

In the Senate of the United States,

July 1 (legislative day, June 30), 2005.

Resolved, That the bill from the House of Representatives (H.R. 2419) entitled “An Act making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *fiscal year ending September 30, 2006, for energy and*
- 4 *water development and for other purposes, namely:*

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

4 *The following appropriations shall be expended under*
5 *the direction of the Chief of Engineers and the supervision*
6 *of the Director of Civil Works for authorized civil functions*
7 *of the Department of the Army pertaining to rivers and*
8 *harbors, flood control, shore protection and storm damage*
9 *reduction, aquatic ecosystem restoration, and related pur-*
10 *poses.*

11 *GENERAL INVESTIGATIONS*

12 *For expenses necessary for the collection and study of*
13 *basic information pertaining to river and harbor, flood con-*
14 *trol, shore protection and storm damage reduction, aquatic*
15 *ecosystem restoration, and related projects, restudy of au-*
16 *thorized projects, miscellaneous investigations, and, when*
17 *authorized by law, surveys and detailed studies and plans*
18 *and specifications of projects prior to construction,*
19 *\$180,000,000, to remain available until expended.*

20 *CONSTRUCTION, GENERAL*

21 *For expenses necessary for the construction of river*
22 *and harbor, flood control, shore protection and storm dam-*
23 *age reduction, aquatic ecosystem restoration, and related*
24 *projects authorized by law; for conducting detailed studies,*
25 *and plans and specifications, of such projects (including*
26 *those for development with participation or under consider-*

1 ation for participation by States, local governments, or pri-
2 vate groups) authorized or made eligible for selection by law
3 (but such detailed studies, and plans and specifications,
4 shall not constitute a commitment of the Government to
5 construction); \$2,086,664,000, to remain available until ex-
6 pended, of which such sums as are necessary to cover the
7 Federal share of construction costs for facilities under the
8 Dredged Material Disposal Facilities program shall be de-
9 rived from the Harbor Maintenance Trust Fund as author-
10 ized by Public Law 104–303; and of which such sums as
11 are necessary pursuant to Public Law 99–662 shall be de-
12 rived from the Inland Waterways Trust Fund, to cover one-
13 half of the costs of construction and rehabilitation of inland
14 waterways projects, (including the rehabilitation costs for
15 Lock and Dam 11, Mississippi River, Iowa; Lock and Dam
16 19, Mississippi River, Iowa; Lock and Dam 24, Mississippi
17 River, Illinois and Missouri; Lock 27, Mississippi River,
18 Illinois; and Lock and Dam 3, Mississippi River, Min-
19 nesota) shall be derived from the Inland Waterways Trust
20 Fund: Provided, That using \$15,000,000 of the funds ap-
21 propriated herein, the Chief of Engineers is directed to con-
22 tinue construction of the Dallas Floodway Extension,
23 Texas, project, including the Cadillac Heights feature, gen-
24 erally in accordance with the Chief of Engineers report
25 dated December 7, 1999: Provided further, That the Chief

1 of Engineers is directed to use \$2,000,000 of the funds pro-
2 vided herein to continue construction of the Hawaii Water
3 Management Project: Provided further, That the Chief of
4 Engineers is directed to use \$13,000,000 of the funds appro-
5 priated herein to continue construction of the navigation
6 project at Kaumalapau Harbor, Hawaii: Provided further,
7 That the Chief of Engineers is directed to use \$4,000,000
8 of the funds provided herein for the Dam Safety and Seep-
9 age/Stability Correction Program to complete construction
10 of seepage control features and repairs to the tainter gates
11 at Waterbury Dam, Vermont: Provided further, That the
12 Chief of Engineers is directed to use \$9,500,000 of the funds
13 appropriated herein to proceed with planning, engineering,
14 design or construction of the Grundy, Buchanan County,
15 and Dickenson County, Virginia, elements of the Levisa and
16 Tug Forks of the Big Sandy River and Upper Cumberland
17 River Project: Provided further, That the Chief of Engineers
18 is directed to use \$4,600,000 of the funds appropriated here-
19 in to continue with the planning, engineering, design or
20 construction of the Lower Mingo County, Upper Mingo
21 County, Wayne County, McDowell County, West Virginia,
22 elements of the Levisa and Tug Forks of the Big Sandy
23 River and Upper Cumberland River Project: Provided fur-
24 ther, That the Chief of Engineers is directed to continue
25 the Dickenson County Detailed Project Report as generally

1 *defined in Plan 4 of the Huntington District Engineer's*
2 *Draft Supplement to the section 202 General Plan for Flood*
3 *Damage Reduction dated April 1997, including all Russell*
4 *Fork tributary streams within the County and special con-*
5 *siderations as may be appropriate to address the unique*
6 *relocations and resettlement needs for the flood prone com-*
7 *munities within the County: Provided further, That the*
8 *Chief of Engineers is directed to proceed with work on the*
9 *permanent bridge to replace Folsom Bridge Dam Road,*
10 *Folsom, California, as authorized by the Energy and Water*
11 *Development Appropriations Act, 2004 (Public Law 108-*
12 *137), and, of the \$12,000,000 available for the American*
13 *River Watershed (Folsom Dam Mini-Raise), California,*
14 *project, up to \$7,000,000 of those funds be directed for the*
15 *permanent bridge, with all remaining devoted to the Mini-*
16 *Raise: Provided further, That \$300,000 is provided for the*
17 *Chief of Engineers to conduct a General Reevaluation*
18 *Study on the Mount St. Helens project to determine if eco-*
19 *system restoration actions are prudent in the Cowlitz and*
20 *Toutle watersheds for species that have been listed as being*
21 *of economic importance and threatened or endangered.*

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

25 *For expenses necessary for the flood damage reduction*
26 *program for the Mississippi River alluvial valley below*

1 *Cape Girardeau, Missouri, as authorized by law,*
2 *\$433,336,000, to remain available until expended, of which*
3 *such sums as are necessary to cover the Federal share of*
4 *operation and maintenance costs for inland harbors shall*
5 *be derived from the harbor maintenance trust fund: Pro-*
6 *vided, That the Chief of Engineers, using \$25,000,000 of*
7 *the funds provided herein, is directed to continue design*
8 *and real estate activities and to initiate the pump supply*
9 *contract for the Yazoo Basin, Yazoo Backwater Pumping*
10 *Plant, Mississippi: Provided further, That the pump supply*
11 *contract shall be performed by awarding continuing con-*
12 *tracts in accordance with 33 U.S.C. 621: Provided further,*
13 *That the Secretary of the Army, acting through the Chief*
14 *of Engineers is directed, with \$10,000,000 appropriated*
15 *herein, to continue construction of water withdrawal fea-*
16 *tures of the Grand Prairie, Arkansas, project, of which such*
17 *sums as are necessary to cover the Federal share of oper-*
18 *ation and maintenance costs for inland harbors shall be de-*
19 *derived from the Harbor Maintenance Trust Fund.*

20 *OPERATION AND MAINTENANCE, GENERAL*

21 *For expenses necessary for the operation, maintenance,*
22 *and care of existing river and harbor, flood and storm dam-*
23 *age reduction, aquatic ecosystem restoration, and related*
24 *projects authorized by law; for providing security for infra-*
25 *structure owned and operated by, or on behalf of, the United*
26 *States Army Corps of Engineers, including administrative*

1 *buildings and facilities, laboratories, and the Washington*
2 *Aqueduct; for the maintenance of harbor channels provided*
3 *by a State, municipality, or other public agency that serve*
4 *essential navigation needs of general commerce, where au-*
5 *thorized by law; and for surveys and charting of northern*
6 *and northwestern lakes and connecting waters, clearing and*
7 *straightening channels, and removal of obstructions to navi-*
8 *gation, \$2,100,000,000, to remain available until expended,*
9 *of which such sums as are necessary to cover the Federal*
10 *share of operation and maintenance costs for coastal har-*
11 *bors and channels, shall be derived from the Harbor Mainte-*
12 *nance Trust Fund, pursuant to Public Law 99-662 may*
13 *be derived from that fund; of which such sums as become*
14 *available from the special account for the United States*
15 *Army Corps of Engineers established by the Land and*
16 *Water Conservation Act of 1965, as amended (16 U.S.C.*
17 *460l-6a(i)), may be derived from that account for resource*
18 *protection, research, interpretation, and maintenance ac-*
19 *tivities related to resource protection in the areas at which*
20 *outdoor recreation is available; and of which such sums as*
21 *become available under section 217 of the Water Resources*
22 *Development Act of 1996, Public Law 104-303, shall be*
23 *used to cover the cost of operation and maintenance of the*
24 *dredged material disposal facilities for which fees have been*
25 *collected: Provided, That utilizing funds appropriated here-*

1 *in, for the Intracoastal Waterway, Delaware River to*
2 *Chesapeake Bay, Delaware and Maryland, the Chief of En-*
3 *gineers, is directed to reimburse the State of Delaware for*
4 *normal operation and maintenance costs incurred by the*
5 *State of Delaware for the SR1 Bridge from station 58 + 00*
6 *to station 293 + 00 between October 1, 2005, and September*
7 *30, 2006: Provided further, That the Chief of Engineers is*
8 *authorized to undertake, at full Federal expense, a detailed*
9 *evaluation of the Albuquerque levees for purposes of deter-*
10 *mining structural integrity, impacts of vegetative growth,*
11 *and performance under current hydrological conditions:*
12 *Provided further, That using \$275,000 provided herein, the*
13 *Chief of Engineers is authorized to remove the sunken vessel*
14 *State of Pennsylvania from the Christina River in Dela-*
15 *ware.*

16 *FLOOD CONTROL AND COASTAL EMERGENCIES*

17 *For expenses necessary to prepare for flood, hurricane,*
18 *and other natural disasters and support emergency oper-*
19 *ations, repairs, and other activities in response to flood and*
20 *hurricane emergencies, as authorized by law, \$43,000,000,*
21 *to remain available until expended.*

22 *REGULATORY PROGRAM*

23 *For expenses necessary for administration of laws per-*
24 *taining to regulation of navigable waters and wetlands,*
25 *\$150,000,000, to remain available until expended.*

1 *FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM*

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

6 *GENERAL EXPENSES*

7 *For expenses necessary for general administration and*
8 *related civil works functions in the headquarters of the*
9 *United States Army Corps of Engineers, the offices of the*
10 *Division Engineers, the Humphreys Engineer Center Sup-*
11 *port Activity, the Institute for Water Resources, the United*
12 *States Army Engineer Research and Development Center,*
13 *and the United States Army Corps of Engineers Finance*
14 *Center, \$165,000,000, to remain available until expended:*
15 *Provided, That no part of any other appropriation pro-*
16 *vided in title I of this Act shall be available to fund the*
17 *civil works activities of the Office of the Chief of Engineers*
18 *or the civil works executive direction and management ac-*
19 *tivities of the division offices.*

20 *ADMINISTRATIVE PROVISION*

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

1 *GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL*

2 *SEC. 101. Beginning in fiscal year 2005 and there-*
3 *after, agreements proposed for execution by the Assistant*
4 *Secretary of the Army for Civil Works or the United States*
5 *Army Corps of Engineers after the date of the enactment*
6 *of this Act pursuant to section 4 of the Rivers and Harbor*
7 *Act of 1915, Public Law 64–291; section 11 of the River*
8 *and Harbor Act of 1925, Public Law 68–585; the Civil*
9 *Functions Appropriations Act, 1936, Public Law 75–208;*
10 *section 215 of the Flood Control, Act of 1968, as amended,*
11 *Public Law 90–483; sections 104, 203, and 204 of the Water*
12 *Resources Development Act of 1986, as amended, Public*
13 *Law 99–662; section 206 of the Water Resources Develop-*
14 *ment Act of 1992, as amended, Public Law 102–580; section*
15 *211 of the Water Resources Development Act of 1996, Public*
16 *Law 104–303; and any other specific project authority,*
17 *shall be limited to total credits and reimbursements for all*
18 *applicable projects not to exceed \$100,000,000 in each fiscal*
19 *year.*

20 *SEC. 102. None of the funds appropriated in this or*
21 *any other Act shall be used to demonstrate or implement*
22 *any plans divesting or transferring any Civil Works mis-*
23 *sions, functions, or responsibilities of the United States*
24 *Army Corps of Engineers to other government agencies*
25 *without specific direction in a subsequent Act of Congress.*

1 *SEC. 103. ST. GEORGES BRIDGE, DELAWARE. None of*
2 *the funds made available in this Act may be used to carry*
3 *out any activity relating to closure or removal of the St.*
4 *Georges Bridge across the Intracoastal Waterway, Delaware*
5 *River to Chesapeake Bay, Delaware and Maryland, includ-*
6 *ing a hearing or any other activity relating to preparation*
7 *of an environmental impact statement concerning the clo-*
8 *sure or removal.*

9 *SEC. 104. Within 75 days of the date of the Chief of*
10 *Engineers Report on a water resource matter, the Assistant*
11 *Secretary of the Army (Civil Works) shall submit the report*
12 *to the appropriate authorizing and appropriating commit-*
13 *tees of the Congress.*

14 *SEC. 105. Within 90 days of the date of enactment of*
15 *this Act, the Assistant Secretary of the Army (Civil Works)*
16 *shall transmit to Congress his report on any water resources*
17 *matter on which the Chief of Engineers has reported.*

18 *SEC. 106. Section 123 of Public Law 108–137 (117*
19 *Stat. 1837) is amended by striking “in accordance with the*
20 *Baltimore Metropolitan Water Resources-Gwynns Falls*
21 *Watershed Feasibility Report” and all that follows and in-*
22 *serting the following language in lieu thereof: “in accord-*
23 *ance with the Baltimore Metropolitan Water Resources*
24 *Gwynns Falls Watershed Study-Draft Feasibility Report*
25 *and Integrated Environmental Assessment prepared by the*

1 *Corps of Engineers and the City of Baltimore, Maryland,*
2 *dated April 2004.”*

3 *SEC. 107. MARMET LOCK, KANAWHA RIVER, WEST*
4 *VIRGINIA. Section 101(a)(31) of the Water Resources Devel-*
5 *opment Act of 1996 (110 Stat. 3666), is amended by strik-*
6 *ing “\$229,581,000” and inserting “\$358,000,000”.*

7 *SEC. 108. LOWER MUD RIVER, MILTON, WEST VIR-*
8 *GINIA. The project for flood control at Milton, West Vir-*
9 *ginia, authorized by section 580 of the Water Resources De-*
10 *velopment Act of 1996 (110 Stat. 3790), as modified by sec-*
11 *tion 340 of the Water Resources Development Act of 2000*
12 *(114 Stat. 2612), is modified to authorize the Chief of Engi-*
13 *neers to construct the project substantially in accordance*
14 *with the draft report of the Corps of Engineers dated May*
15 *2004, at an estimated total cost of \$45,500,000, with an*
16 *estimated Federal cost of \$34,125,000 and an estimated*
17 *non-Federal cost of \$11,375,000.*

18 *SEC. 109. WATER REALLOCATION, LAKE CUM-*
19 *BERLAND, KENTUCKY. (a) IN GENERAL.—Subject to sub-*
20 *section (b), none of the funds made available by this Act*
21 *may be used to carry out any water reallocation project*
22 *or component under the Wolf Creek Project, Lake Cum-*
23 *berland, Kentucky, authorized under the Act of June 28,*
24 *1938 (52 Stat. 1215, chapter 795) and the Act of July 24,*
25 *1946 (60 Stat. 636, chapter 595).*

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

6 SEC. 110. Section 529(b)(3) of Public Law 106–541
7 is amended by striking “\$10,000,000” and inserting
8 “\$20,000,000” in lieu thereof.

9 SEC. 111. *YAZOO BASIN, UPPER YAZOO PROJECTS,*
10 *MISSISSIPPI.* The Yazoo Basin Headwater Improvement,
11 Mississippi, project authorized by the Flood Control Act of
12 1928 (45 Stat. 534), as amended and modified, is further
13 modified to include the design and construction at full Fed-
14 eral expense of such measures as determined by the Chief
15 of Engineers to be advisable for the control of bank erosion
16 along the Yazoo River and including, but not limited to,
17 the following tributaries and watersheds of the Yazoo River:
18 Tallahatchie River, Coldwater River (below Arkabutla
19 Dam), Bear Creek Diversion, Yalobusha River (below Gre-
20 nada Dam), Little Tallahatchie River (below Sardis Dam),
21 Yocona River (below Enid Dam), Tchula Lake, Cassidy
22 Bayou, Bobo Bayou Area, Arkabutla Canal, Ascalmore-
23 Tippo Creek, David-Burrell Bayou, McKinney Bayou, Lake
24 Cormorant Area, Hurricane Bayou, Opossum Bayou,
25 Chicopa Creek, Hillside Floodway, Bear Creek, Alligator-

1 *Catfish Bayou, Rocky Bayou, Whiteoak Bayou, Potacocowa*
 2 *Creek, Tillatoba Creek, Teoc Creek, Big Sand Creek,*
 3 *Chicopa Creek, and miscellaneous ditches.*

4 *SEC. 112. LOWER MISSISSIPPI RIVER MUSEUM AND*
 5 *RIVERFRONT INTERPRETIVE SITE, MISSISSIPPI. The Water*
 6 *Resources Development Act of 1992 (106 Stat. 4811) is*
 7 *amended by—*

8 (1) *in section 103(c)(2) by striking “property*
 9 *currently held by the Resolution Trust Corporation in*
 10 *the vicinity of the Mississippi River Bridge” and in-*
 11 *serting “riverfront property”; and*

12 (2) *in section 103(c)(7)—*

13 (A) *by striking “There is” and inserting the*
 14 *following: “(A) IN GENERAL.—There is”; and*

15 (B) *by striking “\$2,000,000” and all that*
 16 *follows and inserting the following: “\$15,000,000*
 17 *to plan, design, and construct generally in ac-*
 18 *cordance with the conceptual plan to be prepared*
 19 *by the Corps of Engineers.*

20 “(B) *FUNDING.—The planning, design, and*
 21 *construction of the Lower Mississippi River Mu-*
 22 *seum and Riverfront Interpretive Site shall be*
 23 *carried out using funds appropriated as part of*
 24 *the Mississippi River Levees feature of the Mis-*
 25 *issippi River and Tributaries Project, author-*

1 *ized by the Act of May 15, 1928 (45 Stat. 534,*
2 *chapter 569).”.*

3 *SEC. 113. PUBLIC LAW 106–53. Section 593(h) (113*
4 *Stat. 381) is modified by striking “\$25,000,000” and in-*
5 *serting “\$50,000,000”.*

6 *SEC. 114. The project for navigation, Los Angeles Har-*
7 *bor, California, authorized by section 101(b)(5) of the Water*
8 *Resources Development Act of 2000 (114 Stat. 2577) is*
9 *modified to authorize the Chief of Engineers to carry out*
10 *the project at a total cost of \$222,000,000.*

11 *SEC. 115. MISSOURI AND MIDDLE MISSISSIPPI RIV-*
12 *ERS ENHANCEMENT PROJECT. (a) Section 514 of the Water*
13 *Resources Development Act of 1999 is amended by inserting*
14 *after subsection (e):*

15 “(f) *NONPROFIT ENTITIES.*—*Notwithstanding section*
16 *221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–*
17 *5b(b)), for any project undertaken under this section, a non-*
18 *Federal interest may include a Regional or National non-*
19 *profit entity with the consent of the affected local govern-*
20 *ment.*

21 “(g) *COST LIMITATION.*—*Not more than \$5,000,000 in*
22 *Federal funds may be allotted under this section for a*
23 *project at any single locality.”; and*

24 (i) *renumbering the succeeding subsections accord-*
25 *ingly.*

1 *SEC. 116. Section 514(f)(1) of the Water Resources De-*
2 *velopment Act of 1999 (Public Law 106–53) is amended*
3 *by adding at the end of the sentence before the period*
4 *“which may be in cash, by the provision of lands, ease-*
5 *ments, rights-of-way, relocations or disposal areas, by in-*
6 *kind services to implement the project, or by any combina-*
7 *tion of the foregoing. Land needed for a project under this*
8 *authority may remain in private ownership subject to ease-*
9 *ments satisfactory to the Secretary necessary to assure*
10 *achievement of the project purposes”.*

11 *SEC. 117. Section 514(g) of the Water Resources Devel-*
12 *opment Act of 1999 (Public Law 106–53) is amended by*
13 *striking the words “for the period of fiscal years 2000 and*
14 *2001” and inserting in lieu thereof “per year, and such au-*
15 *thority shall extend until Federal fiscal year 2015”.*

16 *SEC. 118. MISSOURI RIVER LEVEE SYSTEM, UNIT L–*
17 *15 LEVEE, MISSOURI. The portion of the L–15 levee system*
18 *which is under the jurisdiction of the Consolidated North*
19 *County Levee District and which is situated along the right*
20 *descending bank of the Mississippi River from its confluence*
21 *with the Missouri River and running upstream approxi-*
22 *mately 14 miles shall be considered to be a Federal levee*
23 *for purposes of cost sharing under 33 U.S.C. 701n.*

24 *SEC. 119. Section 219(f) of the Water Resources Devel-*
25 *opment Act of 1992 (Public Law 102–580; 106 Stat. 4835),*

1 *as amended by section 502(b) of the Water Resources Devel-*
2 *opment Act of 1999 (Public Law 106–53) and section*
3 *108(d) of title I of division B of the Miscellaneous Appro-*
4 *priations Act, 2001 (as enacted by Public Law 106–554;*
5 *114 Stat. 2763A–220), is further amended by adding at the*
6 *end the following:*

7 “(72) *ALPINE, CALIFORNIA.—\$10,000,000 is au-*
8 *thorized for a water transmission main, Alpine, CA.*”.

9 *SEC. 120. Section 214(a) of Public Law 106–541 is*
10 *amended by striking “2005” and inserting “2006”.*

11 *SEC. 121. MIDDLE RIO GRANDE ENDANGERED SPE-*
12 *CIES COLLABORATIVE PROGRAM, NEW MEXICO. The Sec-*
13 *retary of the Army may carry out projects that comply with*
14 *the Reasonable and Prudent Alternative of the 2003 Bio-*
15 *logical Opinion required by section 205(b) of Public Law*
16 *108–447 (118 Stat. 2949) referring to the Biological and*
17 *Conference Opinions on the Effects of Actions Associated*
18 *with the Programmatic Biological Assessment of Bureau of*
19 *Reclamation’s Water and River Maintenance Operations,*
20 *Army Corps of Engineers’ Flood Control Operation, and*
21 *Related Non-Federal Actions on the Middle Rio Grande,*
22 *New Mexico and other recovery measures for the Rio Grande*
23 *Silvery Minnow or the Southwest Willow Flycatcher, in-*
24 *cluding recommendations provided by the Endangered Spe-*
25 *cies Act Collaborative Program as established in Public*

1 *Law 108–137 section 209(b) (117 Stat. 1850). All project*
2 *undertaken under this subsection shall be subject to a 75*
3 *percent Federal/25 percent non-Federal cost share. The non-*
4 *Federal cost share for all projects carried out under this*
5 *program may be provided through in-kind services or direct*
6 *cash contributions and shall include provision of necessary*
7 *land, easements, relocations and disposal sites. Non-Federal*
8 *cost share shall be credited on a programmatic basis instead*
9 *of on a project-by-project basis with reconciliation of total*
10 *project costs and total non-Federal cost share on a 3 year*
11 *incremental basis. Over contribution of non-Federal cost*
12 *share shall be credited to subsequent years. In lieu of indi-*
13 *vidual Project Cooperation Agreements, the Secretary shall*
14 *enter into Memoranda of Agreement with participants in*
15 *the Middle Rio Grande Endangered Species Collaborative*
16 *Program in order to establish relative contribution of non-*
17 *Federal cost share by each participant, implement projects,*
18 *and streamline administrative procedures.*

19 *SEC. 122. BLUESTONE, WEST VIRGINIA. Section 547*
20 *of the Water Resources Development Act of 2000 (114 Stat.*
21 *2676) is amended—*

22 *(1) in subsection (b)(1)(A) by striking “4 years”*
23 *and inserting “5 years”;*

1 (2) in subsection (b)(1)(B)(iii) by striking “if
2 all” and all that follows through “facility” and in-
3 sserting “assurance project”;

4 (3) in subsection (b)(1)(C) by striking “and con-
5 struction” and inserting “, construction, and oper-
6 ation and maintenance”;

7 (4) by adding at the end of subsection (b) the fol-
8 lowing:

9 “(3) OPERATION AND OWNERSHIP.—The Tri-Cit-
10 ies Power Authority shall be the owner and operator
11 of the hydropower facilities referred to in subsection
12 (a).”;

13 (5) in subsection (c)(1)—

14 (A) by striking “No” and inserting “Unless
15 otherwise provided, no”;

16 (B) by inserting “planning,” before “de-
17 sign”; and

18 (C) by striking “prior to” and all that fol-
19 lows through “subsection (d)”;

20 (6) in subsection (c)(2) by striking “design” and
21 inserting “planning, design,”;

22 (7) in subsection (d)—

23 (A) by striking paragraphs (1) and (2) and
24 inserting the following:

1 “(1) *APPROVAL.*—*The Secretary shall review the*
2 *design and construction activities for all features of*
3 *the hydroelectric project that pertain to and affect*
4 *stability of the dam and control the release of water*
5 *from Bluestone Dam to ensure that the quality of con-*
6 *struction of those features meets all standards estab-*
7 *lished for similar facilities constructed by the Sec-*
8 *retary.*”;

9 *(B) by redesignating paragraph (3) as*
10 *paragraph (2);*

11 *(C) by striking the period at the end of*
12 *paragraph (2) (as so redesignated) and inserting*
13 *“, except that hydroelectric power is no longer a*
14 *project purpose of the facility so long as Tri-Cit-*
15 *ies Power Authority continues to exercise its re-*
16 *sponsibilities as the builder, owner, and operator*
17 *of the hydropower facilities at Bluestone Dam.*
18 *Water flow releases and flood control from the*
19 *hydropower facilities shall be determined and di-*
20 *rected by the Corps of Engineers.*”;

21 *(D) by adding at the end the following:*

22 “(3) *COORDINATION.*—*Construction of the hydro-*
23 *electric generating facilities shall be coordinated with*
24 *the dam safety assurance project currently in the de-*
25 *sign and construction phases.*”;

1 (8) *in subsection (e) by striking “in accordance”*
2 *and all that follows through “58 Stat. 890)”*;

3 (9) *in subsection (f)—*

4 (A) *by striking “facility of the inter-*
5 *connected systems of reservoirs operated by the*
6 *Secretary” each place it appears and inserting*
7 *“facilities under construction under such agree-*
8 *ments”*; *and*

9 (B) *by striking “design” and inserting*
10 *“planning, design”*;

11 (10) *in subsection (f)(2)—*

12 (A) *by “Secretary” each place it appears*
13 *and inserting “Tri-Cities Power Authority”*; *and*

14 (B) *by striking “facilities referred to in sub-*
15 *section (a)” and inserting “such facilities”*;

16 (11) *by striking paragraph (1) of subsection (g)*
17 *and inserting the following:*

18 “(1) *to arrange for the transmission of power to*
19 *the market or to construct such transmission facilities*
20 *as necessary to market the power produced at the fa-*
21 *ilities referred to in subsection (a) with funds con-*
22 *tributed by the Tri-Cities Power Authority; and”*;

23 (12) *in subsection (g)(2) by striking “such facili-*
24 *ties” and all that follows through “the Secretary” and*
25 *inserting “the generating facility”*; *and*

1 (13) by adding at the end the following:

2 “(i) *TRI-CITIES POWER AUTHORITY DEFINED.*—In
3 *this section, the ‘Tri-Cities Power Authority’ refers to the*
4 *entity established by the City of Hinton, West Virginia, the*
5 *City of White Sulphur Springs, West Virginia, and the City*
6 *of Philippi, West Virginia, pursuant to a document entitled*
7 *‘Second Amended and Restated Intergovernmental Agree-*
8 *ment’ approved by the Attorney General of West Virginia*
9 *on February 14, 2002.’”.*

10 *SEC. 123. The portion of the project for navigation,*
11 *City Waterway, Tacoma, Washington authorized by the*
12 *first section of the Act of June 13, 1902 (32 Stat. 347),*
13 *consisting of the last 1,000 linear feet of the inner portion*
14 *of the Waterway beginning at Station 70 + 00 and ending*
15 *at Station 80 + 00, is not authorized.*

16 *SEC. 124. The Chief of Engineers shall define the re-*
17 *pairs made at Fern Ridge Dam as a dam safety project*
18 *and costs shall be recovered in accordance with Section*
19 *1203 of the Water Resources Development Act of 1986: Pro-*
20 *vided, That costs assigned to irrigation will be recovered*
21 *by the Secretary of the Interior in accordance with Public*
22 *Law 98–404.*

23 *SEC. 125. The Chief of Engineers is directed to fully*
24 *utilize the Federal dredging fleet in support of all Army*
25 *Corps of Engineers missions and no restrictions shall be*

1 *placed on the use or maintenance of any dredge in the Fed-*
2 *eral Fleet.*

3 *SEC. 126. The Chief of Engineers is directed to main-*
4 *tain the Federal dredging fleet to technologically modern*
5 *and efficient standards.*

6 *SEC. 127. LAKE CHAMPLAIN CANAL DISPERSAL BAR-*
7 *RIER, VERMONT AND NEW YORK. The Chief of Engineers*
8 *shall determine, at full Federal expense, the feasibility of*
9 *a dispersal barrier project at the Lake Champlain Canal:*
10 *Provided, That if the Chief determines that the project is*
11 *feasible, the Chief shall construct, maintain, and operate*
12 *a dispersal barrier at the Lake Champlain Canal at full*
13 *Federal expense.*

14 *SEC. 128. Of funds made available to carry out section*
15 *1135 of the Water Resources Development Act of 1986 (33*
16 *U.S.C. 2309a), the Chief of Engineers may use \$1,500,000*
17 *for sea lamprey barrier construction in the Great Lakes.*

18 *SEC. 129. \$150,000 may be provided for Saco River*
19 *and Camp Ellis Beach, Maine, continuing authorities*
20 *project.*

21 *SEC. 130. \$2,000,000 may be provided for mainte-*
22 *nance dredging of the Narragausus River, Milbridge,*
23 *Maine.*

24 *SEC. 131. \$100,000 may be provided for the Penobscot*
25 *River Restoration Study, Maine.*

1 *TITLE II—DEPARTMENT OF THE INTERIOR*2 *CENTRAL UTAH PROJECT*3 *CENTRAL UTAH PROJECT COMPLETION ACCOUNT*

4 *For carrying out activities authorized by the Central*
5 *Utah Project Completion Act, \$32,614,000, to remain avail-*
6 *able until expended, of which \$946,000 shall be deposited*
7 *into the Utah Reclamation Mitigation and Conservation*
8 *Account for use by the Utah Reclamation Mitigation and*
9 *Conservation Commission.*

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

13 *BUREAU OF RECLAMATION*

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

16 *WATER AND RELATED RESOURCES*17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For management, development, and restoration of*
19 *water and related natural resources and for related activi-*
20 *ties, including the operation, maintenance, and rehabilita-*
21 *tion of reclamation and other facilities, participation in*
22 *fulfilling related Federal responsibilities to Native Ameri-*
23 *cans, and related grants to, and cooperative and other*
24 *agreements with, State and local governments, Indian*
25 *tribes, and others, \$899,569,000, to remain available until*
26 *expended, of which \$63,544,000 shall be available for trans-*

1 *fer to the Upper Colorado River Basin Fund and*
2 *\$21,998,000 shall be available for transfer to the Lower Col-*
3 *orado River Basin Development Fund; of which such*
4 *amounts as may be necessary may be advanced to the Colo-*
5 *rado River Dam Fund; of which not more than \$500,000*
6 *is for high priority projects which shall be carried out by*
7 *the Youth Conservation Corps, as authorized by 16 U.S.C.*
8 *1706: Provided further, That such transfers may be in-*
9 *creased or decreased within the overall appropriation under*
10 *this heading: Provided further, That of the total appro-*
11 *priated, the amount for program activities that can be fi-*
12 *nanced by the Reclamation Fund or the Bureau of Rec-*
13 *lamation special fee account established by 16 U.S.C. 460l-*
14 *6a(i) shall be derived from that Fund or account: Provided*
15 *further, That funds contributed under 43 U.S.C. 395 are*
16 *available until expended for the purposes for which contrib-*
17 *uted: Provided further, That \$500,000 is provided to the*
18 *Bureau of Reclamation to advance the Snyderville Basin*
19 *Water Supply Study Special Report to a Feasibility Level*
20 *Study and NEPA compliance for the purpose of providing*
21 *water to Park City and the Snyderville Basin, Utah, as*
22 *a component of the Weber Basin Project: Provided further,*
23 *That funds advanced under 43 U.S.C. 397a shall be credited*
24 *to this account and are available until expended for the*
25 *same purposes as the sums appropriated under this head-*

1 *ing: Provided further, That funds available for expenditure*
2 *for the Departmental Irrigation Drainage Program may be*
3 *expended by the Bureau of Reclamation for site remediation*
4 *on a non-reimbursable basis: Provided further, That, of the*
5 *funds appropriated under this heading, the Secretary of the*
6 *Army, acting through the Chief of Engineers, shall use not*
7 *less than \$200,000 to initiate preconstruction engineering*
8 *and design activities for modifications to Laupahoehoe*
9 *Harbor, Hawaii.*

10 *CENTRAL VALLEY PROJECT RESTORATION FUND*

11 *For carrying out the programs, projects, plans, and*
12 *habitat restoration, improvement, and acquisition provi-*
13 *sions of the Central Valley Project Improvement Act,*
14 *\$52,219,000, to be derived from such sums as may be col-*
15 *lected in the Central Valley Project Restoration Fund pur-*
16 *suant to sections 3407(d), 3404(c)(3), 3405(f), and*
17 *3406(c)(1) of Public Law 102–575, to remain available*
18 *until expended: Provided, That the Bureau of Reclamation*
19 *is directed to assess and collect the full amount of the addi-*
20 *tional mitigation and restoration payments authorized by*
21 *section 3407(d) of Public Law 102–575: Provided further,*
22 *That none of the funds made available under this heading*
23 *may be used for the acquisition or leasing of water for in-*
24 *stream purposes if the water is already committed to in-*
25 *stream purposes by a court adopted decree or order.*

1 CALIFORNIA BAY-DELTA RESTORATION

2 (INCLUDING TRANSFER OF FUNDS)

3 *For carrying out activities authorized by the Calfed*
4 *Bay Delta Authorization Act, consistent with plans to be*
5 *approved by the Secretary of the Interior, \$37,000,000, to*
6 *remain available until expended, of which such amounts as*
7 *may be necessary to carry out such activities may be trans-*
8 *ferred to appropriate accounts of other participating Fed-*
9 *eral agencies to carry out authorized purposes: Provided,*
10 *That funds appropriated herein may be used for the Federal*
11 *share of the costs of CALFED Program management: Pro-*
12 *vided further, That the use of any funds provided to the*
13 *California Bay-Delta Authority for program-wide manage-*
14 *ment and oversight activities shall be subject to the approval*
15 *of the Secretary of the Interior: Provided further, That*
16 *CALFED implementation shall be carried out in a bal-*
17 *anced manner with clear performance measures dem-*
18 *onstrating concurrent progress in achieving the goals and*
19 *objectives of the Program.*

20 POLICY AND ADMINISTRATION

21 *For necessary expenses of policy, administration, and*
22 *related functions in the office of the Commissioner, the Den-*
23 *ver office, and offices in the five regions of the Bureau of*
24 *Reclamation, to remain available until expended,*
25 *\$57,917,000, to be derived from the Reclamation Fund and*
26 *be nonreimbursable as provided in 43 U.S.C. 377: Provided,*

1 *That no part of any other appropriation in this Act shall*
2 *be available for activities or functions budgeted as policy*
3 *and administration expenses.*

4 *ADMINISTRATIVE PROVISION*

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

8 *GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR*

9 *SEC. 201. (a) None of the funds appropriated or other-*
10 *wise made available by this Act may be used to determine*
11 *the final point of discharge for the interceptor drain for*
12 *the San Luis Unit until development by the Secretary of*
13 *the Interior and the State of California of a plan, which*
14 *shall conform to the water quality standards of the State*
15 *of California as approved by the Administrator of the Envi-*
16 *ronmental Protection Agency, to minimize any detrimental*
17 *effect of the San Luis drainage waters.*

18 *(b) The costs of the Kesterson Reservoir Cleanup Pro-*
19 *gram and the costs of the San Joaquin Valley Drainage*
20 *Program shall be classified by the Secretary of the Interior*
21 *as reimbursable or nonreimbursable and collected until fully*
22 *repaid pursuant to the “Cleanup Program-Alternative Re-*
23 *payment Plan” and the “SJVDP-Alternative Repayment*
24 *Plan” described in the report entitled “Repayment Report,*
25 *Kesterson Reservoir Cleanup Program and San Joaquin*
26 *Valley Drainage Program, February 1995”, prepared by*

1 *the Department of the Interior, Bureau of Reclamation.*
2 *Any future obligations of funds by the United States relat-*
3 *ing to, or providing for, drainage service or drainage stud-*
4 *ies for the San Luis Unit shall be fully reimbursable by*
5 *San Luis Unit beneficiaries of such service or studies pur-*
6 *suant to Federal reclamation law.*

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

14 *SEC. 203. Funds under this title for Drought Emer-*
15 *gency Assistance shall be made available primarily for leas-*
16 *ing of water for specified drought related purposes from*
17 *willing lessors, in compliance with existing State laws and*
18 *administered under State water priority allocation. Such*
19 *leases may be entered into with an option to purchase: Pro-*
20 *vided, That such purchase is approved by the State in*
21 *which the purchase takes place and the purchase does not*
22 *cause economic harm within the State in which the pur-*
23 *chase is made.*

24 *SEC. 204. The Secretary of the Interior, acting through*
25 *the Commissioner of the Bureau of Reclamation, hereafter*

1 *is authorized to enter into grants, cooperative agreements,*
2 *and other agreements with irrigation or water districts and*
3 *States to fund up to 50 percent of the cost of planning,*
4 *designing, and constructing improvements that will con-*
5 *serve water, increase water use efficiency, or enhance water*
6 *management through measurement or automation, at exist-*
7 *ing water supply projects within the States identified in*
8 *the Act of June 17, 1902, as amended, and supplemented:*
9 *Provided, That when such improvements are to federally*
10 *owned facilities, such funds may be provided in advance*
11 *on a non-reimbursable basis to an entity operating affected*
12 *transferred works or may be deemed non-reimbursable for*
13 *non-transferred works: Provided further, That the calcula-*
14 *tion of the non-Federal contribution shall provide for con-*
15 *sideration of the value of any in-kind contributions, but*
16 *shall not include funds received from other Federal agencies:*
17 *Provided further, That the cost of operating and maintain-*
18 *ing such improvements shall be the responsibility of the*
19 *non-Federal entity: Provided further, That this section shall*
20 *not supercede any existing project-specific funding author-*
21 *ity: Provided further, That the Secretary is also hereafter*
22 *authorized to enter into grants or cooperative agreements*
23 *with universities or non-profit research institutions to fund*
24 *water use efficiency research.*

1 *SEC. 205. RIO GRANDE COLLABORATIVE WATER OP-*
2 *ERATIONS TEAM. The Secretary of the Interior, acting*
3 *through the Commissioner of the Bureau of Reclamation,*
4 *and the Secretary of the Army, acting through the Army*
5 *Corps of Engineers, shall jointly lead and may enter into*
6 *agreements with other Federal, State, and non-Federal enti-*
7 *ties with water rights in the Rio Grande Basin to form*
8 *a Collaborative Water Operations Team in order to cooper-*
9 *ate on water management and riparian actions in order*
10 *to optimize the supply of water throughout the basin and*
11 *meet other Federal obligations. The Rio Grande Collabo-*
12 *rative Water Operations Team shall undertake to develop*
13 *a master plan for the Rio Grande River and its tributaries*
14 *within the State of New Mexico that integrates all Federal*
15 *actions and where possible considers all non-Federal actions*
16 *for water management including improvement of agri-*
17 *culture efficiency, environmental restoration and manage-*
18 *ment, ecological improvements and management, scientific*
19 *investigations, flood control, recreation development and*
20 *similar water and land management efforts.*

21 *SEC. 206. WATER DESALINATION ACT. Section 8 of*
22 *Public Law 104–298 (The Water Desalination Act of 1996)*
23 *(110 Stat. 3624) as amended by section 210 of Public Law*
24 *108–7 (117 Stat. 146) and by section 6015 of Public Law*
25 *109–13 is amended by—*

1 (1) in paragraph (a) by striking “2005” and in-
2 serting in lieu thereof “2010”; and

3 (2) in paragraph (b) by striking “2005” and in-
4 serting in lieu thereof “2010”.

5 SEC. 207. Section 17(b) of the Colorado Ute Indian
6 Water Rights Settlement Act of 1988 as amended (Public
7 Law 100–585, 102 Stat. 2973; Public Law 106–554, 114
8 Stat. 2763A–266) is amended by striking “within 7 years”
9 and all that follows through “following the date of enact-
10 ment of this section” and inserting “for each of fiscal years
11 2006 through 2012”.

12 SEC. 208. (a) Notwithstanding section 217(a)(3) of the
13 Energy and Water Development Appropriations Act, 2004
14 (Public Law 108–137; 117 Stat. 1853), and in accordance
15 with section 804(f) of title VIII of the Clark County Con-
16 servation of Public Land and Natural Resources Act of
17 2002 (Public Law 107–282; 116 Stat. 2016), the State of
18 Nevada shall not be responsible for any of the payments
19 described in section 804(b)–(e) of title VIII of Public Law
20 107–282 associated with the conveyance of the Humboldt
21 Project. The State of Nevada shall be subject to the reconvey-
22 ance provisions contained in the last sentence of section
23 804(f).

24 (b)(1) Using amounts made available under section
25 2507 of the Farm and Security Rural Investment Act of

1 2002 (Public Law 107–171, Title II, Subtitle F; 116 Stat.
2 275), the Secretary of the Interior, acting through the Com-
3 missioner of Reclamation, may expend up to \$1,000,000 to
4 cover both the Secretary’s share and the State of Nevada’s
5 share of the following costs provided by section 804(c)–(e)
6 of Public Law 107–282 incurred by the conveyance of the
7 State of Nevada’s share of the Humboldt Project:

- 8 (A) administrative costs;
9 (B) real estate transfer costs; and
10 (C) the costs associated with complying with—
11 (i) the National Environmental Policy Act
12 of 1969 (42 U.S.C. 4321 et seq.); and
13 (ii) the National Historic Preservation Act
14 (16 U.S.C. 470 et seq.).

15 (2) The amounts appropriated by this section shall be
16 in addition to the \$270,000 appropriated by section
17 217(a)(3) of Public Law 108–137.

18 SEC. 209. (a)(1) Using amounts made available under
19 section 2507 of the Farm and Security Rural Investment
20 Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171),
21 the Secretary shall provide not more than \$70,000,000 to
22 the University of Nevada—

- 23 (A) to acquire from willing sellers land, water
24 appurtenant to the land, and related interests in the
25 Walker River Basin, Nevada; and

1 (B) to establish and administer an agricultural
2 and natural resources center, the mission of which
3 shall be to undertake research, restoration, and edu-
4 cational activities in the Walker River Basin relating
5 to—

6 (i) innovative agricultural water conserva-
7 tion;

8 (ii) cooperative programs for environmental
9 restoration;

10 (iii) fish and wildlife habitat restoration;
11 and

12 (iv) wild horse and burro research and
13 adoption marketing.

14 (2) In acquiring interests under paragraph (1)(A), the
15 University of Nevada shall make acquisitions that the Uni-
16 versity determines are the most beneficial to—

17 (A) the establishment and operation of the agri-
18 cultural and natural resources research center author-
19 ized under paragraph (1)(B); and

20 (B) environmental restoration in the Walker
21 River Basin.

22 (b)(1) Using amounts made available under section
23 2507 of the Farm and Security Rural Investment Act of
24 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Sec-
25 retary shall provide not more than \$10,000,000 for a water

1 *lease and purchase program for the Walker River Paiute*
2 *Tribe.*

3 *(2) Water acquired under paragraph (1) shall be—*

4 *(A) acquired only from willing sellers;*

5 *(B) designed to maximize water conveyances to*
6 *Walker Lake; and*

7 *(C) located only within the Walker River Paiute*
8 *Indian Reservation.*

9 *(c) Using amounts made available under section 2507*
10 *of the Farm and Security Rural Investment Act of 2002*
11 *(43 U.S.C. 2211 note; Public Law 107–171), the Secretary,*
12 *acting through the Commissioner of Reclamation, shall*
13 *provide—*

14 *(1) \$10,000,000 for tamarisk eradication, ripar-*
15 *ian area restoration, and channel restoration efforts*
16 *within the Walker River Basin that are designed to*
17 *enhance water delivery to Walker Lake, with priority*
18 *given to activities that are expected to result in the*
19 *greatest increased water flows to Walker Lake; and*

20 *(2) \$5,000,000 to the United States Fish and*
21 *Wildlife Service, the Walker River Paiute Tribe, and*
22 *the Nevada Division of Wildlife to undertake activi-*
23 *ties, to be coordinated by the Director of the United*
24 *States Fish and Wildlife Service, to complete the de-*
25 *sign and implementation of the Western Inland Trout*

1 *Initiative and Fishery Improvements in the State of*
2 *Nevada with an emphasis on the Walker River Basin.*

3 *SEC. 210. NORMAN, OKLAHOMA. (a) AUTHORIZATION*
4 *TO CONDUCT FEASIBILITY STUDY.—*

5 (1) *FEASIBILITY STUDY.—In accordance with*
6 *Federal reclamation law, the Secretary of the Interior*
7 *(referred to as “Secretary”), acting through the Bu-*
8 *reau of Reclamation and in consultation with the*
9 *State of Oklahoma, Central Oklahoma Master Conser-*
10 *vancy District (referred to as “District”), and other*
11 *interested local entities, is authorized to conduct a*
12 *study to determine the feasibility of:*

13 (A) *implementing water augmentation al-*
14 *ternatives that would provide additional water*
15 *to meet the future needs of the District’s member*
16 *cities and surrounding area;*

17 (B) *making use of existing Norman Project*
18 *infrastructure to store, regulate and deliver*
19 *water to meet current and future water demands;*
20 *and*

21 (C) *increasing the capacity of existing Nor-*
22 *man Project infrastructure in order to meet the*
23 *projected demands.*

24 (2) *COST SHARING.—The Federal share of the*
25 *cost of the study authorized in this Act shall not ex-*

1 *ceed 50 percent of the total cost of the study, and shall*
 2 *be non-reimbursable.*

3 (3) *COOPERATIVE AGREEMENTS.—The Secretary*
 4 *is authorized to enter into cooperative agreements*
 5 *with the State of Oklahoma and other appropriate en-*
 6 *tities to complete the feasibility study authorized in*
 7 *this Act.*

8 (b) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 9 *authorized to be appropriated to the Secretary such sums*
 10 *as are necessary to carry out the Federal share under sub-*
 11 *section (a).*

12 *SEC. 211. Section 207 of Division C of Public Law*
 13 *108–447 is amended by inserting “, and any effects of infla-*
 14 *tion thereon,” after the word “increase”.*

15 *TITLE III—DEPARTMENT OF ENERGY*

16 *ENERGY PROGRAMS*

17 *ENERGY SUPPLY AND CONSERVATION*

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

1 *or facility acquisition, construction, or expansion,*
2 *\$1,945,330,000, to remain available until expended.*

3 *CLEAN COAL TECHNOLOGY*

4 *(DEFERRAL)*

5 *Of the funds made available under this heading for*
6 *obligation in prior years, \$257,000,000 shall not be avail-*
7 *able until October 1, 2006: Provided, That funds made*
8 *available in previous appropriations Acts shall be made*
9 *available for any ongoing project regardless of the separate*
10 *request for proposal under which the project was selected.*

11 *CLEAN CITIES PROGRAM*

12 *Funding for the Clean Cities program may be provided*
13 *at no less than the current year level. Within the Clean Cit-*
14 *ies program, funding for work to expand E-85 fueling ca-*
15 *capacity may also be maintained at no less than the current*
16 *year level.*

17 *FOSSIL ENERGY RESEARCH AND DEVELOPMENT*

18 *For necessary expenses in carrying out fossil energy*
19 *research and development activities, under the authority of*
20 *the Department of Energy Organization Act (Public Law*
21 *95-91), including the acquisition of interest, including de-*
22 *feasible and equitable interests in any real property or any*
23 *facility or for plant or facility acquisition or expansion,*
24 *the hire of passenger motor vehicles, the hire, maintenance,*
25 *and operation of aircraft, the purchase, repair, and clean-*

1 *ing of uniforms, the reimbursement to the General Services*
2 *Administration for security guard services, and for con-*
3 *ducting inquiries, technological investigations and research*
4 *concerning the extraction, processing, use, and disposal of*
5 *mineral substances without objectionable social and envi-*
6 *ronmental costs (30 U.S.C. 3, 1602, and 1603),*
7 *\$641,646,000, to remain available until expended, of which*
8 *\$18,000,000 is to continue a multi-year project coordinated*
9 *with the private sector for FutureGen, without regard to*
10 *the terms and conditions applicable to clean coal techno-*
11 *logical projects: Provided, That the initial planning and*
12 *research stages of the FutureGen project shall include a*
13 *matching requirement from non-Federal sources of at least*
14 *20 percent of the costs: Provided further, That any dem-*
15 *onstration component of such project shall require a match-*
16 *ing requirement from non-Federal sources of at least 50 per-*
17 *cent of the costs of the component: Provided further, That*
18 *of the amounts provided, \$100,000,000 is available, after*
19 *coordination with the private sector, for a request for pro-*
20 *posals for a Clean Coal Power Initiative providing for com-*
21 *petitively-awarded research, development, and demonstra-*
22 *tion projects to reduce the barriers to continued and ex-*
23 *panded coal use: Provided further, That no project may be*
24 *selected for which sufficient funding is not available to pro-*
25 *vide for the total project: Provided further, That funds shall*

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

1 *That salaries for Federal employees performing research*
2 *and development activities at the National Energy Tech-*
3 *nology Laboratory can continue to be funded from program*
4 *accounts: Provided further, That the Secretary of Energy*
5 *is authorized to accept fees and contributions from public*
6 *and private sources, to be deposited in a contributed funds*
7 *account, and prosecute projects using such fees and con-*
8 *tributions in cooperation with other Federal, State, or pri-*
9 *vate agencies or concerns: Provided further, That revenues*
10 *and other moneys received by or for the account of the De-*
11 *partment of Energy or otherwise generated by sale of prod-*
12 *ucts in connection with projects of the Department appro-*
13 *priated under the Fossil Energy Research and Development*
14 *account may be retained by the Secretary of Energy, to be*
15 *available until expended, and used only for plant construc-*
16 *tion, operation, costs, and payments to cost-sharing entities*
17 *as provided in appropriate cost-sharing contracts or agree-*
18 *ments.*

19 *NAVAL PETROLEUM AND OIL SHALE RESERVES*

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

1 *years shall be available for all naval petroleum and oil shale*
2 *reserve activities.*

3 *ELK HILLS SCHOOL LANDS FUND*

4 *For necessary expenses in fulfilling installment pay-*
5 *ments under the Settlement Agreement entered into by the*
6 *United States and the State of California on October 11,*
7 *1996, as authorized by section 3415 of Public Law 104-*
8 *106, \$48,000,000, for payment to the State of California*
9 *for the State Teachers' Retirement Fund, of which*
10 *\$46,000,000 will be derived from the Elk Hills School*
11 *Lands Fund.*

12 *STRATEGIC PETROLEUM RESERVE*

13 *For necessary expenses for Strategic Petroleum Reserve*
14 *facility development and operations and program manage-*
15 *ment activities pursuant to the Energy Policy and Con-*
16 *servation Act of 1975, as amended (42 U.S.C. 6201 et seq.),*
17 *including the hire of passenger motor vehicles, the hire,*
18 *maintenance, and operation of aircraft, the purchase, re-*
19 *pair, and cleaning of uniforms, the reimbursement to the*
20 *General Services Administration for security guard serv-*
21 *ices, \$166,000,000, to remain available until expended.*

22 *ENERGY INFORMATION ADMINISTRATION*

23 *For necessary expenses in carrying out the activities*
24 *of the Energy Information Administration, \$85,926,000, to*
25 *remain available until expended.*

1 *NON-DEFENSE ENVIRONMENTAL CLEANUP*

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 non-defense*
5 *environmental cleanup activities in carrying out the pur-*
6 *poses of the Department of Energy Organization Act (42*
7 *U.S.C. 7101 et seq.), including the acquisition or con-*
8 *demnation of any real property or any facility or for plant*
9 *or facility acquisition, construction, or expansion, and the*
10 *purchase of not to exceed six passenger motor vehicles, of*
11 *which five shall be for replacement only, \$353,219,000, to*
12 *remain available until expended.*

13 *URANIUM ENRICHMENT DECONTAMINATION AND*
14 *DECOMMISSIONING FUND*

15 *For necessary expenses in carrying out uranium en-*
16 *richment facility decontamination and decommissioning,*
17 *remedial actions, and other activities of title II of the Atom-*
18 *ic Energy Act of 1954, as amended, and title X, subtitle*
19 *A, of the Energy Policy Act of 1992, \$561,498,000, to be*
20 *derived from the Fund, to remain available until expended,*
21 *of which \$0 shall be available in accordance with title X,*
22 *subtitle A, of the Energy Policy Act of 1992.*

23 *SCIENCE*

24 *For Department of Energy expenses including the pur-*
25 *chase, construction and acquisition of plant and capital*

1 *equipment, and other expenses necessary for science activi-*
2 *ties in carrying out the purposes of the Department of En-*
3 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
4 *the acquisition or condemnation of any real property or*
5 *facility or for plant or facility acquisition, construction, or*
6 *expansion, and purchase of not to exceed forty-seven pas-*
7 *senger motor vehicles for replacement only, including not*
8 *to exceed one ambulance and two buses, \$3,702,718,000, to*
9 *remain available until expended: Provided, That*
10 *\$250,055,000 is appropriated for the Advanced Scientific*
11 *Computing Research: Provided further, That \$43,000,000*
12 *may be provided to the Center for Computational Sciences*
13 *at Oak Ridge National Laboratory: Provided further, That*
14 *\$500,000 may be provided to the Medical University of*
15 *South Carolina: Provided further, That \$500,000 may be*
16 *provided to the Community College of Southern Nevada*
17 *Transportation Academy: Provided further, That*
18 *\$3,000,000 may be provided to South Dakota State Univer-*
19 *sity.*

20 *NUCLEAR WASTE DISPOSAL*

21 *For nuclear waste disposal activities to carry out the*
22 *purposes of the Nuclear Waste Policy Act of 1982, Public*
23 *Law 97-425, as amended (the “Act”), including the acqui-*
24 *sition of real property or facility construction or expansion,*
25 *\$300,000,000, to remain available until expended and to*

1 *be derived from the Nuclear Waste Fund: Provided, That*
2 *of the funds made available in this Act for Nuclear Waste*
3 *Disposal, \$3,500,000 shall be provided to the State of Ne-*
4 *vada solely for expenditures, other than salaries and ex-*
5 *penses of State employees, to conduct scientific oversight re-*
6 *sponsibilities and participate in licensing activities pursu-*
7 *ant to the Act: Provided further, That notwithstanding the*
8 *lack of a written agreement with the State of Nevada under*
9 *section 117(c) of the Nuclear Waste Policy Act of 1982, Pub-*
10 *lic Law 97-425, as amended, not less than \$500,000 shall*
11 *be provided to Nye County, Nevada, for on-site oversight*
12 *activities under section 117(d) of that Act: Provided further,*
13 *That \$8,500,000 shall be provided to affected units of local*
14 *governments, as defined in the Act, to conduct appropriate*
15 *activities and participate in licensing activities: Provided*
16 *further, That the distribution of the funds as determined*
17 *by the units of local government shall be approved by the*
18 *Department of Energy: Provided further, That the funds for*
19 *the State of Nevada shall be made available solely to the*
20 *Nevada Division of Emergency Management by direct pay-*
21 *ment and units of local government by direct payment: Pro-*
22 *vided further, That within 90 days of the completion of each*
23 *Federal fiscal year, the Nevada Division of Emergency*
24 *Management and the Governor of the State of Nevada and*
25 *each local entity shall provide certification to the Depart-*

1 *ment of Energy that all funds expended from such payments*
2 *have been expended for activities authorized by the Act and*
3 *this Act: Provided further, That failure to provide such cer-*
4 *tification shall cause such entity to be prohibited from any*
5 *further funding provided for similar activities: Provided*
6 *further, That none of the funds herein appropriated may*
7 *be: (1) used directly or indirectly to influence legislative*
8 *action on any matter pending before Congress or a State*
9 *legislature or for lobbying activity as provided in 18 U.S.C.*
10 *1913; (2) used for litigation expenses; or (3) used to support*
11 *multi-State efforts or other coalition building activities in-*
12 *consistent with the restrictions contained in this Act: Pro-*
13 *vided further, That all proceeds and recoveries realized by*
14 *the Secretary in carrying out activities authorized by the*
15 *Act, including but not limited to, any proceeds from the*
16 *sale of assets, shall be available without further appropria-*
17 *tion and shall remain available until expended.*

18 *DEPARTMENTAL ADMINISTRATION*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For salaries and expenses of the Department of Energy*
21 *necessary for departmental administration in carrying out*
22 *the purposes of the Department of Energy Organization Act*
23 *(42 U.S.C. 7101 et seq.), including the hire of passenger*
24 *motor vehicles and official reception and representation ex-*
25 *penses not to exceed \$35,000, \$280,976,000, to remain*

1 available until expended, plus such additional amounts as
2 necessary to cover increases in the estimated amount of cost
3 of work for others notwithstanding the provisions of the
4 Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided,
5 That such increases in cost of work are offset by revenue
6 increases of the same or greater amount, to remain avail-
7 able until expended: Provided further, That moneys received
8 by the Department for miscellaneous revenues estimated to
9 total \$123,000,000 in fiscal year 2006 may be retained and
10 used for operating expenses within this account, and may
11 remain available until expended, as authorized by section
12 201 of Public Law 95–238, notwithstanding the provisions
13 of 31 U.S.C. 3302: Provided further, That the sum herein
14 appropriated shall be reduced by the amount of miscella-
15 neous revenues received during fiscal year 2006, and any
16 related unappropriated receipt account balances remaining
17 from prior years' miscellaneous revenues, so as to result in
18 a final fiscal year 2006 appropriation from the general
19 fund estimated at not more than \$157,976,000.

20 *OFFICE OF THE INSPECTOR GENERAL*

21 *For necessary expenses of the Office of the Inspector*
22 *General in carrying out the provisions of the Inspector Gen-*
23 *eral Act of 1978, as amended, \$43,000,000, to remain avail-*
24 *able until expended.*

1 *ATOMIC ENERGY DEFENSE ACTIVITIES*
2 *NATIONAL NUCLEAR SECURITY ADMINISTRATION*
3 *WEAPONS ACTIVITIES*
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 incidental expenses necessary for*
8 *atomic energy defense weapons activities in carrying out*
9 *the purposes of the Department of Energy Organization Act*
10 *(42 U.S.C. 7101 et seq.), including the acquisition or con-*
11 *demnation of any real property or any facility or for plant*
12 *or facility acquisition, construction, or expansion; and the*
13 *purchase of not to exceed 40 passenger motor vehicles, for*
14 *replacement only, including not to exceed two buses;*
15 *\$6,574,024,000 to remain available until expended: Pro-*
16 *vided, that the \$65,564,000 is authorized to be appropriated*
17 *for Project 01-D-108, Microsystems and Engineering*
18 *Science Applications (MESA), Sandia National Labora-*
19 *tories, Albuquerque, New Mexico: Provided further, that*
20 *\$65,000,000 is authorized to be appropriated for Project*
21 *04-D-125, Chemistry and Metallurgy Research Building*
22 *Replacement project, Los Alamos Laboratory, Los Alamos,*
23 *New Mexico.*

1 *DEFENSE NUCLEAR NONPROLIFERATION*

2 *For Department of Energy expenses, including the*
3 *purchase, construction, and acquisition of plant and cap-*
4 *ital equipment and other incidental expenses necessary for*
5 *atomic energy defense, defense nuclear nonproliferation ac-*
6 *tivities, in carrying out the purposes of the Department of*
7 *Energy Organization Act (42 U.S.C. 7101 et seq.), includ-*
8 *ing the acquisition or condemnation of any real property*
9 *or any facility or for plant or facility acquisition, construc-*
10 *tion, or expansion, \$1,729,066,000 to remain available*
11 *until expended.*

12 *NAVAL REACTORS*

13 *For Department of Energy expenses necessary for*
14 *naval reactors activities to carry out the Department of En-*
15 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
16 *the acquisition (by purchase, condemnation, construction,*
17 *or otherwise) of real property, plant, and capital equip-*
18 *ment, facilities, and facility expansion, \$799,500,000, to re-*
19 *main available until expended.*

20 *OFFICE OF THE ADMINISTRATOR*

21 *For necessary expenses of the Office of the Adminis-*
22 *trator in the National Nuclear Security Administration, in-*
23 *cluding official reception and representation expenses not*
24 *to exceed \$12,000, \$343,869,000, to remain available until*
25 *expended.*

1 *ENVIRONMENTAL AND OTHER DEFENSE*
 2 *ACTIVITIES*

3 *DEFENSE ENVIRONMENTAL CLEANUP*

4 *For Department of Energy expenses, including the*
 5 *purchase, construction, and acquisition of plant and cap-*
 6 *ital equipment and other expenses necessary for atomic en-*
 7 *ergy defense environmental cleanup activities in carrying*
 8 *out the purposes of the Department of Energy Organization*
 9 *Act (42 U.S.C. 7101 et seq.), including the acquisition or*
 10 *condemnation of any real property or any facility or for*
 11 *plant or facility acquisition, construction, or expansion,*
 12 *\$6,366,771,000, to remain available until expended.*

13 *OTHER DEFENSE ACTIVITIES*

14 *For Department of Energy expenses, including the*
 15 *purchase, construction, and acquisition of plant and cap-*
 16 *ital equipment and other expenses, necessary for atomic en-*
 17 *ergy defense, other defense activities, and classified activi-*
 18 *ties, in carrying out the purposes of the Department of En-*
 19 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
 20 *the acquisition or condemnation of any real property or*
 21 *any facility or for plant or facility acquisition, construc-*
 22 *tion, or expansion, and the purchase of not to exceed ten*
 23 *passenger motor vehicles for replacement only, including*
 24 *not to exceed two buses; \$645,001,000, to remain available*
 25 *until expended.*

1 *DEFENSE NUCLEAR WASTE DISPOSAL*

2 *For nuclear waste disposal activities to carry out the*
3 *purposes of Public Law 97–425, as amended, including the*
4 *acquisition of real property or facility construction or ex-*
5 *pansion, \$277,000,000, to remain available until expended.*

6 *POWER MARKETING ADMINISTRATIONS*

7 *BONNEVILLE POWER ADMINISTRATION FUND*

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

13 *OPERATION AND MAINTENANCE, SOUTHEASTERN POWER*
14 *ADMINISTRATION*

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

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

3 *OPERATION AND MAINTENANCE, SOUTHWESTERN POWER*
 4 *ADMINISTRATION*

5 *For necessary expenses of operation and maintenance*
 6 *of power transmission facilities and of marketing electric*
 7 *power and energy, for construction and acquisition of*
 8 *transmission lines, substations and appurtenant facilities,*
 9 *and for administrative expenses, including official recep-*
 10 *tion and representation expenses in an amount not to ex-*
 11 *ceed \$1,500 in carrying out section 5 of the Flood Control*
 12 *Act of 1944 (16 U.S.C. 825s), as applied to the southwestern*
 13 *power administration, \$30,166,000, to remain available*
 14 *until expended: Provided, That, notwithstanding 31 U.S.C.*
 15 *3302, up to \$3,000,000 collected by the Southwestern Power*
 16 *Administration pursuant to the Flood Control Act to re-*
 17 *cover purchase power and wheeling expenses shall be cred-*
 18 *ited to this account as offsetting collections, to remain avail-*
 19 *able until expended for the sole purpose of making purchase*
 20 *power and wheeling expenditures.*

21 *CONSTRUCTION, REHABILITATION, OPERATION AND*
 22 *MAINTENANCE, WESTERN AREA POWER ADMINISTRATION*

23 *For carrying out the functions authorized by title III,*
 24 *section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C.*
 25 *7152), and other related activities including conservation*

1 *and renewable resources programs as authorized, including*
2 *official reception and representation expenses in an amount*
3 *not to exceed \$1,500; \$240,757,000, to remain available*
4 *until expended, of which \$236,596,000 shall be derived from*
5 *the Department of the Interior Reclamation Fund: Pro-*
6 *vided, That notwithstanding the provision of 31 U.S.C.*
7 *3302, up to \$279,000,000 collected by the Western Area*
8 *Power Administration pursuant to the Flood Control Act*
9 *of 1944 and the Reclamation Project Act of 1939 to recover*
10 *purchase power and wheeling expenses shall be credited to*
11 *this account as offsetting collections, to remain available*
12 *until expended for the sole purpose of making purchase*
13 *power and wheeling expenditures.*

14 *FALCON AND AMISTAD OPERATING AND MAINTENANCE*

15 *FUND*

16 *For operation, maintenance, and emergency costs for*
17 *the hydroelectric facilities at the Falcon and Amistad*
18 *Dams, \$2,692,000, to remain available until expended, and*
19 *to be derived from the Falcon and Amistad Operating and*
20 *Maintenance Fund of the Western Area Power Administra-*
21 *tion, as provided in section 423 of the Foreign Relations*
22 *Authorization Act, Fiscal Years 1994 and 1995.*

1 *FEDERAL ENERGY REGULATORY COMMISSION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Federal Energy Regu-*
4 *latory Commission to carry out the provisions of the De-*
5 *partment of Energy Organization Act (42 U.S.C. 7101 et*
6 *seq.), including services as authorized by 5 U.S.C. 3109,*
7 *the hire of passenger motor vehicles, and official reception*
8 *and representation expenses not to exceed \$3,000,*
9 *\$220,400,000, to remain available until expended: Pro-*
10 *vided, That notwithstanding any other provision of law, not*
11 *to exceed \$220,400,000 of revenues from fees and annual*
12 *charges, and other services and collections in fiscal year*
13 *2006 shall be retained and used for necessary expenses in*
14 *this account, and shall remain available until expended:*
15 *Provided further, That the sum herein appropriated from*
16 *the general fund shall be reduced as revenues are received*
17 *during fiscal year 2006 so as to result in a final fiscal year*
18 *2006 appropriation from the general fund estimated at not*
19 *more than \$0.*

20 *GENERAL PROVISIONS, DEPARTMENT OF*21 *ENERGY*

22 *SEC. 301. None of the funds appropriated by this Act*
23 *may be used to—*

1 (1) *develop or implement a workforce restructuring*
2 *plan that covers employees of the Department*
3 *of Energy; or*

4 (2) *provide enhanced severance payments or*
5 *other benefits for employees of the Department of En-*
6 *ergy, under section 3161 of the National Defense Au-*
7 *thorization Act for Fiscal Year 1993 (Public Law*
8 *102-484; 42 U.S.C. 7274h).*

9 *SEC. 302. None of the funds appropriated by this Act*
10 *may be used to augment the funds made available for obli-*
11 *gation by this Act for severance payments and other benefits*
12 *and community assistance grants under section 3161 of the*
13 *National Defense Authorization Act for Fiscal Year 1993*
14 *(Public Law 102-484; 42 U.S.C. 7274h) unless the Depart-*
15 *ment of Energy submits a reprogramming request to the*
16 *appropriate congressional committees.*

17 *SEC. 303. None of the funds appropriated by this Act*
18 *may be used to prepare or initiate Requests For Proposals*
19 *(RFPs) for a program if the program has not been funded*
20 *by Congress.*

21 *(TRANSFERS OF UNEXPENDED BALANCES)*

22 *SEC. 304. The unexpended balances of prior appro-*
23 *priations provided for activities in this Act may be trans-*
24 *ferred to appropriation accounts for such activities estab-*
25 *lished pursuant to this title. Balances so transferred may*
26 *be merged with funds in the applicable established accounts*

1 *and thereafter may be accounted for as one fund for the*
2 *same time period as originally enacted.*

3 *SEC. 305. None of the funds in this or any other Act*
4 *for the Administrator of the Bonneville Power Administra-*
5 *tion may be used to enter into any agreement to perform*
6 *energy efficiency services outside the legally defined Bonne-*
7 *ville service territory, with the exception of services provided*
8 *internationally, including services provided on a reimburs-*
9 *able basis, unless the Administrator certifies in advance*
10 *that such services are not available from private sector busi-*
11 *nesses.*

12 *SEC. 306. (a)(1) None of the funds in this or any other*
13 *appropriations Act for fiscal year 2006 or any previous fis-*
14 *cal year may be used to make payments for a noncompeti-*
15 *tive management and operating contract unless the Sec-*
16 *retary of Energy has published in the Federal Register and*
17 *submitted to the Committees on Appropriations of the*
18 *House of Representatives and the Senate a written notifica-*
19 *tion, with respect to each such contract, of the Secretary's*
20 *decision to use competitive procedures for the award of the*
21 *contract, or to not renew the contract, when the term of*
22 *the contract expires.*

23 *(2) Paragraph (1) does not apply to an extension for*
24 *up to 2 years of a noncompetitive management and oper-*
25 *ating contract, if the extension is for purposes of allowing*

1 *time to award competitively a new contract, to provide con-*
2 *tinuity of service between contracts, or to complete a con-*
3 *tract that will not be renewed.*

4 *(b) In this section:*

5 *(1) The term “noncompetitive management and*
6 *operating contract” means a contract that was*
7 *awarded more than 50 years ago without competition*
8 *for the management and operation of Ames Labora-*
9 *tory, Argonne National Laboratory, Lawrence Berke-*
10 *ley National Laboratory, Lawrence Livermore Na-*
11 *tional Laboratory, and Los Alamos National Labora-*
12 *tory.*

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

20 *(c) For all management and operating contracts other*
21 *than those listed in subsection (b)(1), none of the funds ap-*
22 *propriated by this Act may be used to award a management*
23 *and operating contract, or award a significant extension*
24 *or expansion to an existing management and operating*
25 *contract, unless such contract is awarded using competitive*

1 *procedures or the Secretary of Energy grants, on a case-*
2 *by-case basis, a waiver to allow for such a deviation. The*
3 *Secretary may not delegate the authority to grant such a*
4 *waiver. At least 60 days before a contract award for which*
5 *the Secretary intends to grant such a waiver, the Secretary*
6 *shall submit to the Committees on Appropriations of the*
7 *House of Representatives and the Senate a report notifying*
8 *the Committees of the waiver and setting forth, in speci-*
9 *ficity, the substantive reasons why the Secretary believes the*
10 *requirement for competition should be waived for this par-*
11 *ticular award.*

12 *SEC. 307. When the Department of Energy makes a*
13 *user facility available to universities or other potential*
14 *users, or seeks input from universities or other potential*
15 *users regarding significant characteristics or equipment in*
16 *a user facility or a proposed user facility, the Department*
17 *shall ensure broad public notice of such availability or such*
18 *need for input to universities and other potential users.*
19 *When the Department of Energy considers the participation*
20 *of a university or other potential user as a formal partner*
21 *in the establishment or operation of a user facility, the De-*
22 *partment shall employ full and open competition in select-*
23 *ing such a partner. For purposes of this section, the term*
24 *“user facility” includes, but is not limited to: (1) a user*
25 *facility as described in section 2203(a)(2) of the Energy*

1 *Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National*
2 *Nuclear Security Administration Defense Programs Tech-*
3 *nology Deployment Center/User Facility; and (3) any other*
4 *Departmental facility designated by the Department as a*
5 *user facility.*

6 *SEC. 308. The Administrator of the National Nuclear*
7 *Security Administration may authorize the manager of a*
8 *covered nuclear weapons research, development, testing or*
9 *production facility to engage in research, development, and*
10 *demonstration activities with respect to the engineering and*
11 *manufacturing capabilities at such facility in order to*
12 *maintain and enhance such capabilities at such facility:*
13 *Provided, That of the amount allocated to a covered nuclear*
14 *weapons facility each fiscal year from amounts available*
15 *to the Department of Energy for such fiscal year for na-*
16 *tional security programs, not more than an amount equal*
17 *to 4 percent of such amount may be used for these activities:*
18 *Provided further, That for purposes of this section, the term*
19 *“covered nuclear weapons facility” means the following:*

20 *(1) the Kansas City Plant, Kansas City, Mis-*
21 *souri;*

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

23 *(3) the Pantex Plant, Amarillo, Texas;*

24 *(4) the Savannah River Plant, South Carolina;*

25 *and*

1 (5) *the Nevada Test Site.*

2 *SEC. 309. Funds appropriated by this or any other*
3 *Act, or made available by the transfer of funds in this Act,*
4 *for intelligence activities are deemed to be specifically au-*
5 *thorized by the Congress for purposes of section 504 of the*
6 *National Security Act of 1947 (50 U.S.C. 414) during fiscal*
7 *year 2006 until the enactment of the Intelligence Authoriza-*
8 *tion Act for fiscal year 2006.*

9 *SEC. 310. None of the funds in this Act may be used*
10 *to dispose of transuranic waste in the Waste Isolation Pilot*
11 *Plant which contains concentrations of plutonium in excess*
12 *of 20 percent by weight for the aggregate of any material*
13 *category on the date of enactment of this Act, or is generated*
14 *after such date. For the purpose of this section, the material*
15 *categories of transuranic waste at the Rocky Flats Environ-*
16 *mental Technology Site include: (1) ash residues; (2) salt*
17 *residue; (3) wet residues; (4) direct repackaging residues; and*
18 *(5) scrub alloy as referenced in the “Final Environmental*
19 *Impact Statement on Management of Certain Plutonium*
20 *Residues and Scrub Alloy Stored at the Rocky Flats Envi-*
21 *ronmental Technology Site”.*

22 *SEC. 311. ADVANCED SIMULATION COMPUTING. None*
23 *of the funds appropriated by this Act for the National Nu-*
24 *clear Security Administration (NNSA) Advanced Simula-*
25 *tion and Computing program may be used to fund any*

1 *project that does not directly support the stockpile steward-*
2 *ship mission of NNSA unless the NNSA Administrator de-*
3 *termines that all Advanced Simulation and Computing*
4 *stockpile stewardship responsibilities for fiscal year 2006*
5 *have been satisfied.*

6 *SEC. 312. RENO HYDROGEN FUEL PROJECT FUNDING.*

7 *(a) The non-Federal share of project costs shall be 20 per-*
8 *cent.*

9 *(b) The cost of project vehicles, related facilities, and*
10 *other activities funded from the Federal Transit Adminis-*
11 *tration Sections 5307, 5308, 5309, and 5314 program, in-*
12 *cluding the non-Federal share for the FTA funds, is an eli-*
13 *gible component of the non-Federal share for this project.*

14 *(c) Contribution of the non-Federal share of project*
15 *costs for all grants made for this project may be deferred*
16 *until the entire project is completed.*

17 *(d) All operations and maintenance costs associated*
18 *with vehicles, equipment, and facilities utilized for this*
19 *project are eligible project costs.*

20 *(e) This section applies to project appropriations be-*
21 *ginning in fiscal year 2004.*

22 *SEC. 313. LABORATORY DIRECTED RESEARCH AND*
23 *DEVELOPMENT. Of the funds made available by the Depart-*
24 *ment of Energy for activities at government-owned, con-*
25 *tractor-operator operated laboratories funded in this Act or*

1 *subsequent Energy and Water Development Appropriations*
2 *Acts, the Secretary may authorize a specific amount, not*
3 *to exceed 8 percent of such funds, to be used by such labora-*
4 *tories for laboratory-directed research and development:*
5 *Provided, That the Secretary may also authorize a specific*
6 *amount not to exceed 4 percent of such funds, to be used*
7 *by the plant manager of a covered nuclear weapons produc-*
8 *tion plant or the manager of the Nevada Site Office for*
9 *plant or site-directed research and development.*

10 *SEC. 314. LDRD ELIGIBILITY. Funds made available*
11 *in Title III of this Act shall be available to pay expenses*
12 *for all Lab Directed Research and Development (LDRD),*
13 *Plant Directed Research and Development (PDRD) and*
14 *Site Directed Research and Development (SDRD) project*
15 *costs incurred by DOE Major Facility Operating Contrac-*
16 *tors.*

17 *SEC. 315. LDRD COSTS. Funds made available in*
18 *Title III of this Act shall be available to finance all direct*
19 *and indirect costs of research performed on behalf of other*
20 *Federal agencies, including laboratory directed research*
21 *and development costs.*

22 *SEC. 316. NNSA COMPLEX REVIEW IMPLEMENTATION.*
23 *No funds provided in this Act shall be available to imple-*
24 *ment reforms identified in Secretary of Energy's Advisory*
25 *Board NNSA Nuclear Weapons Complex Infrastructure*

1 *Study that had not been requested within the fiscal year*
2 *2006 budget request.*

3 *SEC. 317. That the Committee directs the Government*
4 *Accountability Office to undertake a study of the Office of*
5 *Science Fusion Energy program in order to define the roles*
6 *of the major domestic facilities, DIII-D, Alcator C-Mod, and*
7 *NSTX in the support of the International Thermoelectric*
8 *Reactor program, including making recommendations that*
9 *may include the possible shutdown or consolidation of oper-*
10 *ations or focus of these facilities to maximize their value*
11 *to the International Thermoelectric Reactor program: Pro-*
12 *vided, That given the major international commitment to*
13 *International Thermoelectric Reactor and the tokamak con-*
14 *cept, the GAO shall consider any other magnetic fusion con-*
15 *finement system as a possible fusion demonstration facility*
16 *that will follow International Thermoelectric Reactor and*
17 *given the major National Nuclear Security Administration*
18 *investment in the physics of Inertial Confinement Fusion,*
19 *the GAO shall evaluate the opportunities for the Office of*
20 *Science to develop the appropriate science and technology*
21 *to leverage the National Nuclear Security Administration*
22 *investment as an alternative to the tokamak concept.*

23 *SEC. 318. Of amounts appropriated to the Secretary*
24 *of Energy for the Rocky Flats Environmental Technology*
25 *Site for fiscal year 2006, the Secretary may provide no*

1 *more than \$10,000,000 for the purchase of mineral rights*
2 *at the Rocky Flats Environmental Technology Site.*

3 *SEC. 319. Of amounts appropriated to the Secretary*
4 *of Energy for the Rocky Flats Environmental Technology*
5 *Site for fiscal year 2006, the Secretary may provide not*
6 *more than \$15,000,000 to provide regular and early retire-*
7 *ment benefits to workers at the Rocky Flats Environmental*
8 *Technology Site.*

9 *SEC. 320. Notwithstanding Department of Energy*
10 *order 413.2A, dated January 8, 2001, beginning in fiscal*
11 *year 2006 and thereafter, the Savannah River National*
12 *Laboratory may be eligible for laboratory directed research*
13 *and development funding.*

14 *TITLE IV—INDEPENDENT AGENCIES*

15 *APPALACHIAN REGIONAL COMMISSION*

16 *For expenses necessary to carry out the programs au-*
17 *thorized by the Appalachian Regional Development Act of*
18 *1965, as amended, for necessary expenses for the Federal*
19 *Co-Chairman and the alternate on the Appalachian Re-*
20 *gional Commission, for payment of the Federal share of the*
21 *administrative expenses of the Commission, including serv-*
22 *ices as authorized by 5 U.S.C. 3109, and hire of passenger*
23 *motor vehicles, \$65,482,000, to remain available until ex-*
24 *pendent.*

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

3 *For necessary expenses of the Defense Nuclear Facili-*
4 *ties Safety Board in carrying out activities authorized by*
5 *the Atomic Energy Act of 1954, as amended by Public Law*
6 *100-456, section 1441, \$22,032,000, to remain available*
7 *until expended.*

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

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

15 *DENALI COMMISSION*

16 *For expenses of the Denali Commission including the*
17 *purchase, construction and acquisition of plant and capital*
18 *equipment as necessary and other expenses, \$67,000,000*
19 *notwithstanding the limitations contained in section*
20 *306(g) of the Denali Commission Act of 1998, \$2,562,000,*
21 *to remain available until expended: Provided, That of the*
22 *amounts provided to the Denali Commission, \$5,000,000 is*
23 *for community showers and washeteria in villages with*
24 *homes with no running water; \$13,000,000 is for the Ju-*
25 *neau/Green's Creek/Hoonah Intertie project; \$3,000,000 for*

1 *the Fire Island Transmission line; \$1,000,000 for the*
2 *Humpback Creek Hydroelectric project; \$2,000,000 for the*
3 *Falls Creek Hydroelectric project; \$5,000,000 is for multi-*
4 *purpose community facilities including the Bering Straits*
5 *Region, Dillingham, Moose Pass, Sterling, Funny River,*
6 *Eclutna, and Anchor Point; \$10,000,000 is for teacher hous-*
7 *ing in remote villages such as Savoogna, Allakakaet,*
8 *Hughes, Huslia, Minto, Nulato, and Ruby where there is*
9 *limited housing available for teachers; \$7,000,000 is for fa-*
10 *cilities serving Native elders and senior citizens; and*
11 *\$5,000,000 is for: (1) the Rural Communications service to*
12 *provide broadcast facilities in communities with no tele-*
13 *vision or radio station; (2) the Public Broadcasting Digital*
14 *Distribution Network to link rural broadcasting facilities*
15 *together to improve economies of scale, share programming,*
16 *and reduce operating costs; and (3) rural public broad-*
17 *casting facilities and equipment upgrades.*

18 *NUCLEAR REGULATORY COMMISSION*

19 *SALARIES AND EXPENSES*

20 *For necessary expenses of the Commission in carrying*
21 *out the purposes of the Energy Reorganization Act of 1974,*
22 *as amended, and the Atomic Energy Act of 1954, as amend-*
23 *ed, including official representation expenses (not to exceed*
24 *\$15,000), purchase of promotional items for use in the re-*
25 *cruitment of individuals for employment, \$734,376,000, to*

1 *remain available until expended: Provided, That of the*
2 *amount appropriated herein, \$66,717,000 shall be derived*
3 *from the Nuclear Waste Fund: Provided further, That reve-*
4 *nuces from licensing fees, inspection services, and other serv-*
5 *ices and collections estimated at \$598,643,000 in fiscal year*
6 *2006 shall be retained and used for necessary salaries and*
7 *expenses in this account, notwithstanding 31 U.S.C. 3302,*
8 *and shall remain available until expended: Provided fur-*
9 *ther, That the sum herein appropriated shall be reduced by*
10 *the amount of revenues received during fiscal year 2006 so*
11 *as to result in a final fiscal year 2006 appropriation esti-*
12 *mated at not more than \$135,733,000: Provided further,*
13 *That section 6101 of the Omnibus Budget Reconciliation*
14 *Act of 1990 is amended by inserting before the period in*
15 *subsection (c)(2)(B)(v) the words “and fiscal year 2006”.*

16 *OFFICE OF INSPECTOR GENERAL*

17 *For necessary expenses of the Office of Inspector Gen-*
18 *eral in carrying out the provisions of the Inspector General*
19 *Act of 1978, as amended, \$8,316,000, to remain available*
20 *until expended: Provided, That revenues from licensing fees,*
21 *inspection services, and other services and collections esti-*
22 *mated at \$7,485,000 in fiscal year 2006 shall be retained*
23 *and be available until expended, for necessary salaries and*
24 *expenses in this account, notwithstanding 31 U.S.C. 3302:*
25 *Provided further, That the sum herein appropriated shall*
26 *be reduced by the amount of revenues received during fiscal*

1 *year 2006 so as to result in a final fiscal year 2006 appro-*
2 *priation estimated at not more than \$831,000.*

3 *NUCLEAR WASTE TECHNICAL REVIEW BOARD*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Nuclear Waste Technical*
6 *Review Board, as authorized by Public Law 100–203, sec-*
7 *tion 5051, \$3,608,000, to be derived from the Nuclear Waste*
8 *Fund, and to remain available until expended.*

9 *TITLE V—GENERAL PROVISION*

10 *SEC. 501. None of the funds made available in this*
11 *Act may be transferred to any department, agency, or in-*
12 *strumentality of the United States Government, except pur-*
13 *suant to a transfer made by, or transfer authority provided*
14 *in, this Act or any other appropriation Act.*

15 *SEC. 502. None of the funds made available by this*
16 *or a prior Act shall be used to award a fully-funded con-*
17 *tinuing contract, in a case in which continuing contract*
18 *authority is applicable, unless the Chief of Engineers cer-*
19 *tifies that—*

20 *(1) the contract can be awarded and completed*
21 *in the same fiscal year;*

22 *(2) the contract can be completed shortly after*
23 *the end of the fiscal year in which the contract was*
24 *awarded, but only if the amount necessary to fully*

1 *fund the contract is identified as surplus, or excess,*
2 *to the program needs of that fiscal year; or*

3 *(3) future funding for the project is uncertain.*

4 *This Act may be cited as the “Energy and Water De-*
5 *velopment Appropriations Act, 2006”.*

Attest:

Secretary.

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1ST SESSION

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AMENDMENT