  
18 of Energy is authorized to accept fees and contributions  
19 from public and private sources, to be deposited in a con-  
20 tributed funds account, and prosecute projects using such  
21 fees and contributions in cooperation with other Federal,  
22 State, or private agencies or concerns: *Provided further*,  
23 That revenues and other moneys received by or for the  
24 account of the Department of Energy or otherwise gen-  
25 erated by sale of products in connection with projects of

1 the Department appropriated under the Fossil Energy Re-  
2 search and Development account may be retained by the  
3 Secretary of Energy, to be available until expended, and  
4 used only for plant construction, operation, costs, and pay-  
5 ments to cost-sharing entities as provided in appropriate  
6 cost-sharing contracts or agreements.

7       NAVAL PETROLEUM AND OIL SHALE RESERVES

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

15                   STRATEGIC PETROLEUM RESERVE

16       For necessary expenses for Strategic Petroleum Re-  
17 serve facility development and operations and program  
18 management activities pursuant to the Energy Policy and  
19 Conservation Act of 1975, as amended (42 U.S.C. 6201  
20 et seq.), including the hire of passenger motor vehicles,  
21 the hire, maintenance, and operation of aircraft, the pur-  
22 chase, repair, and cleaning of uniforms, the reimburse-  
23 ment to the General Services Administration for security  
24 guard services, \$155,430,000, to remain available until ex-  
25 pended.

1           NORTHEAST HOME HEATING OIL RESERVE

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

6           ENERGY INFORMATION ADMINISTRATION

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

10          NON-DEFENSE ENVIRONMENTAL CLEANUP

11          For Department of Energy expenses, including the  
12 purchase, construction, and acquisition of plant and cap-  
13 ital equipment and other expenses necessary for non-de-  
14 fense environmental cleanup activities in carrying out the  
15 purposes of the Department of Energy Organization Act  
16 (42 U.S.C. 7101 et seq.), including the acquisition or con-  
17 demnation of any real property or any facility or for plant  
18 or facility acquisition, construction, or expansion, and the  
19 purchase of not to exceed six passenger motor vehicles,  
20 of which five shall be for replacement only, \$309,946,000,  
21 to remain available until expended.

22          URANIUM ENRICHMENT DECONTAMINATION AND  
23                                    DECOMMISSIONING FUND

24          For necessary expenses in carrying out uranium en-  
25 richment facility decontamination and decommissioning,



1 Waste Fund: *Provided*, That of the funds made available  
2 in this Act for Nuclear Waste Disposal, \$2,000,000 shall  
3 be provided to the State of Nevada solely for expenditures,  
4 other than salaries and expenses of State employees, to  
5 conduct scientific oversight responsibilities and participate  
6 in licensing activities pursuant to the Act: *Provided fur-*  
7 *ther*, That \$4,000,000 shall be provided to affected units  
8 of local government, as defined in the Act, to conduct ap-  
9 propriate activities and participate in licensing activities:  
10 *Provided further*, That 7.5 percent of the funds provided  
11 shall be made available to affected units of local govern-  
12 ment in California with the balance made available to af-  
13 fected units of local government in Nevada for distribution  
14 as determined by the Nevada units of local government:  
15 *Provided further*, That notwithstanding the provisions of  
16 chapters 65 and 75 of title 31, United States Code, the  
17 Department shall have no monitoring, auditing or other  
18 oversight rights or responsibilities over amounts provided  
19 to affected units of local government under this heading:  
20 *Provided further*, That the funds for the State of Nevada  
21 shall be made available solely to the Nevada Division of  
22 Emergency Management by direct payment and units of  
23 local government by direct payment: *Provided further*,  
24 That within 90 days of the completion of each Federal  
25 fiscal year, the Nevada Division of Emergency Manage-

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

1 proved by the Department of Energy, or to withhold pay-  
2 ment of any such funds.

3 DEPARTMENTAL ADMINISTRATION

4 (INCLUDING TRANSFER OF FUNDS)

5 For salaries and expenses of the Department of En-  
6 ergy necessary for departmental administration in car-  
7 rying out the purposes of the Department of Energy Orga-  
8 nization Act (42 U.S.C. 7101 et seq.), including the hire  
9 of passenger motor vehicles and official reception and rep-  
10 resentation expenses not to exceed \$35,000,  
11 \$278,382,000, to remain available until expended, plus  
12 such additional amounts as necessary to cover increases  
13 in the estimated amount of cost of work for others not-  
14 withstanding the provisions of the Anti-Deficiency Act (31  
15 U.S.C. 1511 et seq.): *Provided*, That such increases in cost  
16 of work are offset by revenue increases of the same or  
17 greater amount, to remain available until expended: *Pro-*  
18 *vided further*, That moneys received by the Department  
19 for miscellaneous revenues estimated to total  
20 \$123,000,000 in fiscal year 2007 may be retained and  
21 used for operating expenses within this account, and may  
22 remain available until expended, as authorized by section  
23 201 of Public Law 95–238, notwithstanding the provisions  
24 of 31 U.S.C. 3302: *Provided further*, That the sum herein  
25 appropriated shall be reduced by the amount of miscella-

1 neous revenues received during 2007, and any related ap-  
2 propriated receipt account balances remaining from prior  
3 years' miscellaneous revenues, so as to result in a final  
4 fiscal year 2007 appropriation from the general fund esti-  
5 mated at not more than \$155,382,000.

6 OFFICE OF THE INSPECTOR GENERAL

7 For necessary expenses of the Office of the Inspector  
8 General in carrying out the provisions of the Inspector  
9 General Act of 1978, as amended, \$45,507,000, to remain  
10 available until expended.

11 ATOMIC ENERGY DEFENSE ACTIVITIES

12 NATIONAL NUCLEAR SECURITY

13 ADMINISTRATION

14 WEAPONS ACTIVITIES

15 (INCLUDING TRANSFER OF FUNDS)

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

1 buses; \$6,412,001,000, to remain available until ex-  
2 pended: *Provided*, That \$40,000,000 of that amount is for  
3 the Material Consolidation and Upgrade Construction  
4 Project, Buildings 651 and 691, at the Idaho National  
5 Laboratory.

6           DEFENSE NUCLEAR NONPROLIFERATION

7           For Department of Energy expenses, including the  
8 purchase, construction, and acquisition of plant and cap-  
9 ital equipment and other incidental expenses necessary for  
10 atomic energy defense, defense nuclear nonproliferation  
11 activities, in carrying out the purposes of the Department  
12 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
13 cluding the acquisition or condemnation of any real prop-  
14 erty or any facility or for plant or facility acquisition, con-  
15 struction, or expansion, \$1,593,101,000, to remain avail-  
16 able until expended.

17                           NAVAL REACTORS

18           For Department of Energy expenses necessary for  
19 naval reactors activities to carry out the Department of  
20 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-  
21 ing the acquisition (by purchase, condemnation, construc-  
22 tion, or otherwise) of real property, plant, and capital  
23 equipment, facilities, and facility expansion,  
24 \$795,133,000, to remain available until expended.

## 1 OFFICE OF THE ADMINISTRATOR

2 For necessary expenses of the Office of the Adminis-  
3 trator in the National Nuclear Security Administration,  
4 including official reception and representation expenses  
5 not to exceed \$12,000, \$399,576,000, to remain available  
6 until expended.

## 7 ENVIRONMENTAL AND OTHER DEFENSE

## 8 ACTIVITIES

## 9 DEFENSE ENVIRONMENTAL CLEANUP

10 For Department of Energy expenses, including the  
11 purchase, construction, and acquisition of plant and cap-  
12 ital equipment and other expenses necessary for atomic  
13 energy defense environmental cleanup activities in car-  
14 rying out the purposes of the Department of Energy Orga-  
15 nization Act (42 U.S.C. 7101 et seq.), including the acqui-  
16 sition or condemnation of any real property or any facility  
17 or for plant or facility acquisition, construction, or expan-  
18 sion, \$4,951,812,000, to remain available until expended,  
19 and \$600,000,000 for the Waste Treatment and Immo-  
20 bilization Plant at Hanford, Washington, to remain avail-  
21 able until September 30, 2007.

## 22 OTHER DEFENSE ACTIVITIES

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

1 energy defense, other defense activities, and classified ac-  
2 tivities, in carrying out the purposes of the Department  
3 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
4 cluding the acquisition or condemnation of any real prop-  
5 erty or any facility or for plant or facility acquisition, con-  
6 struction, or expansion, and the purchase of not to exceed  
7 ten passenger motor vehicles for replacement only,  
8 \$720,788,000, to remain available until expended.

9           DEFENSE NUCLEAR WASTE DISPOSAL

10         For nuclear waste disposal activities to carry out the  
11 purposes of Public Law 97-425, as amended, including  
12 the acquisition of real property or facility construction or  
13 expansion, \$388,080,000, to remain available until ex-  
14 pended.

15         POWER MARKETING ADMINISTRATIONS

16           BONNEVILLE POWER ADMINISTRATION FUND

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

22         OPERATION AND MAINTENANCE, SOUTHEASTERN POWER  
23           ADMINISTRATION

24         For necessary expenses of operation and maintenance  
25 of power transmission facilities and of electric power and

1 energy, including transmission wheeling and ancillary  
2 services pursuant to section 5 of the Flood Control Act  
3 of 1944 (16 U.S.C. 825s), as applied to the southeastern  
4 power area, \$5,723,000, to remain available until ex-  
5 pended: *Provided*, That, notwithstanding 31 U.S.C. 3302,  
6 up to \$48,003,000 collected by the Southeastern Power  
7 Administration pursuant to the Flood Control Act of 1944  
8 to recover purchase power and wheeling expenses shall be  
9 credited to this account as offsetting collections, to remain  
10 available until expended for the sole purpose of making  
11 purchase power and wheeling expenditures.

12 OPERATION AND MAINTENANCE, SOUTHWESTERN

13 POWER ADMINISTRATION

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

1 Flood Control Act to recover purchase power and wheeling  
2 expenses shall be credited to this account as offsetting col-  
3 lections, to remain available until expended for the sole  
4 purpose of making purchase power and wheeling expendi-  
5 tures.

6 CONSTRUCTION, REHABILITATION, OPERATION AND  
7 MAINTENANCE, WESTERN AREA POWER ADMINIS-  
8 TRATION

9 For carrying out the functions authorized by title III,  
10 section 302(a)(1)(E) of the Act of August 4, 1977 (42  
11 U.S.C. 7152), and other related activities including con-  
12 servation and renewable resources programs as author-  
13 ized, including official reception and representation ex-  
14 penses in an amount not to exceed \$1,500; \$212,213,000,  
15 to remain available until expended, of which \$208,776,000  
16 shall be derived from the Department of the Interior Rec-  
17 lamation Fund: *Provided*, That of the amount herein ap-  
18 propriated, \$6,893,000 is for deposit into the Utah Rec-  
19 lamation Mitigation and Conservation Account pursuant  
20 to title IV of the Reclamation Projects Authorization and  
21 Adjustment Act of 1992: *Provided further*, That of the  
22 amount herein appropriated, \$6,000,000 shall be available  
23 until expended on a nonreimbursable basis to the Western  
24 Area Power Administration for Topock-Davis-Mead  
25 Transmission Line Upgrades: *Provided further*, That of

1 the amount herein appropriated, \$500,000 shall be avail-  
2 able until expended on a nonreimbursable basis to the Dy-  
3 namic Engineering Studies on the TOT-3 and Wyoming  
4 West Transmission projects: *Provided further*, That not-  
5 withstanding the provision of 31 U.S.C. 3302, up to  
6 \$472,593,000 collected by the Western Area Power Ad-  
7 ministration pursuant to the Flood Control Act of 1944  
8 and the Reclamation Project Act of 1939 to recover pur-  
9 chase power and wheeling expenses shall be credited to  
10 this account as offsetting collections, to remain available  
11 until expended for the sole purpose of making purchase  
12 power and wheeling expenditures.

13 FALCON AND AMISTAD OPERATING AND MAINTENANCE  
14 FUND

15 For operation, maintenance, and emergency costs for  
16 the hydroelectric facilities at the Falcon and Amistad  
17 Dams, \$2,500,000, to remain available until expended,  
18 and to be derived from the Falcon and Amistad Operating  
19 and Maintenance Fund of the Western Area Power Ad-  
20 ministration, as provided in section 423 of the Foreign  
21 Relations Authorization Act, Fiscal Years 1994 and 1995.

22 FEDERAL ENERGY REGULATORY COMMISSION  
23 SALARIES AND EXPENSES

24 For necessary expenses of the Federal Energy Regu-  
25 latory Commission to carry out the provisions of the De-

1 partment of Energy Organization Act (42 U.S.C. 7101 et  
2 seq.), including services as authorized by 5 U.S.C. 3109,  
3 the hire of passenger motor vehicles, and official reception  
4 and representation expenses not to exceed \$3,000,  
5 \$230,800,000, to remain available until expended: *Pro-*  
6 *vided*, That notwithstanding any other provision of law,  
7 not to exceed \$230,800,000 of revenues from fees and an-  
8 nual charges, and other services and collections in fiscal  
9 year 2007 shall be retained and used for necessary ex-  
10 penses in this account, and shall remain available until  
11 expended: *Provided further*, That the sum herein appro-  
12 priated from the general fund shall be reduced as revenues  
13 are received during fiscal year 2007 so as to result in a  
14 final fiscal year 2007 appropriation from the general fund  
15 estimated at not more than \$0.

## 16 GENERAL PROVISIONS

### 17 DEPARTMENT OF ENERGY

18 SEC. 301. CONTRACT COMPETITION.—(a)(1) None of  
19 the funds in this or any other appropriations Act for fiscal  
20 year 2007 or any previous fiscal year may be used to make  
21 payments for a noncompetitive management and operating  
22 contract unless the Secretary of Energy has published in  
23 the Federal Register and submitted to the Committees on  
24 Appropriations of the House of Representatives and the  
25 Senate a written notification, with respect to each such

1 contract, of the Secretary’s decision to use competitive  
2 procedures for the award of the contract, or to not renew  
3 the contract, when the term of the contract expires.

4 (2) Paragraph (1) does not apply to an extension for  
5 up to 2 years of a noncompetitive management and oper-  
6 ating contract, if the extension is for purposes of allowing  
7 time to award competitively a new contract, to provide  
8 continuity of service between contracts, or to complete a  
9 contract that will not be renewed.

10 (b) In this section:

11 (1) The term “noncompetitive management and  
12 operating contract” means a contract that was  
13 awarded more than 50 years ago without competi-  
14 tion for the management and operation of Ames  
15 Laboratory, Argonne National Laboratory, and Law-  
16 rence Livermore National Laboratory.

17 (2) The term “competitive procedures” has the  
18 meaning provided in section 4 of the Office of Fed-  
19 eral Procurement Policy Act (41 U.S.C. 403) and  
20 includes procedures described in section 303 of the  
21 Federal Property and Administrative Services Act of  
22 1949 (41 U.S.C. 253) other than a procedure that  
23 solicits a proposal from only one source.

24 (c) For all management and operating contracts  
25 other than those listed in subsection (b)(1), none of the

1 funds appropriated by this Act may be used to award a  
2 management and operating contract, or award a signifi-  
3 cant extension or expansion to an existing management  
4 and operating contract, unless such contract is awarded  
5 using competitive procedures or the Secretary of Energy  
6 grants, on a case-by-case basis, a waiver to allow for such  
7 a deviation. The Secretary may not delegate the authority  
8 to grant such a waiver. At least 60 days before a contract  
9 award for which the Secretary intends to grant such a  
10 waiver, the Secretary shall submit to the Committees on  
11 Appropriations of the House of Representatives and the  
12 Senate a report notifying the Committees of the waiver  
13 and setting forth, in specificity, the substantive reasons  
14 why the Secretary believes the requirement for competition  
15 should be waived for this particular award.

16       SEC. 302. WORKFORCE RESTRUCTURING.—None of  
17 the funds appropriated by this Act may be used to—

18           (1) develop or implement a workforce restruc-  
19           turing plan that covers employees of the Department  
20           of Energy; or

21           (2) provide enhanced severance payments or  
22           other benefits for employees of the Department of  
23           Energy, under section 3161 of the National Defense  
24           Authorization Act for Fiscal Year 1993 (Public Law  
25           102–484; 42 U.S.C. 7274h).

1        SEC. 303. SECTION 3161 ASSISTANCE.—None of the  
2 funds appropriated by this Act may be used to augment  
3 the funds made available for obligation by this Act for sev-  
4 erance payments and other benefits and community assist-  
5 ance grants under section 3161 of the National Defense  
6 Authorization Act for Fiscal Year 1993 (Public Law 102–  
7 484; 42 U.S.C. 7274h) unless the Department of Energy  
8 submits a reprogramming request to the appropriate con-  
9 gressional committees.

10        SEC. 304. UNFUNDED REQUESTS FOR PRO-  
11 POSALS.—None of the funds appropriated by this Act may  
12 be used to prepare or initiate Requests For Proposals  
13 (RFPs) or other solicitations for a program if the program  
14 has not been funded by Congress.

15        SEC. 305. UNEXPENDED BALANCES.—The unex-  
16 pended balances of prior appropriations provided for ac-  
17 tivities in this Act may be available to the same appropria-  
18 tion accounts for such activities established pursuant to  
19 this title. Available balances may be merged with funds  
20 in the applicable established accounts and thereafter may  
21 be accounted for as one fund for the same time period  
22 as originally enacted.

23        SEC. 306. BONNEVILLE POWER ADMINISTRATION  
24 SERVICE TERRITORY.—None of the funds in this or any  
25 other Act for the Administrator of the Bonneville Power

1 Administration may be used to enter into any agreement  
2 to perform energy efficiency services outside the legally de-  
3 fined Bonneville service territory, with the exception of  
4 services provided internationally, including services pro-  
5 vided on a reimbursable basis, unless the Administrator  
6 certifies in advance that such services are not available  
7 from private sector businesses.

8       SEC. 307. USER FACILITIES.—When the Department  
9 of Energy makes a user facility available to universities  
10 or other potential users, or seeks input from universities  
11 or other potential users regarding significant characteris-  
12 ties or equipment in a user facility or a proposed user fa-  
13 cility, the Department shall ensure broad public notice of  
14 such availability or such need for input to universities and  
15 other potential users. When the Department of Energy  
16 considers the participation of a university or other poten-  
17 tial user as a formal partner in the establishment or oper-  
18 ation of a user facility, the Department shall employ full  
19 and open competition in selecting such a partner. For pur-  
20 poses of this section, the term “user facility” includes, but  
21 is not limited to: (1) a user facility as described in section  
22 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C.  
23 13503(a)(2)); (2) a National Nuclear Security Adminis-  
24 tration Defense Programs Technology Deployment Cen-

1 ter/User Facility; and (3) any other Departmental facility  
2 designated by the Department as a user facility.

3       SEC. 308. INTELLIGENCE ACTIVITIES.—Funds ap-  
4 propriated by this or any other Act, or made available by  
5 the transfer of funds in this Act, for intelligence activities  
6 are deemed to be specifically authorized by the Congress  
7 for purposes of section 504 of the National Security Act  
8 of 1947 (50 U.S.C. 414) during fiscal year 2007 until the  
9 enactment of the Intelligence Authorization Act for fiscal  
10 year 2007.

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

24       SEC. 310. TECHNOLOGY COMMERCIALIZATION  
25 FUND.—None of the funds made available by this Act may



1           DEFENSE NUCLEAR FACILITIES SAFETY BOARD  
2                           SALARIES AND EXPENSES

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

8                           DELTA REGIONAL AUTHORITY  
9                           SALARIES AND EXPENSES

10          For necessary expenses of the Delta Regional Author-  
11 ity and to carry out its activities, as authorized by the  
12 Delta Regional Authority Act of 2000, as amended, not-  
13 withstanding sections 382C(b)(2), 382F(d), and 382M(b)  
14 of said Act, \$5,940,000, to remain available until ex-  
15 pended.

16                           DENALI COMMISSION

17          For expenses of the Denali Commission including the  
18 purchase, construction and acquisition of plant and capital  
19 equipment as necessary and other expenses, \$7,536,000,  
20 to remain available until expended, notwithstanding the  
21 limitations contained in section 306(g) of the Denali Com-  
22 mission Act of 1998.

1                   NUCLEAR REGULATORY COMMISSION  
2                   SALARIES AND EXPENSES

3           For necessary expenses of the Commission in car-  
4 rying out the purposes of the Energy Reorganization Act  
5 of 1974, as amended, and the Atomic Energy Act of 1954,  
6 as amended, including official representation expenses not  
7 to exceed \$19,000, \$808,410,000, to remain available  
8 until expended: *Provided*, That of the amount appro-  
9 priated herein, \$40,981,840 shall be derived from the Nu-  
10 clear Waste Fund: *Provided further*, That revenues from  
11 licensing fees, inspection services, and other services and  
12 collections estimated at \$656,328,000 in fiscal year 2007  
13 shall be retained and used for necessary salaries and ex-  
14 penses in this account, notwithstanding 31 U.S.C. 3302,  
15 and shall remain available until expended: *Provided fur-*  
16 *ther*, That the sum herein appropriated shall be reduced  
17 by the amount of revenues received during fiscal year  
18 2007 so as to result in a final fiscal year 2007 appropria-  
19 tion estimated at not more than \$152,082,000.

20                   OFFICE OF INSPECTOR GENERAL

21           For necessary expenses of the Office of Inspector  
22 General in carrying out the provisions of the Inspector  
23 General Act of 1978, as amended, \$8,144,000, to remain  
24 available until expended: *Provided*, That revenues from li-  
25 censing fees, inspection services, and other services and

1 collections estimated at \$7,330,000 in fiscal year 2007  
2 shall be retained and be available until expended, for nec-  
3 essary salaries and expenses in this account, notwith-  
4 standing 31 U.S.C. 3302: *Provided further*, That the sum  
5 herein appropriated shall be reduced by the amount of rev-  
6 enues received during fiscal year 2007 so as to result in  
7 a final fiscal year 2007 appropriation estimated at not  
8 more than \$814,000.

9           NUCLEAR WASTE TECHNICAL REVIEW BOARD

10                           SALARIES AND EXPENSES

11           For necessary expenses of the Nuclear Waste Tech-  
12 nical Review Board, as authorized by Public Law 100-  
13 203, section 5051, \$3,670,000, to be derived from the Nu-  
14 clear Waste Fund, and to remain available until expended.

15                           TITLE V

16                           GENERAL PROVISIONS

17           SEC. 501. None of the funds appropriated by this Act  
18 may be used in any way, directly or indirectly, to influence  
19 congressional action on any legislation or appropriation  
20 matters pending before Congress, other than to commu-  
21 nicate to Members of Congress as described in 18 U.S.C.  
22 1913.

23           SEC. 502. None of the funds made available in this  
24 Act may be transferred to any department, agency, or in-  
25 strumentality of the United States Government, except

1 pursuant to a transfer made by, or transfer authority pro-  
2 vided in this Act or any other appropriation Act.

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

Union Calendar No. 262

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 5427**

[Report No. 109-474]

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## **A BILL**

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

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MAY 19, 2006

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