

109TH CONGRESS
1ST SESSION

H. R. 2419

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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:

5 TITLE I
6 CORPS OF ENGINEERS—CIVIL
7 DEPARTMENT OF THE ARMY
8 CORPS OF ENGINEERS—CIVIL

9 The following appropriations shall be expended under
10 the direction of the Secretary of the Army and the super-
11 vision of the Chief of Engineers for authorized civil func-
12 tions of the Department of the Army pertaining to rivers
13 and harbors, flood and storm damage reduction, aquatic
14 ecosystem restoration, and related purposes.

15 GENERAL INVESTIGATIONS

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

1 in law for the projects and activities specified in the report
2 accompanying this Act.

3 CONSTRUCTION

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

1 projects and activities authorized under section 107 of the
2 River and Harbor Act of 1960; and of which \$500,000
3 shall be exclusively for projects and activities authorized
4 under section 111 of the River and Harbor Act of 1968;
5 and of which \$1,000,000 shall be exclusively for projects
6 and activities authorized under section 103 of the River
7 and Harbor Act of 1962; and of which \$25,000,000 shall
8 be exclusively available for projects and activities author-
9 ized under section 205 of the Flood Control Act of 1948;
10 and of which \$8,000,000 shall be exclusively for projects
11 and activities authorized under section 14 of the Flood
12 Control Act of 1946; and of which \$400,000 shall be ex-
13 clusively for projects and activities authorized under sec-
14 tion 208 of the Flood Control Act of 1954; and of which
15 \$17,400,000 shall be exclusively for projects and activities
16 authorized under section 1135 of the Water Resources De-
17 velopment Act of 1986; and of which \$18,000,000 shall
18 be exclusively for projects and activities authorized under
19 section 206 of the Water Resources Act of 1996; and of
20 which \$4,000,000 shall be exclusively for projects and ac-
21 tivities authorized under section 204 of the Water Re-
22 sources Act of 1992: *Provided*, That, except as provided
23 in section 101 of this Act, the amounts made available
24 under this paragraph shall be expended as authorized in

1 law for the projects and activities specified in the report
2 accompanying this Act.

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

6 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES,
7 ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MIS-
8 SSISSIPPI, MISSOURI, AND TENNESSEE

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

21 OPERATION AND MAINTENANCE

22 For expenses necessary for the operation, mainte-
23 nance, and care of existing river and harbor, flood and
24 storm damage reduction, aquatic ecosystem restoration,
25 and related projects authorized by law; for the benefit of

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

1 able under section 217 of the Water Resources Develop-
2 ment Act of 1996, Public Law 104–303, shall be used to
3 cover the cost of operation and maintenance of the
4 dredged material disposal facilities for which fees have
5 been collected: *Provided*, That, except as provided in sec-
6 tion 101 of this Act, the amounts made available under
7 this paragraph shall be expended as authorized in law for
8 the projects and activities specified in the report accom-
9 panying this Act.

10 REGULATORY PROGRAM

11 For expenses necessary for administration of laws
12 pertaining to regulation of navigable waters and wetlands,
13 \$160,000,000, to remain available until expended.

14 FORMERLY UTILIZED SITES REMEDIAL ACTION

15 PROGRAM

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

20 GENERAL EXPENSES

21 For expenses necessary for general administration
22 and related civil works functions in the headquarters of
23 the United States Army Corps of Engineers, the offices
24 of the Division Engineers, the Humphreys Engineer Cen-
25 ter Support Activity, the Institute for Water Resources,

1 the United States Army Engineer Research and Develop-
2 ment Center, and the United States Army Corps of Engi-
3 neers Finance Center, \$152,021,000 to remain available
4 until expended: *Provided*, That no part of any other appro-
5 priation provided in this Act shall be available to fund the
6 civil works activities of the Office of the Chief of Engineers
7 or the civil works executive direction and management ac-
8 tivities of the division offices.

9 OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL
10 WORKS)

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

14 ADMINISTRATIVE PROVISION

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

21 GENERAL PROVISIONS

22 CORPS OF ENGINEERS—CIVIL

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

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

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

4 (3) increases funds or personnel for any pro-
5 gram, project, or activity for which funds are denied
6 or restricted by this Act;

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

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

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

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

1 SEC. 102. None of the funds appropriated in this Act
2 may be used by the United States Army Corps of Engi-
3 neers to support activities related to the proposed Ridge
4 Landfill in Tuscarawas County, Ohio.

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

10 SEC. 104. After February 6, 2006, none of the funds
11 made available in title I of this Act may be used to award
12 any continuing contract or to make modifications to any
13 existing continuing contract that obligates the United
14 States Government during fiscal year 2007 to make pay-
15 ment under such contract for any project that is proposed
16 for deferral or suspension in fiscal year 2007 in the mate-
17 rials prepared by the Assistant Secretary of the Army
18 (Civil Works) for that fiscal year pursuant to provisions
19 of chapter 11 of title 31, United States Code.

20 SEC. 105. None of the funds made available in title
21 I of this Act may be used to award any continuing con-
22 tract or to make modifications to any existing continuing
23 contract that reserves an amount for a project in excess
24 of the amount appropriated for such project pursuant to
25 this Act.

1 SEC. 106. None of the funds in title I of this Act
2 shall be available for the rehabilitation and lead and asbes-
3 tos abatement of the dredge McFarland: *Provided*, That
4 amounts provided in title I of this Act are hereby reduced
5 by \$18,630,000.

6 SEC. 107. None of the funds in this Act may be ex-
7 pended by the Secretary of the Army to construct the Port
8 Jersey element of the New York and New Jersey Harbor
9 or to reimburse the local sponsor for the construction of
10 the Port Jersey element until commitments for construc-
11 tion of container handling facilities are obtained from the
12 non-Federal sponsor for a second user along the Port Jer-
13 sey element.

14 TITLE II

15 DEPARTMENT OF THE INTERIOR

16 CENTRAL UTAH PROJECT

17 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

18 For carrying out activities authorized by the Central
19 Utah Project Completion Act, \$32,614,000, to remain
20 available until expended, of which \$946,000 shall be de-
21 posited into the Utah Reclamation Mitigation and Con-
22 servation Account for use by the Utah Reclamation Miti-
23 gation and Conservation Commission.

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

4 BUREAU OF RECLAMATION

5 WATER AND RELATED RESOURCES

6 (INCLUDING TRANSFER OF FUNDS)

7 For management, development, and restoration of
8 water and related natural resources and for related activi-
9 ties, including the operation, maintenance, and rehabilita-
10 tion of reclamation and other facilities, participation in
11 fulfilling related Federal responsibilities to Native Ameri-
12 cans, and related grants to, and cooperative and other
13 agreements with, State and local governments, Indian
14 tribes, and others, \$832,000,000, to remain available until
15 expended, of which \$55,544,000 shall be available for
16 transfer to the Upper Colorado River Basin Fund and
17 \$21,998,000 shall be available for transfer to the Lower
18 Colorado River Basin Development Fund; of which such
19 amounts as may be necessary may be advanced to the Col-
20 orado River Dam Fund; of which not more than \$500,000
21 is for high priority projects which shall be carried out by
22 the Youth Conservation Corps, as authorized by 16 U.S.C.
23 1706: *Provided*, That such transfers may be increased or
24 decreased within the overall appropriation under this
25 heading: *Provided further*, That of the total appropriated,

1 the amount for program activities that can be financed
2 by the Reclamation Fund or the Bureau of Reclamation
3 special fee account established by 16 U.S.C. 4601–6a(i)
4 shall be derived from that Fund or account: *Provided fur-*
5 *ther*, That funds contributed under 43 U.S.C. 395 are
6 available until expended for the purposes for which con-
7 tributed: *Provided further*, That funds advanced under 43
8 U.S.C. 397a shall be credited to this account and are
9 available until expended for the same purposes as the
10 sums appropriated under this heading: *Provided further*,
11 That funds available for expenditure for the Departmental
12 Irrigation Drainage Program may be expended by the Bu-
13 reau of Reclamation for site remediation on a non-reim-
14 bursable basis.

15 CENTRAL VALLEY PROJECT RESTORATION FUND

16 For carrying out the programs, projects, plans, and
17 habitat restoration, improvement, and acquisition provi-
18 sions of the Central Valley Project Improvement Act,
19 \$52,219,000, to be derived from such sums as may be col-
20 lected in the Central Valley Project Restoration Fund pur-
21 suant to sections 3407(d), 3404(c)(3), 3405(f), and
22 3406(c)(1) of Public Law 102–575, to remain available
23 until expended: *Provided*, That the Bureau of Reclamation
24 is directed to assess and collect the full amount of the
25 additional mitigation and restoration payments authorized

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

6 CALIFORNIA BAY-DELTA RESTORATION

7 (INCLUDING TRANSFER OF FUNDS)

8 For carrying out activities authorized by the Califed
9 Bay Delta Authorization Act, consistent with plans to be
10 approved by the Secretary of the Interior, \$35,000,000,
11 to remain available until expended, of which such amounts
12 as may be necessary to carry out such activities may be
13 transferred to appropriate accounts of other participating
14 Federal agencies to carry out authorized purposes: *Pro-*
15 *vided*, That funds appropriated herein may be used for
16 the Federal share of the costs of CALFED Program man-
17 agement: *Provided further*, That the use of any funds pro-
18 vided to the California Bay-Delta Authority for program-
19 wide management and oversight activities shall be subject
20 to the approval of the Secretary of the Interior: *Provided*
21 *further*, That CALFED implementation shall be carried
22 out in a balanced manner with clear performance meas-
23 ures demonstrating concurrent progress in achieving the
24 goals and objectives of the Program.

1 POLICY AND ADMINISTRATION

2 For necessary expenses of policy, administration, and
3 related functions in the office of the Commissioner, the
4 Denver office, and offices in the five regions of the Bureau
5 of Reclamation, to remain available until expended,
6 \$57,917,000, to be derived from the Reclamation Fund
7 and be nonreimbursable as provided in 43 U.S.C. 377:
8 *Provided*, That no part of any other appropriation in this
9 Act shall be available for activities or functions budgeted
10 as policy and administration expenses.

11 ADMINISTRATIVE PROVISION

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

15 GENERAL PROVISIONS

16 DEPARTMENT OF THE INTERIOR

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

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

16 SEC. 202. None of the funds appropriated or other-
17 wise made available by this or any other Act may be used
18 to pay the salaries and expenses of personnel to purchase
19 or lease water in the Middle Rio Grande or the Carlsbad
20 Projects in New Mexico unless said purchase or lease is
21 in compliance with the purchase requirements of section
22 202 of Public Law 106–60.

23 SEC. 203. (a) Section 1(a) of the Lower Colorado
24 Water Supply Act (Public Law 99–655) is amended by
25 adding at the end the following: “The Secretary is author-

1 ized to enter into an agreement or agreements with the
2 city of Needles or the Imperial Irrigation District for the
3 design and construction of the remaining stages of the
4 Lower Colorado Water Supply Project on or after Novem-
5 ber 1, 2004, and the Secretary shall ensure that any such
6 agreement or agreements include provisions setting forth:
7 (1) the responsibilities of the parties to the agreement for
8 design and construction; (2) the locations of the remaining
9 wells, discharge pipelines, and power transmission lines;
10 (3) the remaining design capacity of up to 5,000 acre-feet
11 per year which is the authorized capacity less the design
12 capacity of the first stage constructed; (4) the procedures
13 and requirements for approval and acceptance by the Sec-
14 retary of the remaining stages, including approval of the
15 quality of construction, measures to protect the public
16 health and safety, and procedures for protection of such
17 stages; (5) the rights, responsibilities, and liabilities of
18 each party to the agreement; and (6) the term of the
19 agreement.”.

20 (b) Section 2(b) of the Lower Colorado Water Supply
21 Act (Public Law 99–655) is amended by adding at the
22 end the following: “Subject to the demand of such users
23 along or adjacent to the Colorado River for Project water,
24 the Secretary is further authorized to contract with addi-
25 tional persons or entities who hold Boulder Canyon

1 Project Act section 5 contracts for municipal and indus-
2 trial uses within the State of California for the use or ben-
3 efit of Project water under such terms as the Secretary
4 determines will benefit the interest of Project users along
5 the Colorado River.”.

6

TITLE III

7

DEPARTMENT OF ENERGY

8

ENERGY PROGRAMS

9

ENERGY SUPPLY AND CONSERVATION

10 For Department of Energy expenses including the
11 purchase, construction, and acquisition of plant and cap-
12 ital equipment, and other expenses necessary for energy
13 supply and energy conservation activities in carrying out
14 the purposes of the Department of Energy Organization
15 Act (42 U.S.C. 7101 et seq.), including the acquisition or
16 condemnation of any real property or any facility or for
17 plant or facility acquisition, construction, or expansion,
18 \$1,762,888,000 (increased by \$1,000,000), to remain
19 available until expended.

20

CLEAN COAL TECHNOLOGY

21

(DEFERRAL)

22 Of the funds made available under this heading for
23 obligation in prior years, \$257,000,000 shall not be avail-
24 able until October 1, 2006: *Provided*, That funds made
25 available in previous appropriations Acts shall be made

1 available for any ongoing project regardless of the sepa-
2 rate request for proposal under which the project was se-
3 lected.

4 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

5 For necessary expenses in carrying out fossil energy
6 research and development activities, under the authority
7 of the Department of Energy Organization Act (Public
8 Law 95–91), including the acquisition of interest, includ-
9 ing defeasible and equitable interests in any real property
10 or any facility or for plant or facility acquisition or expan-
11 sion, the hire of passenger motor vehicles, the hire, main-
12 tenance, and operation of aircraft, the purchase, repair,
13 and cleaning of uniforms, the reimbursement to the Gen-
14 eral Services Administration for security guard services,
15 and for conducting inquiries, technological investigations
16 and research concerning the extraction, processing, use,
17 and disposal of mineral substances without objectionable
18 social and environmental costs (30 U.S.C. 3, 1602, and
19 1603), \$502,467,000, to remain available until expended,
20 of which \$18,000,000 is to continue a multi-year project
21 coordinated with the private sector for FutureGen, with-
22 out regard to the terms and conditions applicable to clean
23 coal technological projects: *Provided*, That the initial plan-
24 ning and research stages of the FutureGen project shall
25 include a matching requirement from non-Federal sources

1 of at least 20 percent of the costs: *Provided further*, That
2 any demonstration component of such project shall require
3 a matching requirement from non-Federal sources of at
4 least 50 percent of the costs of the component: *Provided*
5 *further*, That of the amounts provided, \$50,000,000 is
6 available, after coordination with the private sector, for
7 a request for proposals for a Clean Coal Power Initiative
8 providing for competitively-awarded research, develop-
9 ment, and demonstration projects to reduce the barriers
10 to continued and expanded coal use: *Provided further*,
11 That no project may be selected for which sufficient fund-
12 ing is not available to provide for the total project: *Pro-*
13 *vided further*, That funds shall be expended in accordance
14 with the provisions governing the use of funds contained
15 under the heading “Clean Coal Technology” in 42 U.S.C.
16 5903d as well as those contained under the heading
17 “Clean Coal Technology” in prior appropriations: *Pro-*
18 *vided further*, That the Department may include provisions
19 for repayment of Government contributions to individual
20 projects in an amount up to the Government contribution
21 to the project on terms and conditions that are acceptable
22 to the Department including repayments from sale and li-
23 censing of technologies from both domestic and foreign
24 transactions: *Provided further*, That such repayments shall
25 be retained by the Department for future coal-related re-

1 search, development and demonstration projects: *Provided*
2 *further*, That any technology selected under this program
3 shall be considered a Clean Coal Technology, and any
4 project selected under this program shall be considered a
5 Clean Coal Technology Project, for the purposes of 42
6 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40
7 of the Code of Federal Regulations: *Provided further*, That
8 no part of the sum herein made available shall be used
9 for the field testing of nuclear explosives in the recovery
10 of oil and gas: *Provided further*, That up to 4 percent of
11 program direction funds available to the National Energy
12 Technology Laboratory may be used to support Depart-
13 ment of Energy activities not included in this account:
14 *Provided further*, That the Secretary of Energy is author-
15 ized to accept fees and contributions from public and pri-
16 vate sources, to be deposited in a contributed funds ac-
17 count, and prosecute projects using such fees and con-
18 tributions in cooperation with other Federal, State, or pri-
19 vate agencies or concerns: *Provided further*, That revenues
20 and other moneys received by or for the account of the
21 Department of Energy or otherwise generated by sale of
22 products in connection with projects of the Department
23 appropriated under the Fossil Energy Research and De-
24 velopment account may be retained by the Secretary of
25 Energy, to be available until expended, and used only for

1 plant construction, operation, costs, and payments to cost-
2 sharing entities as provided in appropriate cost-sharing
3 contracts or agreements.

4 NAVAL PETROLEUM AND OIL SHALE RESERVES

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

12 ELK HILLS SCHOOL LANDS FUND

13 For necessary expenses in fulfilling installment pay-
14 ments under the Settlement Agreement entered into by
15 the United States and the State of California on October
16 11, 1996, as authorized by section 3415 of Public Law
17 104–106, \$48,000,000, for payment to the State of Cali-
18 fornia for the State Teachers' Retirement Fund, of which
19 \$46,000,000 will be derived from the Elk Hills School
20 Lands Fund.

21 STRATEGIC PETROLEUM RESERVE

22 For necessary expenses for Strategic Petroleum Re-
23 serve facility development and operations and program
24 management activities pursuant to the Energy Policy and
25 Conservation Act of 1975, as amended (42 U.S.C. 6201

1 et seq.), including the hire of passenger motor vehicles,
2 the hire, maintenance, and operation of aircraft, the pur-
3 chase, repair, and cleaning of uniforms, the reimburse-
4 ment to the General Services Administration for security
5 guard services, \$166,000,000, to remain available until ex-
6 pended.

7 ENERGY INFORMATION ADMINISTRATION

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

11 NON-DEFENSE ENVIRONMENTAL CLEANUP

12 For Department of Energy expenses, including the
13 purchase, construction, and acquisition of plant and cap-
14 ital equipment and other expenses necessary for non-de-
15 fense environmental cleanup activities in carrying out the
16 purposes of the Department of Energy Organization Act
17 (42 U.S.C. 7101 et seq.), including the acquisition or con-
18 demnation of any real property or any facility or for plant
19 or facility acquisition, construction, or expansion, and the
20 purchase of not to exceed six passenger motor vehicles,
21 of which five shall be for replacement only, \$319,934,000,
22 to remain available until expended.

1 URANIUM ENRICHMENT DECONTAMINATION AND
2 DECOMMISSIONING FUND

3 For necessary expenses in carrying out uranium en-
4 richment facility decontamination and decommissioning,
5 remedial actions, and other activities of title II of the
6 Atomic Energy Act of 1954, as amended, and title X, sub-
7 title A, of the Energy Policy Act of 1992, \$591,498,000,
8 to be derived from the Fund, to remain available until ex-
9 pended, of which \$20,000,000 shall be available in accord-
10 ance with title X, subtitle A, of the Energy Policy Act
11 of 1992.

12 SCIENCE

13 For Department of Energy expenses including the
14 purchase, construction and acquisition of plant and capital
15 equipment, and other expenses necessary for science ac-
16 tivities in carrying out the purposes of the Department
17 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
18 cluding the acquisition or condemnation of any real prop-
19 erty or facility or for plant or facility acquisition, construc-
20 tion, or expansion, and purchase of not to exceed forty-
21 seven passenger motor vehicles for replacement only, in-
22 cluding not to exceed one ambulance and two buses,
23 \$3,666,055,000, to remain available until expended.

1 NUCLEAR WASTE DISPOSAL

2 For nuclear waste disposal activities to carry out the
3 purposes of the Nuclear Waste Policy Act of 1982, Public
4 Law 97-425, as amended (the “Act”), including the ac-
5 quisition of real property or facility construction or expan-
6 sion, \$310,000,000, to remain available until expended
7 and to be derived from the Nuclear Waste Fund: *Provided*,
8 That of the funds made available in this Act for Nuclear
9 Waste Disposal, \$3,500,000 shall be provided to the State
10 of Nevada solely for expenditures, other than salaries and
11 expenses of State employees, to conduct scientific over-
12 sight responsibilities and participate in licensing activities
13 pursuant to the Act: *Provided further*, That \$7,000,000
14 shall be provided to affected units of local governments,
15 as defined in the Act, to conduct appropriate activities and
16 participate in licensing activities: *Provided further*, That
17 the distribution of the funds as determined by the units
18 of local government shall be approved by the Department
19 of Energy: *Provided further*, That the funds for the State
20 of Nevada shall be made available solely to the Nevada
21 Division of Emergency Management by direct payment
22 and units of local government by direct payment: *Provided*
23 *further*, That within 90 days of the completion of each
24 Federal fiscal year, the Nevada Division of Emergency
25 Management and the Governor of the State of Nevada and

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

20 DEPARTMENTAL ADMINISTRATION

21 (INCLUDING TRANSFER OF FUNDS)

22 For salaries and expenses of the Department of En-
23 ergy necessary for departmental administration in car-
24 rying out the purposes of the Department of Energy Orga-
25 nization Act (42 U.S.C. 7101 et seq.), including the hire

1 of passenger motor vehicles and official reception and rep-
2 resentation expenses not to exceed \$35,000, \$253,909,000
3 (reduced by \$1,000,000), to remain available until ex-
4 pended, plus such additional amounts as necessary to
5 cover increases in the estimated amount of cost of work
6 for others notwithstanding the provisions of the Anti-Defi-
7 ciency Act (31 U.S.C. 1511 et seq.): *Provided*, That such
8 increases in cost of work are offset by revenue increases
9 of the same or greater amount, to remain available until
10 expended: *Provided further*, That moneys received by the
11 Department for miscellaneous revenues estimated to total
12 \$123,000,000 in fiscal year 2006 may be retained and
13 used for operating expenses within this account, and may
14 remain available until expended, as authorized by section
15 201 of Public Law 95–238, notwithstanding the provisions
16 of 31 U.S.C. 3302: *Provided further*, That the sum herein
17 appropriated shall be reduced by the amount of miscella-
18 neous revenues received during fiscal year 2006, and any
19 related unappropriated receipt account balances remaining
20 from prior years' miscellaneous revenues, so as to result
21 in a final fiscal year 2006 appropriation from the general
22 fund estimated at not more than \$130,909,000.

23 OFFICE OF THE INSPECTOR GENERAL

24 For necessary expenses of the Office of the Inspector
25 General in carrying out the provisions of the Inspector

1 General Act of 1978, as amended, \$43,000,000, to remain
2 available until expended.

3 ATOMIC ENERGY DEFENSE ACTIVITIES

4 NATIONAL NUCLEAR SECURITY ADMINISTRATION

5 WEAPONS ACTIVITIES

6 (INCLUDING TRANSFER OF FUNDS)

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

19 DEFENSE NUCLEAR NONPROLIFERATION

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

1 cluding the acquisition or condemnation of any real prop-
2 erty or any facility or for plant or facility acquisition, con-
3 struction, or expansion, \$1,500,959,000, to remain avail-
4 able until expended.

5
6 **NAVAL REACTORS**

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

14
15 **OFFICE OF THE ADMINISTRATOR**

16 For necessary expenses of the Office of the Adminis-
17 trator in the National Nuclear Security Administration,
18 including official reception and representation expenses
19 not to exceed \$12,000, \$366,869,000, to remain available
20 until expended.

21
22 **ENVIRONMENTAL AND OTHER DEFENSE**
23 **ACTIVITIES**

24
25 **DEFENSE ENVIRONMENTAL CLEANUP**

For Department of Energy expenses, including the
purchase, construction, and acquisition of plant and cap-
ital equipment and other expenses necessary for atomic
energy defense environmental cleanup activities in car-

1 rying out the purposes of the Department of Energy Orga-
2 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
3 sition or condemnation of any real property or any facility
4 or for plant or facility acquisition, construction, or expan-
5 sion, \$6,468,336,000, to remain available until expended.

6 OTHER DEFENSE ACTIVITIES

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

19 DEFENSE NUCLEAR WASTE DISPOSAL

20 For nuclear waste disposal activities to carry out the
21 purposes of Public Law 97-425, as amended, including
22 the acquisition of real property or facility construction or
23 expansion, \$351,447,000, to remain available until ex-
24 pended.

1 POWER MARKETING ADMINISTRATIONS

2 BONNEVILLE POWER ADMINISTRATION FUND

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

8 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
9 ADMINISTRATION

10 For necessary expenses of operation and maintenance
11 of power transmission facilities and of electric power and
12 energy, including transmission wheeling and ancillary
13 services pursuant to section 5 of the Flood Control Act
14 of 1944 (16 U.S.C. 825s), as applied to the southeastern
15 power area, \$5,600,000, to remain available until ex-
16 pended: *Provided*, That, notwithstanding 31 U.S.C. 3302,
17 up to \$32,713,000 collected by the Southeastern Power
18 Administration pursuant to the Flood Control Act of 1944
19 to recover purchase power and wheeling expenses shall be
20 credited to this account as offsetting collections, to remain
21 available until expended for the sole purpose of making
22 purchase power and wheeling expenditures.

1 OPERATION AND MAINTENANCE, SOUTHWESTERN

2 POWER ADMINISTRATION

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

19 CONSTRUCTION, REHABILITATION, OPERATION AND

20 MAINTENANCE, WESTERN AREA POWER ADMINIS-

21 TRATION

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

1 ized, including official reception and representation ex-
2 penses in an amount not to exceed \$1,500; \$226,992,000,
3 to remain available until expended, of which \$222,830,000
4 shall be derived from the Department of the Interior Rec-
5 lamation Fund: *Provided*, That of the amount herein ap-
6 propriated, \$6,000,000 shall be available until expended
7 on a nonreimbursable basis to the Western Area Power
8 Administration for Topock-Davis-Mead Transmission
9 Line Upgrades: *Provided further*, That notwithstanding
10 the provision of 31 U.S.C. 3302, up to \$148,500,000 col-
11 lected by the Western Area Power Administration pursu-
12 ant to the Flood Control Act of 1944 and the Reclamation
13 Project Act of 1939 to recover purchase power and wheel-
14 ing expenses shall be credited to this account as offsetting
15 collections, to remain available until expended for the sole
16 purpose of making purchase power and wheeling expendi-
17 tures.

18 FALCON AND AMISTAD OPERATING AND MAINTENANCE

19 FUND

20 For operation, maintenance, and emergency costs for
21 the hydroelectric facilities at the Falcon and Amistad
22 Dams, \$2,692,000, to remain available until expended,
23 and to be derived from the Falcon and Amistad Operating
24 and Maintenance Fund of the Western Area Power Ad-

1 ministration, as provided in section 423 of the Foreign
2 Relations Authorization Act, Fiscal Years 1994 and 1995.

3 FEDERAL ENERGY REGULATORY COMMISSION

4 SALARIES AND EXPENSES

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

22 GENERAL PROVISIONS

23 DEPARTMENT OF ENERGY

24 SEC. 301. (a)(1) None of the funds in this or any
25 other appropriations Act for fiscal year 2006 or any pre-

1 vious fiscal year may be used to make payments for a non-
2 competitive management and operating contract unless
3 the Secretary of Energy has published in the Federal Reg-
4 ister and submitted to the Committees on Appropriations
5 of the House of Representatives and the Senate a written
6 notification, with respect to each such contract, of the Sec-
7 retary's decision to use competitive procedures for the
8 award of the contract, or to not renew the contract, when
9 the term of the contract expires.

10 (2) Paragraph (1) does not apply to an extension for
11 up to 2 years of a noncompetitive management and oper-
12 ating contract, if the extension is for purposes of allowing
13 time to award competitively a new contract, to provide
14 continuity of service between contracts, or to complete a
15 contract that will not be renewed.

16 (b) In this section:

17 (1) The term "noncompetitive management and
18 operating contract" means a contract that was
19 awarded more than 50 years ago without competi-
20 tion for the management and operation of Ames
21 Laboratory, Argonne National Laboratory, Lawrence
22 Berkeley National Laboratory, Lawrence Livermore
23 National Laboratory, and Los Alamos National Lab-
24 oratory.

1 (2) The term “competitive procedures” has the
2 meaning provided in section 4 of the Office of Fed-
3 eral Procurement Policy Act (41 U.S.C. 403) and
4 includes procedures described in section 303 of the
5 Federal Property and Administrative Services Act of
6 1949 (41 U.S.C. 253) other than a procedure that
7 solicits a proposal from only one source.

8 (c) For all management and operating contracts
9 other than those listed in subsection (b)(1), none of the
10 funds appropriated by this Act may be used to award a
11 management and operating contract, or award a signifi-
12 cant extension or expansion to an existing management
13 and operating contract, unless such contract is awarded
14 using competitive procedures or the Secretary of Energy
15 grants, on a case-by-case basis, a waiver to allow for such
16 a deviation. The Secretary may not delegate the authority
17 to grant such a waiver. At least 60 days before a contract
18 award for which the Secretary intends to grant such a
19 waiver, the Secretary shall submit to the Committees on
20 Appropriations of the House of Representatives and the
21 Senate a report notifying the Committees of the waiver
22 and setting forth, in specificity, the substantive reasons
23 why the Secretary believes the requirement for competition
24 should be waived for this particular award.

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

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

6 (2) provide enhanced severance payments or
7 other benefits for employees of the Department of
8 Energy, under section 3161 of the National Defense
9 Authorization Act for Fiscal Year 1993 (Public Law
10 102–484; 42 U.S.C. 7274h).

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

19 SEC. 304. None of the funds appropriated by this Act
20 may be used to prepare or initiate Requests For Proposals
21 (RFPs) for a program if the program has not been funded
22 by Congress.

23 (TRANSFERS OF UNEXPENDED BALANCES)

24 SEC. 305. The unexpended balances of prior appro-
25 priations provided for activities in this Act may be trans-
26 ferred to appropriation accounts for such activities estab-

1 lished pursuant to this title. Balances so transferred may
2 be merged with funds in the applicable established ac-
3 counts and thereafter may be accounted for as one fund
4 for the same time period as originally enacted.

5 SEC. 306. None of the funds in this or any other Act
6 for the Administrator of the Bonneville Power Administra-
7 tion may be used to enter into any agreement to perform
8 energy efficiency services outside the legally defined Bon-
9 neville service territory, with the exception of services pro-
10 vided internationally, including services provided on a re-
11 imburseable basis, unless the Administrator certifies in ad-
12 vance that such services are not available from private sec-
13 tor businesses.

14 SEC. 307. When the Department of Energy makes
15 a user facility available to universities or other potential
16 users, or seeks input from universities or other potential
17 users regarding significant characteristics or equipment in
18 a user facility or a proposed user facility, the Department
19 shall ensure broad public notice of such availability or
20 such need for input to universities and other potential
21 users. When the Department of Energy considers the par-
22 ticipation of a university or other potential user as a for-
23 mal partner in the establishment or operation of a user
24 facility, the Department shall employ full and open com-
25 petition in selecting such a partner. For purposes of this

1 section, the term “user facility” includes, but is not lim-
2 ited to: (1) a user facility as described in section
3 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C.
4 13503(a)(2)); (2) a National Nuclear Security Adminis-
5 tration Defense Programs Technology Deployment Cen-
6 ter/User Facility; and (3) any other Departmental facility
7 designated by the Department as a user facility.

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

23 (1) the Kansas City Plant, Kansas City, Mis-
24 souri;

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

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

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

3 and

4 (5) the Nevada Test Site.

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

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

15 SEC. 311. None of the funds made available in title
16 III of this Act shall be for the Department of Energy na-
17 tional laboratories and production plants for Laboratory
18 Directed Research and Development (LDRD), Plant Di-
19 rected Research and Development (PDRD), and Site Di-
20 rected Research and Development (SDRD) activities in
21 excess of \$250,000,000.

22 SEC. 312. None of the funds made available in title
23 III of this Act shall be for Department of Energy Labora-
24 tory Directed Research and Development (LDRD), Plant
25 Directed Research and Development (PDRD), and Site

1 Directed Research and Development (SDRD) activities for
2 project costs incurred as Indirect Costs by Major Facility
3 Operating Contractors.

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

8 SEC. 314. None of the funds made available to the
9 Department of Energy under this Act shall be used to im-
10 plement or finance authorized price support or loan guar-
11 antee programs unless specific provision is made for such
12 programs in an appropriations Act.

13 TITLE IV

14 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
21 the administrative expenses of the Commission, including
22 services as authorized by 5 U.S.C. 3109, and hire of pas-
23 senger motor vehicles, \$38,500,000, to remain available
24 until expended.

1 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

2 SALARIES AND EXPENSES

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

8 DELTA REGIONAL AUTHORITY

9 SALARIES AND EXPENSES

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

16 DENALI COMMISSION

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

19 NUCLEAR REGULATORY COMMISSION

20 SALARIES AND EXPENSES

21 For necessary expenses of the Commission in car-
22 rying out the purposes of the Energy Reorganization Act
23 of 1974, as amended, and the Atomic Energy Act of 1954,
24 as amended, including official representation expenses
25 (not to exceed \$15,000), and purchase of promotional

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

18 OFFICE OF INSPECTOR GENERAL

19 For necessary expenses of the Office of Inspector
20 General in carrying out the provisions of the Inspector
21 General Act of 1978, as amended, \$8,316,000, to remain
22 available until expended: *Provided*, That revenues from li-
23 censing fees, inspection services, and other services and
24 collections estimated at \$7,485,000 in fiscal year 2006
25 shall be retained and be available until expended, for nec-

1 essary salaries and expenses in this account, notwith-
2 standing 31 U.S.C. 3302: *Provided further*, That the sum
3 herein appropriated shall be reduced by the amount of rev-
4 enues received during fiscal year 2006 so as to result in
5 a final fiscal year 2006 appropriation estimated at not
6 more than \$831,000.

7 NUCLEAR WASTE TECHNICAL REVIEW BOARD

8 SALARIES AND EXPENSES

9 For necessary expenses of the Nuclear Waste Tech-
10 nical Review Board, as authorized by Public Law 100-
11 203, section 5051, \$3,608,000, to be derived from the Nu-
12 clear Waste Fund, and to remain available until expended.

13 TITLE V

14 GENERAL PROVISIONS

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

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

1 SEC. 503. None of the funds made available by this
2 Act shall be used by the Nuclear Regulatory Commission
3 to contract with or reimburse any Nuclear Regulatory
4 Commission licensee or the Nuclear Energy Institute with
5 respect to matters relating to the security of production
6 facilities or utilization facilities (within the meaning of the
7 Atomic Energy Act of 1954).

8 SEC. 504. None of the funds made available by this
9 Act may be used before March 1, 2006, to enter into an
10 agreement obligating the United States to contribute
11 funds to ITER, the international burning plasma fusion
12 research project in which the President announced United
13 States participation on January 30, 2003.

14 This Act may be cited as the “Energy and Water De-
15 velopment Appropriations Act, 2006”.

Passed the House of Representatives May 24, 2005.

Attest:

Clerk.

109TH CONGRESS
1ST SESSION

H. R. 2419

AN ACT

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