

1 detailed studies, and plans and specifications, shall not
2 constitute a commitment of the Government to construc-
3 tion); and for the benefit of federally listed species to ad-
4 dress the effects of civil works projects owned or operated
5 by the United States Army Corps of Engineers,
6 \$1,763,000,000, to remain available until expended; of
7 which such sums as are necessary to cover the Federal
8 share of construction costs for facilities under the Dredged
9 Material Disposal Facilities program shall be derived from
10 the Harbor Maintenance Trust Fund as authorized by
11 Public Law 104–303; and of which \$182,668,000, pursu-
12 ant to Public Law 99–662, shall be derived from the In-
13 land Waterways Trust Fund, to cover one-half of the costs
14 of construction and rehabilitation of inland waterways
15 projects; and of which \$4,000,000 shall be exclusively for
16 projects and activities authorized under section 107 of the
17 River and Harbor Act of 1960; and of which \$500,000
18 shall be exclusively for projects and activities authorized
19 under section 111 of the River and Harbor Act of 1968;
20 and of which \$1,000,000 shall be exclusively for projects
21 and activities authorized under section 103 of the River
22 and Harbor Act of 1962; and of which \$25,000,000 shall
23 be exclusively available for projects and activities author-
24 ized under section 205 of the Flood Control Act of 1948;
25 and of which \$8,000,000 shall be exclusively for projects

1 and activities authorized under section 14 of the Flood
2 Control Act of 1946; and of which \$400,000 shall be ex-
3 clusively for projects and activities authorized under sec-
4 tion 208 of the Flood Control Act of 1954; and of which
5 \$17,400,000 shall be exclusively for projects and activities
6 authorized under section 1135 of the Water Resources De-
7 velopment Act of 1986; and of which \$18,000,000 shall
8 be exclusively for projects and activities authorized under
9 section 206 of the Water Resources Act of 1996; and of
10 which \$4,000,000 shall be exclusively for projects and ac-
11 tivities authorized under section 204 of the Water Re-
12 sources Act of 1992: *Provided*, That, except as provided
13 in section 101 of this Act, the amounts made available
14 under this paragraph shall be expended as authorized in
15 law for the projects and activities specified in the report
16 accompanying this Act.

17 In addition, \$137,000,000 shall be available for
18 projects and activities authorized under 16 U.S.C. 410-
19 r-8 and section 601 of Public Law 106-541.

20 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES,

21 ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MIS-
22 SISSIPPI, MISSOURI, AND TENNESSEE

23 For expenses necessary for the flood damage reduc-
24 tion program for the Mississippi River alluvial valley below
25 Cape Girardeau, Missouri, as authorized by law,

1 \$290,000,000 to remain available until expended, of which
2 such sums as are necessary to cover the Federal share of
3 operation and maintenance costs for inland harbors shall
4 be derived from the Harbor Maintenance Trust Fund:
5 *Provided*, That, except as provided in section 101 of this
6 Act, the amounts made available under this paragraph
7 shall be expended as authorized in law for the projects
8 and activities specified in the report accompanying this
9 Act.

10 OPERATION AND MAINTENANCE

11 For expenses necessary for the operation, mainte-
12 nance, and care of existing river and harbor, flood and
13 storm damage reduction, aquatic ecosystem restoration,
14 and related projects authorized by law; for the benefit of
15 federally listed species to address the effects of civil works
16 projects owned or operated by the United States Army
17 Corps of Engineers (the “Corps”); for providing security
18 for infrastructure owned and operated by, or on behalf of,
19 the Corps, including administrative buildings and facili-
20 ties, laboratories, and the Washington Aqueduct; for the
21 maintenance of harbor channels provided by a State, mu-
22 nicipality, or other public agency that serve essential navi-
23 gation needs of general commerce, where authorized by
24 law; and for surveys and charting of northern and north-
25 western lakes and connecting waters, clearing and

1 straightening channels, and removal of obstructions to
2 navigation, \$2,000,000,000 to remain available until ex-
3 pended, of which such sums to cover the Federal share
4 of operation and maintenance costs for coastal harbors
5 and channels, and inland harbors shall be derived from
6 the Harbor Maintenance Trust Fund, pursuant to Public
7 Law 99–662 may be derived from that fund; of which such
8 sums as become available from the special account for the
9 Corps established by the Land and Water Conservation
10 Act of 1965, as amended (16 U.S.C. 460l–6a(i)), may be
11 derived from that account for resource protection, re-
12 search, interpretation, and maintenance activities related
13 to resource protection in the areas at which outdoor recre-
14 ation is available; and of which such sums as become avail-
15 able under section 217 of the Water Resources Develop-
16 ment Act of 1996, Public Law 104–303, shall be used to
17 cover the cost of operation and maintenance of the
18 dredged material disposal facilities for which fees have
19 been collected: *Provided*, That, except as provided in sec-
20 tion 101 of this Act, the amounts made available under
21 this paragraph shall be expended as authorized in law for
22 the projects and activities specified in the report accom-
23 panying this Act.

1 OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL
2 WORKS)

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

6 ADMINISTRATIVE PROVISION

7 Appropriations in this title shall be available for offi-
8 cial reception and representation expenses not to exceed
9 \$5,000; and during the current fiscal year the Revolving
10 Fund, Corps of Engineers, shall be available for purchase
11 not to exceed 100 for replacement only and hire of pas-
12 senger motor vehicles.

13 GENERAL PROVISIONS

14 CORPS OF ENGINEERS—CIVIL

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

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

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

21 (3) increases funds or personnel for any pro-
22 gram, project, or activity for which funds are denied
23 or restricted by this Act;

1 (4) reduces funds that are directed to be used
2 for a specific program, project, or activity by this
3 Act;

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

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

10 (b) Subsection (a)(1) shall not apply to any project
11 or activity authorized under section 205 of the Flood Con-
12 trol Act of 1948, section 14 of the Flood Control Act of
13 1946, section 208 of the Flood Control Act of 1954, sec-
14 tion 107 of the River and Harbor Act of 1960, section
15 103 of the River and Harbor Act of 1962, section 111
16 of the River and Harbor Act of 1968, section 1135 of the
17 Water Resources Development Act of 1986, section 206
18 of the Water Resources Act of 1996, or section 204 of
19 the Water Resources Act of 1992.

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

24 SEC. 103. None of the funds appropriated in this Act
25 may be used by the United States Army Corps of Engi-

1 neers to support activities related to the proposed Indian
2 Run Sanitary Landfill in Sandy Township, Stark County,
3 Ohio.

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

14 SEC. 105. None of the funds made available in title
15 I of this Act may be used to award any continuing con-
16 tract or to make modifications to any existing continuing
17 contract that reserves an amount for a project in excess
18 of the amount appropriated for such project pursuant to
19 this Act.

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

1 BUREAU OF RECLAMATION
2 WATER AND RELATED RESOURCES
3 (INCLUDING TRANSFER OF FUNDS)

4 For management, development, and restoration of
5 water and related natural resources and for related activi-
6 ties, including the operation, maintenance, and rehabilita-
7 tion of reclamation and other facilities, participation in
8 fulfilling related Federal responsibilities to Native Ameri-
9 cans, and related grants to, and cooperative and other
10 agreements with, State and local governments, Indian
11 tribes, and others, \$832,000,000, to remain available until
12 expended, of which \$55,544,000 shall be available for
13 transfer to the Upper Colorado River Basin Fund and
14 \$21,998,000 shall be available for transfer to the Lower
15 Colorado River Basin Development Fund; of which such
16 amounts as may be necessary may be advanced to the Col-
17 orado River Dam Fund; of which not more than \$500,000
18 is for high priority projects which shall be carried out by
19 the Youth Conservation Corps, as authorized by 16 U.S.C.
20 1706: *Provided*, That such transfers may be increased or
21 decreased within the overall appropriation under this
22 heading: *Provided further*, That of the total appropriated,
23 the amount for program activities that can be financed
24 by the Reclamation Fund or the Bureau of Reclamation
25 special fee account established by 16 U.S.C. 460l-6a(i)

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

12 CENTRAL VALLEY PROJECT RESTORATION FUND

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

1 for in-stream purposes if the water is already committed
2 to in-stream purposes by a court adopted decree or order.

3 CALIFORNIA BAY-DELTA RESTORATION

4 (INCLUDING TRANSFER OF FUNDS)

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

22 POLICY AND ADMINISTRATION

23 For necessary expenses of policy, administration, and
24 related functions in the office of the Commissioner, the
25 Denver office, and offices in the five regions of the Bureau

1 of Reclamation, to remain available until expended,
2 \$57,917,000, to be derived from the Reclamation Fund
3 and be nonreimbursable as provided in 43 U.S.C. 377:
4 *Provided*, That no part of any other appropriation in this
5 Act shall be available for activities or functions budgeted
6 as policy and administration expenses.

7 ADMINISTRATIVE PROVISION

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

11 GENERAL PROVISIONS

12 DEPARTMENT OF THE INTERIOR

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

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

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

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

19 SEC. 203. (a) Section 1(a) of the Lower Colorado
20 Water Supply Act (Public Law 99–655) is amended by
21 adding at the end the following: “The Secretary is author-
22 ized to enter into an agreement or agreements with the
23 city of Needles or the Imperial Irrigation District for the
24 design and construction of the remaining stages of the
25 Lower Colorado Water Supply Project on or after Novem-

ber 1, 2004, and the Secretary shall ensure that any such agreement or agreements include provisions setting forth: (1) the responsibilities of the parties to the agreement for design and construction; (2) the locations of the remaining wells, discharge pipelines, and power transmission lines; (3) the remaining design capacity of up to 5,000 acre-feet per year which is the authorized capacity less the design capacity of the first stage constructed; (4) the procedures and requirements for approval and acceptance by the Secretary of the remaining stages, including approval of the quality of construction, measures to protect the public health and safety, and procedures for protection of such stages; (5) the rights, responsibilities, and liabilities of each party to the agreement; and (6) the term of the agreement.”.

(b) Section 2(b) of the Lower Colorado Water Supply Act (Public Law 99–655) is amended by adding at the end the following: “Subject to the demand of such users along or adjacent to the Colorado River for Project water, the Secretary is further authorized to contract with additional persons or entities who hold Boulder Canyon Project Act section 5 contracts for municipal and industrial uses within the State of California for the use or benefit of Project water under such terms as the Secretary

1 determines will benefit the interest of Project users along
2 the Colorado River.”.

3 TITLE III

4 DEPARTMENT OF ENERGY

5 ENERGY PROGRAMS

6 ENERGY SUPPLY AND CONSERVATION

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

17 CLEAN COAL TECHNOLOGY

18 (DEFERRAL)

19 Of the funds made available under this heading for
20 obligation in prior years, \$257,000,000 shall not be avail-
21 able until October 1, 2006: *Provided*, That funds made
22 available in previous appropriations Acts shall be made
23 available for any ongoing project regardless of the sepa-
24 rate request for proposal under which the project was se-
25 lected.

1 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

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

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

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

1 NAVAL PETROLEUM AND OIL SHALE RESERVES

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

9 ELK HILLS SCHOOL LANDS FUND

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

18 STRATEGIC PETROLEUM RESERVE

19 For necessary expenses for Strategic Petroleum Re-
20 serve facility development and operations and program
21 management activities pursuant to the Energy Policy and
22 Conservation Act of 1975, as amended (42 U.S.C. 6201
23 et seq.), including the hire of passenger motor vehicles,
24 the hire, maintenance, and operation of aircraft, the pur-
25 chase, repair, and cleaning of uniforms, the reimburse-

1 ment to the General Services Administration for security
2 guard services, \$166,000,000, to remain available until ex-
3 pended.

4 ENERGY INFORMATION ADMINISTRATION

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

8 NON-DEFENSE ENVIRONMENTAL CLEANUP

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

20 URANIUM ENRICHMENT DECONTAMINATION AND
21 DECOMMISSIONING FUND

22 For necessary expenses in carrying out uranium en-
23 richment facility decontamination and decommissioning,
24 remedial actions, and other activities of title II of the
25 Atomic Energy Act of 1954, as amended, and title X, sub-

1 title A, of the Energy Policy Act of 1992, \$591,498,000,
2 to be derived from the Fund, to remain available until ex-
3 pended, of which \$20,000,000 shall be available in accord-
4 ance with title X, subtitle A, of the Energy Policy Act
5 of 1992.

6 SCIENCE

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

18 NUCLEAR WASTE DISPOSAL

19 For nuclear waste disposal activities to carry out the
20 purposes of the Nuclear Waste Policy Act of 1982, Public
21 Law 97-425, as amended (the "Act"), including the ac-
22 quisition of real property or facility construction or expan-
23 sion, \$310,000,000, to remain available until expended
24 and to be derived from the Nuclear Waste Fund: *Provided*,
25 That of the funds made available in this Act for Nuclear

1 Waste Disposal, \$3,500,000 shall be provided to the State
2 of Nevada solely for expenditures, other than salaries and
3 expenses of State employees, to conduct scientific over-
4 sight responsibilities and participate in licensing activities
5 pursuant to the Act: *Provided further*, That \$7,000,000
6 shall be provided to affected units of local governments,
7 as defined in the Act, to conduct appropriate activities and
8 participate in licensing activities: *Provided further*, That
9 the distribution of the funds as determined by the units
10 of local government shall be approved by the Department
11 of Energy: *Provided further*, That the funds for the State
12 of Nevada shall be made available solely to the Nevada
13 Division of Emergency Management by direct payment
14 and units of local government by direct payment: *Provided*
15 *further*, That within 90 days of the completion of each
16 Federal fiscal year, the Nevada Division of Emergency
17 Management and the Governor of the State of Nevada and
18 each local entity shall provide certification to the Depart-
19 ment of Energy that all funds expended from such pay-
20 ments have been expended for activities authorized by the
21 Act and this Act: *Provided further*, That failure to provide
22 such certification shall cause such entity to be prohibited
23 from any further funding provided for similar activities:
24 *Provided further*, That none of the funds herein appro-
25 priated may be: (1) used directly or indirectly to influence

1 legislative action on any matter pending before Congress
2 or a State legislature or for lobbying activity as provided
3 in 18 U.S.C. 1913; (2) used for litigation expenses; or (3)
4 used to support multi-State efforts or other coalition
5 building activities inconsistent with the restrictions con-
6 tained in this Act: *Provided further*, That all proceeds and
7 recoveries realized by the Secretary in carrying out activi-
8 ties authorized by the Act, including but not limited to,
9 any proceeds from the sale of assets, shall be available
10 without further appropriation and shall remain available
11 until expended.

12 DEPARTMENTAL ADMINISTRATION

13 (INCLUDING TRANSFER OF FUNDS)

14 For salaries and expenses of the Department of En-
15 ergy necessary for departmental administration in car-
16 rying out the purposes of the Department of Energy Orga-
17 nization Act (42 U.S.C. 7101 et seq.), including the hire
18 of passenger motor vehicles and official reception and rep-
19 resentation expenses not to exceed \$35,000, \$253,909,000
20 (reduced by \$1,000,000), to remain available until ex-
21 pended, plus such additional amounts as necessary to
22 cover increases in the estimated amount of cost of work
23 for others notwithstanding the provisions of the Anti-Defi-
24 ciency Act (31 U.S.C. 1511 et seq.): *Provided*, That such
25 increases in cost of work are offset by revenue increases

1 of the same or greater amount, to remain available until
2 expended: *Provided further*, That moneys received by the
3 Department for miscellaneous revenues estimated to total
4 \$123,000,000 in fiscal year 2006 may be retained and
5 used for operating expenses within this account, and may
6 remain available until expended, as authorized by section
7 201 of Public Law 95–238, notwithstanding the provisions
8 of 31 U.S.C. 3302: *Provided further*, That the sum herein
9 appropriated shall be reduced by the amount of miscella-
10 neous revenues received during fiscal year 2006, and any
11 related unappropriated receipt account balances remaining
12 from prior years' miscellaneous revenues, so as to result
13 in a final fiscal year 2006 appropriation from the general
14 fund estimated at not more than \$130,909,000.

15 OFFICE OF THE INSPECTOR GENERAL

16 For necessary expenses of the Office of the Inspector
17 General in carrying out the provisions of the Inspector
18 General Act of 1978, as amended, \$43,000,000, to remain
19 available until expended.

20 ATOMIC ENERGY DEFENSE ACTIVITIES

21 NATIONAL NUCLEAR SECURITY ADMINISTRATION

22 WEAPONS ACTIVITIES

23 (INCLUDING TRANSFER OF FUNDS)

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

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

11 DEFENSE NUCLEAR NONPROLIFERATION

12 For Department of Energy expenses, including the
13 purchase, construction, and acquisition of plant and cap-
14 ital equipment and other incidental expenses necessary for
15 atomic energy defense, defense nuclear nonproliferation
16 activities, in carrying out the purposes of the Department
17 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
18 cluding the acquisition or condemnation of any real prop-
19 erty or any facility or for plant or facility acquisition, con-
20 struction, or expansion, \$1,500,959,000, to remain avail-
21 able until expended.

22 NAVAL REACTORS

23 For Department of Energy expenses necessary for
24 naval reactors activities to carry out the Department of
25 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-

1 ing the acquisition (by purchase, condemnation, construc-
2 tion, or otherwise) of real property, plant, and capital
3 equipment, facilities, and facility expansion,
4 \$799,500,000, to remain available until expended.

5 OFFICE OF THE ADMINISTRATOR

6 For necessary expenses of the Office of the Adminis-
7 trator in the National Nuclear Security Administration,
8 including official reception and representation expenses
9 not to exceed \$12,000, \$366,869,000, to remain available
10 until expended.

11 ENVIRONMENTAL AND OTHER DEFENSE

12 ACTIVITIES

13 DEFENSE ENVIRONMENTAL CLEANUP

14 For Department of Energy expenses, including the
15 purchase, construction, and acquisition of plant and cap-
16 ital equipment and other expenses necessary for atomic
17 energy defense environmental cleanup activities in car-
18 rying out the purposes of the Department of Energy Orga-
19 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
20 sition or condemnation of any real property or any facility
21 or for plant or facility acquisition, construction, or expan-
22 sion, \$6,468,336,000, to remain available until expended.

23 OTHER DEFENSE ACTIVITIES

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

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

11 DEFENSE NUCLEAR WASTE DISPOSAL

12 For nuclear waste disposal activities to carry out the
13 purposes of Public Law 97–425, as amended, including
14 the acquisition of real property or facility construction or
15 expansion, \$351,447,000, to remain available until ex-
16 pended.

17 POWER MARKETING ADMINISTRATIONS

18 BONNEVILLE POWER ADMINISTRATION FUND

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

1 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
2 ADMINISTRATION

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

16 OPERATION AND MAINTENANCE, SOUTHWESTERN
17 POWER ADMINISTRATION

18 For necessary expenses of operation and maintenance
19 of power transmission facilities and of marketing electric
20 power and energy, for construction and acquisition of
21 transmission lines, substations and appurtenant facilities,
22 and for administrative expenses, including official recep-
23 tion and representation expenses in an amount not to ex-
24 ceed \$1,500 in carrying out section 5 of the Flood Control
25 Act of 1944 (16 U.S.C. 825s), as applied to the south-

1 western power administration, \$31,401,000, to remain
2 available until expended: *Provided*, That, notwithstanding
3 31 U.S.C. 3302, up to \$1,235,000 collected by the South-
4 western Power Administration pursuant to the Flood Con-
5 trol Act to recover purchase power and wheeling expenses
6 shall be credited to this account as offsetting collections,
7 to remain available until expended for the sole purpose
8 of making purchase power and wheeling expenditures.

9 CONSTRUCTION, REHABILITATION, OPERATION AND
10 MAINTENANCE, WESTERN AREA POWER ADMINIS-
11 TRATION

12 For carrying out the functions authorized by title III,
13 section 302(a)(1)(E) of the Act of August 4, 1977 (42
14 U.S.C. 7152), and other related activities including con-
15 servation and renewable resources programs as author-
16 ized, including official reception and representation ex-
17 penses in an amount not to exceed \$1,500; \$226,992,000,
18 to remain available until expended, of which \$222,830,000
19 shall be derived from the Department of the Interior Rec-
20 lamation Fund: *Provided*, That of the amount herein ap-
21 propriated, \$6,000,000 shall be available until expended
22 on a nonreimbursable basis to the Western Area Power
23 Administration for Topock-Davis-Mead Transmission
24 Line Upgrades: *Provided further*, That notwithstanding
25 the provision of 31 U.S.C. 3302, up to \$148,500,000 col-

1 lected by the Western Area Power Administration pursu-
2 ant to the Flood Control Act of 1944 and the Reclamation
3 Project Act of 1939 to recover purchase power and wheel-
4 ing expenses shall be credited to this account as offsetting
5 collections, to remain available until expended for the sole
6 purpose of making purchase power and wheeling expendi-
7 tures.

8 FALCON AND AMISTAD OPERATING AND MAINTENANCE
9 FUND

10 For operation, maintenance, and emergency costs for
11 the hydroelectric facilities at the Falcon and Amistad
12 Dams, \$2,692,000, to remain available until expended,
13 and to be derived from the Falcon and Amistad Operating
14 and Maintenance Fund of the Western Area Power Ad-
15 ministration, as provided in section 423 of the Foreign
16 Relations Authorization Act, Fiscal Years 1994 and 1995.

17 FEDERAL ENERGY REGULATORY COMMISSION
18 SALARIES AND EXPENSES

19 For necessary expenses of the Federal Energy Regu-
20 latory Commission to carry out the provisions of the De-
21 partment of Energy Organization Act (42 U.S.C. 7101 et
22 seq.), including services as authorized by 5 U.S.C. 3109,
23 the hire of passenger motor vehicles, and official reception
24 and representation expenses not to exceed \$3,000,
25 \$220,400,000, to remain available until expended: *Pro-*

1 *vided*, That notwithstanding any other provision of law,
2 not to exceed \$220,400,000 of revenues from fees and an-
3 nual charges, and other services and collections in fiscal
4 year 2006 shall be retained and used for necessary ex-
5 penses in this account, and shall remain available until
6 expended: *Provided further*, That the sum herein appro-
7 priated from the general fund shall be reduced as revenues
8 are received during fiscal year 2006 so as to result in a
9 final fiscal year 2006 appropriation from the general fund
10 estimated at not more than \$0.

11 GENERAL PROVISIONS

12 DEPARTMENT OF ENERGY

13 SEC. 301. (a)(1) None of the funds in this or any
14 other appropriations Act for fiscal year 2006 or any pre-
15 vious fiscal year may be used to make payments for a non-
16 competitive management and operating contract unless
17 the Secretary of Energy has published in the Federal Reg-
18 ister and submitted to the Committees on Appropriations
19 of the House of Representatives and the Senate a written
20 notification, with respect to each such contract, of the Sec-
21 retary's decision to use competitive procedures for the
22 award of the contract, or to not renew the contract, when
23 the term of the contract expires.

24 (2) Paragraph (1) does not apply to an extension for
25 up to 2 years of a noncompetitive management and oper-

1 ating contract, if the extension is for purposes of allowing
2 time to award competitively a new contract, to provide
3 continuity of service between contracts, or to complete a
4 contract that will not be renewed.

5 (b) In this section:

6 (1) The term “noncompetitive management and
7 operating contract” means a contract that was
8 awarded more than 50 years ago without competi-
9 tion for the management and operation of Ames
10 Laboratory, Argonne National Laboratory, Lawrence
11 Berkeley National Laboratory, Lawrence Livermore
12 National Laboratory, and Los Alamos National Lab-
13 oratory.

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

21 (c) For all management and operating contracts
22 other than those listed in subsection (b)(1), none of the
23 funds appropriated by this Act may be used to award a
24 management and operating contract, or award a signifi-
25 cant extension or expansion to an existing management

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

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

15 (1) develop or implement a workforce restruc-
16 turing plan that covers employees of the Department
17 of Energy; or

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

23 SEC. 303. None of the funds appropriated by this Act
24 may be used to augment the funds made available for obli-
25 gation by this Act for severance payments and other bene-

1 fits and community assistance grants under section 3161
2 of the National Defense Authorization Act for Fiscal Year
3 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the
4 Department of Energy submits a reprogramming request
5 to the appropriate congressional committees.

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

10 (TRANSFERS OF UNEXPENDED BALANCES)

11 SEC. 305. The unexpended balances of prior appro-
12 priations provided for activities in this Act may be trans-
13 ferred to appropriation accounts for such activities estab-
14 lished pursuant to this title. Balances so transferred may
15 be merged with funds in the applicable established ac-
16 counts and thereafter may be accounted for as one fund
17 for the same time period as originally enacted.

18 SEC. 306. None of the funds in this or any other Act
19 for the Administrator of the Bonneville Power Administra-
20 tion may be used to enter into any agreement to perform
21 energy efficiency services outside the legally defined Bon-
22 neville service territory, with the exception of services pro-
23 vided internationally, including services provided on a re-
24 imburseable basis, unless the Administrator certifies in ad-
25 vance that such services are not available from private sec-
26 tor businesses.

1 SEC. 307. When the Department of Energy makes
2 a user facility available to universities or other potential
3 users, or seeks input from universities or other potential
4 users regarding significant characteristics or equipment in
5 a user facility or a proposed user facility, the Department
6 shall ensure broad public notice of such availability or
7 such need for input to universities and other potential
8 users. When the Department of Energy considers the par-
9 ticipation of a university or other potential user as a for-
10 mal partner in the establishment or operation of a user
11 facility, the Department shall employ full and open com-
12 petition in selecting such a partner. For purposes of this
13 section, the term “user facility” includes, but is not lim-
14 ited to: (1) a user facility as described in section
15 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C.
16 13503(a)(2)); (2) a National Nuclear Security Adminis-
17 tration Defense Programs Technology Deployment Cen-
18 ter/User Facility; and (3) any other Departmental facility
19 designated by the Department as a user facility.

20 SEC. 308. The Administrator of the National Nuclear
21 Security Administration may authorize the manager of a
22 covered nuclear weapons research, development, testing or
23 production facility to engage in research, development,
24 and demonstration activities with respect to the engineer-
25 ing and manufacturing capabilities at such facility in

1 order to maintain and enhance such capabilities at such
2 facility: *Provided*, That of the amount allocated to a cov-
3 ered nuclear weapons facility each fiscal year from
4 amounts available to the Department of Energy for such
5 fiscal year for national security programs, not more than
6 an amount equal to 2 percent of such amount may be used
7 for these activities: *Provided further*, That for purposes of
8 this section, the term “covered nuclear weapons facility”
9 means the following:

- 10 (1) the Kansas City Plant, Kansas City, Mis-
11 souri;
- 12 (2) the Y-12 Plant, Oak Ridge, Tennessee;
- 13 (3) the Pantex Plant, Amarillo, Texas;
- 14 (4) the Savannah River Plant, South Carolina;
- 15 and
- 16 (5) the Nevada Test Site.

17 SEC. 309. Funds appropriated by this or any other
18 Act, or made available by the transfer of funds in this
19 Act, for intelligence activities are deemed to be specifically
20 authorized by the Congress for purposes of section 504
21 of the National Security Act of 1947 (50 U.S.C. 414) dur-
22 ing fiscal year 2006 until the enactment of the Intelligence
23 Authorization Act for fiscal year 2006.

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

4 SEC. 311. None of the funds made available in title
5 III of this Act shall be for the Department of Energy na-
6 tional laboratories and production plants for Laboratory
7 Directed Research and Development (LDRD), Plant Di-
8 rected Research and Development (PDRD), and Site Di-
9 rected Research and Development (SDRD) activities in
10 excess of \$250,000,000.

11 SEC. 312. None of the funds made available in title
12 III of this Act shall be for Department of Energy Labora-
13 tory Directed Research and Development (LDRD), Plant
14 Directed Research and Development (PDRD), and Site
15 Directed Research and Development (SDRD) activities for
16 project costs incurred as Indirect Costs by Major Facility
17 Operating Contractors.

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

22 SEC. 314. None of the funds made available to the
23 Department of Energy under this Act shall be used to im-
24 plement or finance authorized price support or loan guar-

1 antee programs unless specific provision is made for such
2 programs in an appropriations Act.

3 TITLE IV

4 INDEPENDENT AGENCIES

5 APPALACHIAN REGIONAL COMMISSION

6 For expenses necessary to carry out the programs au-
7 thorized by the Appalachian Regional Development Act of
8 1965, as amended, for necessary expenses for the Federal
9 Co-Chairman and the alternate on the Appalachian Re-
10 gional Commission, for payment of the Federal share of
11 the administrative expenses of the Commission, including
12 services as authorized by 5 U.S.C. 3109, and hire of pas-
13 senger motor vehicles, \$38,500,000, to remain available
14 until expended.

15 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

16 SALARIES AND EXPENSES

17 For necessary expenses of the Defense Nuclear Fa-
18 cilities Safety Board in carrying out activities authorized
19 by the Atomic Energy Act of 1954, as amended by Public
20 Law 100-456, section 1441, \$22,032,000, to remain
21 available until expended.

22 DELTA REGIONAL AUTHORITY

23 SALARIES AND EXPENSES

24 For necessary expenses of the Delta Regional Author-
25 ity and to carry out its activities, as authorized by the

1 Delta Regional Authority Act of 2000, as amended, not-
2 withstanding sections 382C(b)(2), 382F(d), and 382M(b)
3 of said Act, \$6,000,000, to remain available until ex-
4 pended.

5 DENALI COMMISSION

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

8 NUCLEAR REGULATORY COMMISSION

9 SALARIES AND EXPENSES

10 For necessary expenses of the Commission in car-
11 rying out the purposes of the Energy Reorganization Act
12 of 1974, as amended, and the Atomic Energy Act of 1954,
13 as amended, including official representation expenses
14 (not to exceed \$15,000), and purchase of promotional
15 items for use in the recruitment of individuals for employ-
16 ment, \$714,376,000, to remain available until expended:
17 *Provided*, That of the amount appropriated herein,
18 \$66,717,000 shall be derived from the Nuclear Waste
19 Fund: *Provided further*, That revenues from licensing fees,
20 inspection services, and other services and collections esti-
21 mated at \$580,643,000 in fiscal year 2006 shall be re-
22 tained and used for necessary salaries and expenses in this
23 account, notwithstanding 31 U.S.C. 3302, and shall re-
24 main available until expended: *Provided further*, That the
25 sum herein appropriated shall be reduced by the amount

1 of revenues received during fiscal year 2006 so as to result
2 in a final fiscal year 2006 appropriation estimated at not
3 more than \$133,732,600: *Provided further*, That section
4 6101 of the Omnibus Budget Reconciliation Act of 1990
5 is amended by inserting before the period in subsection
6 (c)(2)(B)(v) the words “and fiscal year 2006”.

7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector
9 General in carrying out the provisions of the Inspector
10 General Act of 1978, as amended, \$8,316,000, to remain
11 available until expended: *Provided*, That revenues from li-
12 censing fees, inspection services, and other services and
13 collections estimated at \$7,485,000 in fiscal year 2006
14 shall be retained and be available until expended, for nec-
15 essary salaries and expenses in this account, notwith-
16 standing 31 U.S.C. 3302: *Provided further*, That the sum
17 herein appropriated shall be reduced by the amount of rev-
18 enues received during fiscal year 2006 so as to result in
19 a final fiscal year 2006 appropriation estimated at not
20 more than \$831,000.

21 NUCLEAR WASTE TECHNICAL REVIEW BOARD

22 SALARIES AND EXPENSES

23 For necessary expenses of the Nuclear Waste Tech-
24 nical Review Board, as authorized by Public Law 100–

1 203, section 5051, \$3,608,000, to be derived from the Nu-
2 clear Waste Fund, and to remain available until expended.

3 TITLE V

4 GENERAL PROVISIONS

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

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

16 SEC. 503. None of the funds made available by this
17 Act shall be used by the Nuclear Regulatory Commission
18 to contract with or reimburse any Nuclear Regulatory
19 Commission licensee or the Nuclear Energy Institute with
20 respect to matters relating to the security of production
21 facilities or utilization facilities (within the meaning of the
22 Atomic Energy Act of 1954).

23 SEC. 504. None of the funds made available by this
24 Act may be used before March 1, 2006, to enter into an
25 agreement obligating the United States to contribute

1 funds to ITER, the international burning plasma fusion
2 research project in which the President announced United
3 States participation on January 30, 2003.

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

Passed the House of Representatives May 24, 2005.

Attest:

JEFF TRANDAHL,

Clerk.