

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

# H. R. 5427

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## AN ACT

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

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

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, 2007, 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 control, shore protection and storm  
14 damage reduction, aquatic ecosystem restoration, and re-  
15 lated purposes.

16 INVESTIGATIONS

17 For expenses necessary for the collection and study  
18 of basic information pertaining to river and harbor, flood  
19 control, shore protection and storm damage reduction,  
20 aquatic ecosystem restoration, and related projects, re-  
21 study of authorized projects, miscellaneous investigations,  
22 and, when authorized by law, surveys and detailed studies  
23 and plans and specifications of projects prior to construc-  
24 tion, \$128,000,000, to remain available until expended:  
25 *Provided*, That, except as provided in section 101 of this

1 Act, the amounts made available under this paragraph  
2 shall be expended in accordance with the terms and condi-  
3 tions specified in the report accompanying this Act.

#### 4 CONSTRUCTION

##### 5 (INCLUDING RESCISSION)

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

1 sively available for projects and activities authorized under  
2 section 205 of the Flood Control Act of 1948; and of  
3 which \$15,000,000 shall be exclusively for projects and ac-  
4 tivities authorized under section 14 of the Flood Control  
5 Act of 1946; and of which \$25,000,000 shall be exclusively  
6 for projects and activities authorized under section 1135  
7 of the Water Resources Development Act of 1986; and of  
8 which \$25,000,000 shall be exclusively for projects and ac-  
9 tivities authorized under section 206 of the Water Re-  
10 sources Development Act of 1996; and of which  
11 \$2,500,000 shall be for projects and activities authorized  
12 under section 111 of the River and Harbor Act of 1968;  
13 and of which \$5,000,000 shall be for projects and activi-  
14 ties authorized under section 204 of the Water Resources  
15 Act of 1992: *Provided*, That \$35,000,000 shall be avail-  
16 able for projects and activities authorized under 16 U.S.C.  
17 410r-8: *Provided further*, That, of the funds provided  
18 under the heading “Construction” in title I of Public Law  
19 109-103, \$56,046,000 is rescinded, to be derived from the  
20 unobligated balances of the amounts made available for  
21 the following projects in Louisiana: Grand Isle and Vicin-  
22 ity, Lake Pontchartrain and Vicinity, Larose to Golden  
23 Meadow, New Orleans to Venice, Southeast Louisiana,  
24 and West Bank and Vicinity: *Provided further*, That, ex-  
25 cept as provided in section 101 of this Act, the amounts

1 made available under this paragraph shall be expended in  
2 accordance with the terms and conditions specified in the  
3 report accompanying this Act.

#### 4 MISSISSIPPI RIVER AND TRIBUTARIES

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

#### 16 OPERATION AND MAINTENANCE

17 For expenses necessary for the operation, mainte-  
18 nance, and care of existing river and harbor, flood and  
19 storm damage reduction, aquatic ecosystem restoration,  
20 and related projects authorized by law, including the con-  
21 struction of facilities, projects, or features (including is-  
22 lands and wetlands) to use materials dredged during Fed-  
23 eral navigation maintenance activities; the mitigation of  
24 impacts on shorelines resulting from Federal navigation  
25 operation and maintenance activities; the benefit of feder-

1 ally listed species to address the effects of any civil works  
2 project under the jurisdiction of the Corps on any such  
3 species on project land within the watershed or operational  
4 reach of the project; providing security for infrastructure  
5 owned and operated by, or on behalf of, the Corps, includ-  
6 ing administrative buildings and facilities, and labora-  
7 tories; the maintenance of harbor channels provided by a  
8 State, municipality, or other public agency that serve es-  
9 sential navigation needs of general commerce, where au-  
10 thorized by law; and surveys and charting of northern and  
11 northwestern lakes and connecting waters, clearing and  
12 straightening channels, and removal of obstructions to  
13 navigation, \$2,195,471,000, to remain available until ex-  
14 pended, of which \$45,078,000 shall be for projects and  
15 activities in Region 1 New England; of which  
16 \$143,250,000 shall be for projects and activities in Region  
17 2 Mid Atlantic; of which \$297,043,000 shall be for  
18 projects and activities in Region 3 South Atlantic Gulf;  
19 of which \$101,407,000 shall be for projects and activities  
20 in Region 4 Great Lakes; of which \$252,886,000 shall be  
21 for projects and activities in Region 5 Ohio; of which  
22 \$21,301,000 shall be for projects and activities in Region  
23 6 Tennessee; of which \$233,803,000 shall be for projects  
24 and activities in Region 7 Upper Mississippi; of which  
25 \$147,021,000 shall be for projects and activities in Region

1 8 Lower Mississippi; of which \$2,999,000 shall be for  
2 projects and activities in Region 9 Souris-Red-Rainy; of  
3 which \$151,180,000 shall be for projects and activities in  
4 Region 10 Missouri; of which \$178,084,000 shall be for  
5 projects and activities in Region 11 Arkansas-White-Red;  
6 of which \$141,113,000 shall be for projects and activities  
7 in Region 12 Texas-Gulf; of which \$10,209,000 shall be  
8 for projects and activities in Region 13 Rio Grande; of  
9 which \$722,000 shall be for projects and activities in Re-  
10 gion 14 Upper Colorado; of which \$3,327,000 shall be for  
11 projects and activities in Region 15 Lower Colorado; of  
12 which \$761,000 shall be for projects and activities in Re-  
13 gion 16 Great Basin; of which \$242,593,000 shall be for  
14 projects and activities in Region 17 Pacific Northwest; of  
15 which \$102,461,000 shall be for projects and activities in  
16 Region 18 California; of which \$22,204,000 shall be for  
17 projects and activities in Region 19 Alaska; of which  
18 \$1,995,000 shall be for projects and activities in Region  
19 20 Hawaii; of which \$4,000,000 shall be for projects and  
20 activities in Region 21 Caribbean; of which such sums as  
21 are necessary to cover the Federal share of eligible oper-  
22 ations and maintenance shall be derived from the Harbor  
23 Maintenance Trust Fund of which such sums as become  
24 available from the special account for the Corps estab-  
25 lished by the Land and Water Conservation Act of 1965,



## 1 FLOOD CONTROL AND COASTAL EMERGENCIES

2 For expenses necessary to prepare for flood, hurri-  
3 cane, and other natural disasters and support emergency  
4 operations, repairs, and other activities in response to  
5 flood and hurricane emergencies, as authorized by law,  
6 \$32,000,000, to remain available until expended.

## 7 GENERAL EXPENSES

8 For expenses necessary for general administration  
9 and related civil works functions in the headquarters of  
10 the United States Army Corps of Engineers, the offices  
11 of the Division Engineers, the Humphreys Engineer Cen-  
12 ter Support Activity, the Institute for Water Resources,  
13 the United States Army Engineer Research and Develop-  
14 ment Center, and the United States Army Corps of Engi-  
15 neers Finance Center, \$142,100,000, to remain available  
16 until expended: *Provided*, That no part of any other appro-  
17 priation provided in title I of this Act shall be available  
18 to fund the civil works activities of the Office of the Chief  
19 of Engineers or the civil works executive direction and  
20 management activities of the offices of the Division Engi-  
21 neers: *Provided further*, That, of the funds provided under  
22 this heading, \$10,000,000 shall be transferred to “Oper-  
23 ation and Maintenance” upon the expiration of the 30-  
24 day period following the date of enactment of this Act if,  
25 during such period, the Secretary of the Army has not

1 submitted to the Committees on Appropriations of the  
2 House of Representatives and the Senate a report summa-  
3 rizing outstanding reprogramming commitments of the  
4 Corps of Engineers for fiscal years 2000 through 2006  
5 on a project by project basis.

6 OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL  
7 WORKS)

8 For expenses necessary for the Office of Assistant  
9 Secretary of the Army (Civil Works), as authorized by 10  
10 U.S.C. 3016(b)(3), \$1,500,000: *Provided*, That, of the  
11 funds provided under this heading, \$1,000,000 shall be  
12 transferred to “Operation and Maintenance” upon the ex-  
13 piration of the 30-day period following the date of enact-  
14 ment of this Act if, during such period, the Secretary of  
15 the Army has not submitted to the Committees on Appro-  
16 priations of the House of Representatives and the Senate  
17 a report summarizing outstanding reprogramming com-  
18 mitments of the Corps of Engineers for fiscal years 2000  
19 through 2006 on a project by project basis.

20 ADMINISTRATIVE PROVISION

21 Appropriations in this title shall be available for offi-  
22 cial reception and representation expenses not to exceed  
23 \$5,000; and during the current fiscal year the Revolving  
24 Fund, Corps of Engineers, shall be available for purchase

1 not to exceed 100 for replacement only and hire of pas-  
2 senger motor vehicles.

### 3 GENERAL PROVISIONS

#### 4 CORPS OF ENGINEERS—CIVIL

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

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

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

11 (3) increases funds for any program, project, or  
12 activity for which funds have been denied or re-  
13 stricted by this Act;

14 (4) reduces funds that are directed to be used  
15 for a specific program, project, or activity by this  
16 Act;

17 (5) increases funds for any program, project, or  
18 activity by more than \$2,000,000 or 25 percent,  
19 whichever is less; or

20 (6) reduces funds for any program, project, or  
21 activity by more than \$2,000,000 or 25 percent,  
22 whichever is less.

23 (b) Subsection (a)(1) shall not apply to any project  
24 or activity authorized under section 205 of the Flood Con-  
25 trol Act of 1948; section 14 of the Flood Control Act of

1 1946; section 208 of the Flood Control Act of 1954; sec-  
2 tion 107 of the River and Harbor Act of 1960; section  
3 103 of the River and Harbor Act of 1962; section 111  
4 of the River and Harbor Act of 1968; section 1135 of the  
5 Water Resources Development Act of 1986; section 206  
6 of the Water Resources Development Act of 1996; sections  
7 204 and 207 of the Water Resources Development Act of  
8 1992 or section 933 of the Water Resources Development  
9 Act of 1986.

10       SEC. 102. None of the funds made available in title  
11 I of this Act may be used to award any continuing con-  
12 tract or to make modifications to any existing continuing  
13 contract that commits an amount for a project in excess  
14 of the amount appropriated for such project pursuant to  
15 this Act: *Provided*, That the amounts appropriated in this  
16 Act may be modified pursuant to the authorities provided  
17 in section 101 of this Act or through the application of  
18 unobligated balances for such project.

19       SEC. 103. None of the funds provided in this Act may  
20 be expended by the Secretary of the Army to construct  
21 the Port Jersey element of the New York and New Jersey  
22 Harbor or to reimburse the local sponsor for the construc-  
23 tion of the Port Jersey element until commitments for  
24 construction of container handling facilities are obtained

1 from the non-Federal sponsor for a second user along the  
2 Port Jersey element.

3       SEC. 104. (a) None of the funds provided in this Act  
4 shall be available for operation and maritime maintenance  
5 of the hopper dredge McFarland.

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

8       SEC. 105. None of the funds provided in this Act may  
9 be expended to prevent or limit any reprogramming of  
10 funds for a project to be carried out by the Corps of Engi-  
11 neers, based on whether the project was included by the  
12 President in the budget transmitted under section 1105(a)  
13 of title 31, United States Code, or is otherwise proposed  
14 by the President or considered part of the budget by the  
15 Office of Management and Budget.

16       SEC. 106. None of the funds provided in this Act may  
17 be used to repay the Department of Treasury's Judgment  
18 Fund for past judgments against the United States on  
19 Civil Works contracts and real estate acquisitions that  
20 have been financed by the Judgment Fund.

21       SEC. 107. None of the funds provided in this Act may  
22 be used to implement an A-76 study or similar privatiza-  
23 tion process for Corps personnel employed to operate or  
24 maintain locks and dams.



## 1 WATER AND RELATED RESOURCES

2 (INCLUDING TRANSFER OF FUNDS AND RESCISSION)

3 For management, development, and restoration of  
4 water and related natural resources and for related activi-  
5 ties, including the operation, maintenance, and rehabilita-  
6 tion of reclamation and other facilities, participation in  
7 fulfilling related Federal responsibilities to Native Ameri-  
8 cans, and related grants to, and cooperative and other  
9 agreements with, State and local governments, Indian  
10 tribes, and others, \$849,122,000, to remain available until  
11 expended, of which \$57,298,000 shall be available for  
12 transfer to the Upper Colorado River Basin Fund and  
13 \$26,952,000 shall be available for transfer to the Lower  
14 Colorado River Basin Development Fund; of which such  
15 amounts as may be necessary may be advanced to the Col-  
16 orado River Dam Fund; of which not more than \$500,000  
17 is for high priority projects which shall be carried out by  
18 the Youth Conservation Corps, as authorized by 16 U.S.C.  
19 1706: *Provided*, That such transfers may be increased or  
20 decreased within the overall appropriation under this  
21 heading: *Provided further*, That of the total appropriated,  
22 the amount for program activities that can be financed  
23 by the Reclamation Fund or the Bureau of Reclamation  
24 special fee account established by 16 U.S.C. 4601–6a(i)  
25 shall be derived from that Fund or account: *Provided fur-*

1 *ther*, That funds contributed under 43 U.S.C. 395 are  
2 available until expended for the purposes for which con-  
3 tributed: *Provided further*, That funds advanced under 43  
4 U.S.C. 397a shall be credited to this account and are  
5 available until expended for the same purposes as the  
6 sums appropriated under this heading: *Provided further*,  
7 That funds available for expenditure for the Departmental  
8 Irrigation Drainage Program may be expended by the Bu-  
9 reau of Reclamation for site remediation on a non-reim-  
10 bursable basis: *Provided further*, That from unobligated  
11 balances made available under section 2507 of the Farm  
12 Security and Rural Investment Act of 2002 for the Bu-  
13 reau of Reclamation's At Risk Terminal Lakes Program,  
14 \$88,000,000 are rescinded: *Provided further*, That  
15 \$10,000,000 of the funds provided herein shall be depos-  
16 ited in the San Gabriel Restoration Fund established by  
17 section 1110 of division B, title I of Public Law 106-554  
18 as amended: *Provided further*, That of the sums provided  
19 herein, \$1,000,000 shall be used for assessing the feasi-  
20 bility of relocating the Highway 49 bridge, Auburn-Folsom  
21 South Unit of the Central Valley Project.

22 CENTRAL VALLEY PROJECT RESTORATION FUND

23 For carrying out the programs, projects, plans, and  
24 habitat restoration, improvement, and acquisition provi-  
25 sions of the Central Valley Project Improvement Act,

1 \$41,478,000, to be derived from such sums as may be col-  
2 lected in the Central Valley Project Restoration Fund pur-  
3 suant to sections 3407(d), 3404(c)(3), 3405(f), and  
4 3406(c)(1) of Public Law 102-575, to remain available  
5 until expended: *Provided*, That the Bureau of Reclamation  
6 is directed to assess and collect the full amount of the  
7 additional mitigation and restoration payments authorized  
8 by section 3407(d) of Public Law 102-575: *Provided fur-*  
9 *ther*, That none of the funds made available under this  
10 heading may be used for the acquisition or leasing of water  
11 for in-stream purposes if the water is already committed  
12 to in-stream purposes by a court adopted decree or order.

13 CALIFORNIA BAY-DELTA RESTORATION

14 (INCLUDING TRANSFER OF FUNDS)

15 For carrying out activities authorized by the Water  
16 Supply, Reliability, and Environmental Improvement Act,  
17 Public Law 108-361, consistent with plans to be approved  
18 by the Secretary of the Interior, \$40,110,000, to remain  
19 available until expended, of which such amounts as may  
20 be necessary to carry out such activities may be trans-  
21 ferred to appropriate accounts of other participating Fed-  
22 eral agencies to carry out authorized purposes: *Provided*,  
23 That funds appropriated herein may be used for the Fed-  
24 eral share of the costs of CALFED Program management:  
25 *Provided further*, That the use of any funds provided to

1 the California Bay-Delta Authority for program-wide  
2 management and oversight activities shall be subject to  
3 the approval of the Secretary of the Interior: *Provided fur-*  
4 *ther*, That CALFED implementation shall be carried out  
5 in a balanced manner with clear performance measures  
6 demonstrating concurrent progress in achieving the goals  
7 and objectives of the Program: *Provided further*, That  
8 \$6,000,000 shall be transferred to the Army Corps of En-  
9 gineers to carry out further study and analysis of the sta-  
10 bility of the levee projects authorized under section  
11 103(f)(3) of Public Law 108–361.

12 POLICY AND ADMINISTRATION

13 For necessary expenses of policy, administration, and  
14 related functions in the office of the Commissioner, the  
15 Denver office, and offices in the five regions of the Bureau  
16 of Reclamation, to remain available until expended,  
17 \$58,069,000, to be derived from the Reclamation Fund  
18 and be nonreimbursable as provided in 43 U.S.C. 377:  
19 *Provided*, That no part of any other appropriation in this  
20 Act shall be available for activities or functions budgeted  
21 as policy and administration expenses.

22 ADMINISTRATIVE PROVISION

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

1 GENERAL PROVISIONS, DEPARTMENT OF THE  
2 INTERIOR

3 SEC. 201. (a) None of the funds appropriated or oth-  
4 erwise made available by this Act may be used to deter-  
5 mine the final point of discharge for the interceptor drain  
6 for the San Luis Unit until development by the Secretary  
7 of the Interior and the State of California of a plan, which  
8 shall conform to the water quality standards of the State  
9 of California as approved by the Administrator of the En-  
10 vironmental Protection Agency, to minimize any detri-  
11 mental effect of the San Luis drainage waters.

12 (b) The costs of the Kesterson Reservoir Cleanup  
13 Program and the costs of the San Joaquin Valley Drain-  
14 age Program shall be classified by the Secretary of the  
15 Interior as reimbursable or nonreimbursable and collected  
16 until fully repaid pursuant to the “Cleanup Program-Al-  
17 ternative Repayment Plan” and the “SJVDP-Alternative  
18 Repayment Plan” described in the report entitled “Repay-  
19 ment Report, Kesterson Reservoir Cleanup Program and  
20 San Joaquin Valley Drainage Program, February 1995”,  
21 prepared by the Department of the Interior, Bureau of  
22 Reclamation. Any future obligations of funds by the  
23 United States relating to, or providing for, drainage serv-  
24 ice or drainage studies for the San Luis Unit shall be fully

1 reimbursable by San Luis Unit beneficiaries of such serv-  
2 ice or studies pursuant to Federal reclamation law.

3       SEC. 202. None of the funds appropriated or other-  
4 wise made available by this Act may be used to pay the  
5 salaries and expenses of personnel to purchase or lease  
6 water in the Middle Rio Grande or the Carlsbad Projects  
7 in New Mexico unless said purchase or lease is in compli-  
8 ance with the purchase requirements of section 202 of  
9 Public Law 106–60.

10

## TITLE III

11

## DEPARTMENT OF ENERGY

12

## ENERGY PROGRAMS

13

## ENERGY SUPPLY AND CONSERVATION

14

15       For Department of Energy expenses including the  
16 purchase, construction, and acquisition of plant and cap-  
17 ital equipment, and other expenses necessary for energy  
18 supply and energy conservation activities in carrying out  
19 the purposes of the Department of Energy Organization  
20 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
21 condemnation of any real property or any facility or for  
22 plant or facility acquisition, construction, or expansion,  
23 \$2,025,527,000 (increased by \$5,000,000) (reduced by  
24 \$5,000,000) (increased by \$25,000,000), to remain avail-  
able until September 30, 2009.

## 1 CLEAN COAL TECHNOLOGY

## 2 (RESCISSION)

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

## 5 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

6 For necessary expenses in carrying out fossil energy  
7 research and development activities, under the authority  
8 of the Department of Energy Organization Act (42 U.S.C.  
9 7101 et seq.), including the acquisition of interest, includ-  
10 ing defeasible and equitable interests in any real property  
11 or any facility or for plant or facility acquisition or expan-  
12 sion, the hire of passenger motor vehicles, the hire, main-  
13 tenance, and operation of aircraft, the purchase, repair,  
14 and cleaning of uniforms, the reimbursement to the Gen-  
15 eral Services Administration for security guard services,  
16 and for conducting inquiries, technological investigations  
17 and research concerning the extraction, processing, use,  
18 and disposal of mineral substances without objectionable  
19 social and environmental costs (30 U.S.C. 3, 1602, and  
20 1603), \$558,204,000, to remain available until expended,  
21 of which \$54,000,000 is available to continue a multi-year  
22 project coordinated with the private sector for FutureGen,  
23 without regard to the terms and conditions applicable to  
24 clean coal technology projects: *Provided*, That the initial  
25 planning and research stages of the FutureGen project

1 shall include a matching requirement from non-Federal  
2 sources of at least 20 percent of the costs: *Provided fur-*  
3 *ther*, That any demonstration component of such project  
4 shall require a matching requirement from non-Federal  
5 sources of at least 50 percent of the costs of the compo-  
6 nent: *Provided further*, That of the amounts provided,  
7 \$36,400,000 is available, after coordination with the pri-  
8 vate sector, for a request for proposals for the Clean Coal  
9 Power Initiative providing for competitively-awarded re-  
10 search, development, and demonstration projects to reduce  
11 the barriers to continued and expanded coal use: *Provided*  
12 *further*, That no project may be selected for which suffi-  
13 cient funding is not available to provide for the total  
14 project: *Provided further*, That funds shall be expended in  
15 accordance with the provisions governing the use of funds  
16 contained under the heading “Clean Coal Technology” in  
17 42 U.S.C. 5903d as well as those contained under the  
18 heading “Clean Coal Technology” in prior appropriations:  
19 *Provided further*, That the Department may include provi-  
20 sions for repayment of Government contributions to indi-  
21 vidual projects in an amount up to the Government con-  
22 tribution to the project on terms and conditions that are  
23 acceptable to the Department including repayments from  
24 sale and licensing of technologies from both domestic and  
25 foreign transactions: *Provided further*, That such repay-

1 ments shall be retained by the Department for future coal-  
2 related research, development and demonstration projects:  
3 *Provided further*, That any technology selected under this  
4 program shall be considered a Clean Coal Technology, and  
5 any project selected under this program shall be consid-  
6 ered a Clean Coal Technology Project, for the purposes  
7 of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title  
8 40 of the Code of Federal Regulations: *Provided further*,  
9 That no part of the sum herein made available shall be  
10 used for the field testing of nuclear explosives in the recov-  
11 ery of oil and gas: *Provided further*, That the Secretary  
12 of Energy is authorized to accept fees and contributions  
13 from public and private sources, to be deposited in a con-  
14 tributed funds account, and prosecute projects using such  
15 fees and contributions in cooperation with other Federal,  
16 State, or private agencies or concerns: *Provided further*,  
17 That revenues and other moneys received by or for the  
18 account of the Department of Energy or otherwise gen-  
19 erated by sale of products in connection with projects of  
20 the Department appropriated under the Fossil Energy Re-  
21 search and Development account may be retained by the  
22 Secretary of Energy, to be available until expended, and  
23 used only for plant construction, operation, costs, and pay-  
24 ments to cost-sharing entities as provided in appropriate  
25 cost-sharing 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, \$18,810,000, 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                    STRATEGIC PETROLEUM RESERVE

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

## 20                    NORTHEAST HOME HEATING OIL RESERVE

21       For necessary expenses for Northeast Home Heating  
22 Oil Reserve storage, operation, and management activities  
23 pursuant to the Energy Policy and Conservation Act,  
24 \$4,950,000, to remain available until expended.

## 1 ENERGY INFORMATION ADMINISTRATION

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

## 5 NON-DEFENSE ENVIRONMENTAL CLEANUP

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

17 URANIUM ENRICHMENT DECONTAMINATION AND  
18 DECOMMISSIONING FUND

19 For necessary expenses in carrying out uranium en-  
20 richment facility decontamination and decommissioning,  
21 remedial actions, and other activities of title II of the  
22 Atomic Energy Act of 1954, as amended, and title X, sub-  
23 title A, of the Energy Policy Act of 1992, \$579,368,000,  
24 to be derived from the Fund, to remain available until ex-  
25 pended, of which \$20,000,000 shall be available in accord-

1 ance with title X, subtitle A, of the Energy Policy Act  
2 of 1992.

3 SCIENCE

4 For Department of Energy expenses including the  
5 purchase, construction, and acquisition of plant and cap-  
6 ital equipment, and other expenses necessary for science  
7 activities in carrying out the purposes of the Department  
8 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
9 cluding the acquisition or condemnation of any real prop-  
10 erty or facility or for plant or facility acquisition, construc-  
11 tion, or expansion, and purchase of not to exceed twenty-  
12 five passenger motor vehicles for replacement only,  
13 \$4,131,710,000, to remain available until expended.

14 NUCLEAR WASTE DISPOSAL

15 For nuclear waste disposal activities to carry out the  
16 purposes of the Nuclear Waste Policy Act of 1982, Public  
17 Law 97-425, as amended (the “Act”), including the ac-  
18 quisition of real property or facility construction or expan-  
19 sion, \$186,420,000, to remain available until expended, of  
20 which \$156,420,000 shall be derived from the Nuclear  
21 Waste Fund: *Provided*, That of the funds made available  
22 in this Act for Nuclear Waste Disposal, \$2,000,000 shall  
23 be provided to the State of Nevada solely for expenditures,  
24 other than salaries and expenses of State employees, to  
25 conduct scientific oversight responsibilities and participate

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

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

22 DEPARTMENTAL ADMINISTRATION

23 (INCLUDING TRANSFER OF FUNDS)

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

1 rying out the purposes of the Department of Energy Orga-  
2 nization Act (42 U.S.C. 7101 et seq.), including the hire  
3 of passenger motor vehicles and official reception and rep-  
4 resentation expenses not to exceed \$35,000, \$278,382,000  
5 (reduced by \$25,000,000) (reduced by \$27,800,000), to  
6 remain available until expended, plus such additional  
7 amounts as necessary to cover increases in the estimated  
8 amount of cost of work for others notwithstanding the pro-  
9 visions of the Anti-Deficiency Act (31 U.S.C. 1511 et  
10 seq.): *Provided*, That such increases in cost of work are  
11 offset by revenue increases of the same or greater amount,  
12 to remain available until expended: *Provided further*, That  
13 moneys received by the Department for miscellaneous rev-  
14 enues estimated to total \$123,000,000 in fiscal year 2007  
15 may be retained and used for operating expenses within  
16 this account, and may remain available until expended, as  
17 authorized by section 201 of Public Law 95–238, notwith-  
18 standing the provisions of 31 U.S.C. 3302: *Provided fur-*  
19 *ther*, That the sum herein appropriated shall be reduced  
20 by the amount of miscellaneous revenues received during  
21 2007, and any related appropriated receipt account bal-  
22 ances remaining from prior years' miscellaneous revenues,  
23 so as to result in a final fiscal year 2007 appropriation  
24 from the general fund estimated at not more than  
25 \$155,382,000.

## 1 OFFICE OF THE INSPECTOR GENERAL

2 For necessary expenses of the Office of the Inspector  
3 General in carrying out the provisions of the Inspector  
4 General Act of 1978, as amended, \$45,507,000, to remain  
5 available until expended.

## 6 ATOMIC ENERGY DEFENSE ACTIVITIES

## 7 NATIONAL NUCLEAR SECURITY

## 8 ADMINISTRATION

## 9 WEAPONS ACTIVITIES

10 (INCLUDING TRANSFER OF FUNDS)

11 For Department of Energy expenses, including the  
12 purchase, construction, and acquisition of plant and cap-  
13 ital equipment and other incidental expenses necessary for  
14 atomic energy defense weapons activities in carrying out  
15 the purposes of the Department of Energy Organization  
16 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
17 condemnation of any real property or any facility or for  
18 plant or facility acquisition, construction, or expansion;  
19 and the purchase of not to exceed 14 passenger motor ve-  
20 hicles, for replacement only, including not to exceed two  
21 buses; \$6,412,001,000, to remain available until ex-  
22 pended: *Provided*, That \$40,000,000 of that amount is for  
23 the Material Consolidation and Upgrade Construction  
24 Project, Buildings 651 and 691, at the Idaho National  
25 Laboratory.

## 1           DEFENSE NUCLEAR NONPROLIFERATION

2           For Department of Energy expenses, including the  
3 purchase, construction, and acquisition of plant and cap-  
4 ital equipment and other incidental expenses necessary for  
5 atomic energy defense, defense nuclear nonproliferation  
6 activities, in carrying out the purposes of the Department  
7 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
8 cluding the acquisition or condemnation of any real prop-  
9 erty or any facility or for plant or facility acquisition, con-  
10 struction, or expansion, \$1,593,101,000 (increased by  
11 \$27,800,000), to remain available until expended.

## 12                           NAVAL REACTORS

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

## 20                           OFFICE OF THE ADMINISTRATOR

21          For necessary expenses of the Office of the Adminis-  
22 trator in the National Nuclear Security Administration,  
23 including official reception and representation expenses  
24 not to exceed \$12,000, \$399,576,000, to remain available  
25 until expended.

1 ENVIRONMENTAL AND OTHER DEFENSE  
2 ACTIVITIES

3 DEFENSE ENVIRONMENTAL CLEANUP

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

16 OTHER DEFENSE ACTIVITIES

17 For Department of Energy expenses, including the  
18 purchase, construction, and acquisition of plant and cap-  
19 ital equipment and other expenses, necessary for atomic  
20 energy defense, other defense activities, and classified ac-  
21 tivities, in carrying out the purposes of the Department  
22 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
23 cluding the acquisition or condemnation of any real prop-  
24 erty or any facility or for plant or facility acquisition, con-  
25 struction, or expansion, and the purchase of not to exceed

1 ten passenger motor vehicles for replacement only,  
2 \$720,788,000, to remain available until expended.

3 DEFENSE NUCLEAR WASTE DISPOSAL

4 For nuclear waste disposal activities to carry out the  
5 purposes of Public Law 97-425, as amended, including  
6 the acquisition of real property or facility construction or  
7 expansion, \$388,080,000, to remain available until ex-  
8 pended.

9 POWER MARKETING ADMINISTRATIONS

10 BONNEVILLE POWER ADMINISTRATION FUND

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

16 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER  
17 ADMINISTRATION

18 For necessary expenses of operation and maintenance  
19 of power transmission facilities and of electric power and  
20 energy, including transmission wheeling and ancillary  
21 services pursuant to section 5 of the Flood Control Act  
22 of 1944 (16 U.S.C. 825s), as applied to the southeastern  
23 power area, \$5,723,000, to remain available until ex-  
24 pended: *Provided*, That, notwithstanding 31 U.S.C. 3302,  
25 up to \$48,003,000 collected by the Southeastern Power

1 Administration pursuant to the Flood Control Act of 1944  
2 to recover purchase power and wheeling expenses shall be  
3 credited to this account as offsetting collections, to remain  
4 available until expended for the sole purpose of making  
5 purchase power and wheeling expenditures.

6 OPERATION AND MAINTENANCE, SOUTHWESTERN  
7 POWER ADMINISTRATION

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

1 CONSTRUCTION, REHABILITATION, OPERATION AND  
2 MAINTENANCE, WESTERN AREA POWER ADMINIS-  
3 TRATION

4 For carrying out the functions authorized by title III,  
5 section 302(a)(1)(E) of the Act of August 4, 1977 (42  
6 U.S.C. 7152), and other related activities including con-  
7 servation and renewable resources programs as author-  
8 ized, including official reception and representation ex-  
9 penses in an amount not to exceed \$1,500; \$212,213,000,  
10 to remain available until expended, of which \$208,776,000  
11 shall be derived from the Department of the Interior Rec-  
12 lamation Fund: *Provided*, That of the amount herein ap-  
13 propriated, \$6,893,000 is for deposit into the Utah Rec-  
14 lamation Mitigation and Conservation Account pursuant  
15 to title IV of the Reclamation Projects Authorization and  
16 Adjustment Act of 1992: *Provided further*, That of the  
17 amount herein appropriated, \$6,000,000 shall be available  
18 until expended on a nonreimbursable basis to the Western  
19 Area Power Administration for Topock-Davis-Mead  
20 Transmission Line Upgrades: *Provided further*, That of  
21 the amount herein appropriated, \$500,000 shall be avail-  
22 able until expended on a nonreimbursable basis to the Dy-  
23 namic Engineering Studies on the TOT-3 and Wyoming  
24 West Transmission projects: *Provided further*, That not-  
25 withstanding the provision of 31 U.S.C. 3302, up to

1 \$472,593,000 collected by the Western Area Power Ad-  
2 ministration pursuant to the Flood Control Act of 1944  
3 and the Reclamation Project Act of 1939 to recover pur-  
4 chase power and wheeling expenses shall be credited to  
5 this account as offsetting collections, to remain available  
6 until expended for the sole purpose of making purchase  
7 power and wheeling expenditures.

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, \$2,500,000, 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 \$230,800,000, to remain available until expended: *Pro-*

1 *vided*, That notwithstanding any other provision of law,  
2 not to exceed \$230,800,000 of revenues from fees and an-  
3 nual charges, and other services and collections in fiscal  
4 year 2007 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 2007 so as to result in a  
9 final fiscal year 2007 appropriation from the general fund  
10 estimated at not more than \$0.

11 GENERAL PROVISIONS

12 DEPARTMENT OF ENERGY

13 SEC. 301. CONTRACT COMPETITION.—(a)(1) None of  
14 the funds in this or any other appropriations Act for fiscal  
15 year 2007 or any previous fiscal year may be used to make  
16 payments for a noncompetitive management and operating  
17 contract unless the Secretary of Energy has published in  
18 the Federal Register and submitted to the Committees on  
19 Appropriations of the House of Representatives and the  
20 Senate a written notification, with respect to each such  
21 contract, of the Secretary's decision to use competitive  
22 procedures for the award of the contract, or to not renew  
23 the contract, when 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, and Law-  
11 rence Livermore National Laboratory.

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

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

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

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

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

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

21 SEC. 303. SECTION 3161 ASSISTANCE.—None of the  
22 funds appropriated by this Act may be used to augment  
23 the funds made available for obligation by this Act for sev-  
24 erance payments and other benefits and community assist-  
25 ance grants under section 3161 of the National Defense

1 Authorization Act for Fiscal Year 1993 (Public Law 102–  
2 484; 42 U.S.C. 7274h) unless the Department of Energy  
3 submits a reprogramming request to the appropriate con-  
4 gressional committees.

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

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

18       SEC. 306. BONNEVILLE POWER ADMINISTRATION  
19 SERVICE TERRITORY.—None of the funds in this or any  
20 other Act for the Administrator of the Bonneville Power  
21 Administration may be used to enter into any agreement  
22 to perform energy efficiency services outside the legally de-  
23 fined Bonneville service territory, with the exception of  
24 services provided internationally, including services pro-  
25 vided on a reimbursable basis, unless the Administrator

1 certifies in advance that such services are not available  
2 from private sector businesses.

3       SEC. 307. USER FACILITIES.—When the Department  
4 of Energy makes a user facility available to universities  
5 or other potential users, or seeks input from universities  
6 or other potential users regarding significant characteris-  
7 ties or equipment in a user facility or a proposed user fa-  
8 cility, the Department shall ensure broad public notice of  
9 such availability or such need for input to universities and  
10 other potential users. When the Department of Energy  
11 considers the participation of a university or other poten-  
12 tial user as a formal partner in the establishment or oper-  
13 ation of a user facility, the Department shall employ full  
14 and open competition in selecting such a partner. For pur-  
15 poses of this section, the term “user facility” includes, but  
16 is not limited to: (1) a user facility as described in section  
17 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C.  
18 13503(a)(2)); (2) a National Nuclear Security Adminis-  
19 tration Defense Programs Technology Deployment Cen-  
20 ter/User Facility; and (3) any other Departmental facility  
21 designated by the Department as a user facility.

22       SEC. 308. INTELLIGENCE ACTIVITIES.—Funds ap-  
23 propriated by this or any other Act, or made available by  
24 the transfer of funds in this Act, for intelligence activities  
25 are deemed to be specifically authorized by the Congress

1 for purposes of section 504 of the National Security Act  
2 of 1947 (50 U.S.C. 414) during fiscal year 2007 until the  
3 enactment of the Intelligence Authorization Act for fiscal  
4 year 2007.

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

18       SEC. 310. TECHNOLOGY COMMERCIALIZATION  
19 FUND.—None of the funds made available by this Act may  
20 be used for technology commercialization activities funded  
21 via a tax on applied energy research, development, dem-  
22 onstration, and commercial application activities by the  
23 Department of Energy as authorized by section 1001(e)  
24 of title X of the Energy Policy Act of 2005.



1 DELTA REGIONAL AUTHORITY  
2 SALARIES AND EXPENSES

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

9 DENALI COMMISSION

10 For expenses of the Denali Commission including the  
11 purchase, construction and acquisition of plant and capital  
12 equipment as necessary and other expenses, \$7,536,000,  
13 to remain available until expended, notwithstanding the  
14 limitations contained in section 306(g) of the Denali Com-  
15 mission Act of 1998.

16 NUCLEAR REGULATORY COMMISSION  
17 SALARIES AND EXPENSES

18 For necessary expenses of the Commission in car-  
19 rying out the purposes of the Energy Reorganization Act  
20 of 1974, as amended, and the Atomic Energy Act of 1954,  
21 as amended, including official representation expenses not  
22 to exceed \$19,000, \$808,410,000, to remain available  
23 until expended: *Provided*, That of the amount appro-  
24 priated herein, \$40,981,840 shall be derived from the Nu-  
25 clear Waste Fund: *Provided further*, That revenues from

1 licensing fees, inspection services, and other services and  
2 collections estimated at \$656,328,000 in fiscal year 2007  
3 shall be retained and used for necessary salaries and ex-  
4 penses in this account, notwithstanding 31 U.S.C. 3302,  
5 and shall remain available until expended: *Provided fur-*  
6 *ther*, That the sum herein appropriated shall be reduced  
7 by the amount of revenues received during fiscal year  
8 2007 so as to result in a final fiscal year 2007 appropria-  
9 tion estimated at not more than \$152,082,000.

10 OFFICE OF INSPECTOR GENERAL

11 For necessary expenses of the Office of Inspector  
12 General in carrying out the provisions of the Inspector  
13 General Act of 1978, as amended, \$8,144,000, to remain  
14 available until expended: *Provided*, That revenues from li-  
15 censing fees, inspection services, and other services and  
16 collections estimated at \$7,330,000 in fiscal year 2007  
17 shall be retained and be available until expended, for nec-  
18 essary salaries and expenses in this account, notwith-  
19 standing 31 U.S.C. 3302: *Provided further*, That the sum  
20 herein appropriated shall be reduced by the amount of rev-  
21 enues received during fiscal year 2007 so as to result in  
22 a final fiscal year 2007 appropriation estimated at not  
23 more than \$814,000.

1           NUCLEAR WASTE TECHNICAL REVIEW BOARD  
2                           SALARIES AND EXPENSES

3           For necessary expenses of the Nuclear Waste Tech-  
4 nical Review Board, as authorized by Public Law 100-  
5 203, section 5051, \$3,670,000, to be derived from the Nu-  
6 clear Waste Fund, and to remain available until expended.

7                           TITLE V

8                           GENERAL PROVISIONS

9           SEC. 501. None of the funds appropriated by this Act  
10 may be used in any way, directly or indirectly, to influence  
11 congressional action on any legislation or appropriation  
12 matters pending before Congress, other than to commu-  
13 nicate to Members of Congress as described in 18 U.S.C.  
14 1913.

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

20          SEC. 503. None of the funds made available by this  
21 Act from the Nuclear Waste Fund may be used to carry  
22 out the Global Nuclear Energy Partnership program.

23          SEC. 504. None of the funds made available by this  
24 Act shall be used in contravention of the Federal buildings  
25 performance and reporting requirements of Executive

1 Order No. 13123, part 3 of title V of the National Energy  
2 Conservation Policy Act (42 U.S.C. 8251 et seq.), or sub-  
3 title A of title I of the Energy Policy Act of 2005 (includ-  
4 ing the amendments made thereby).

5 SEC. 505. None of the funds made available in this  
6 Act may be used in contravention of section 303 of the  
7 Energy Policy Act of 1992 (42 U.S.C. 13212).

8 SEC. 506. None of the funds made available by this  
9 Act shall be used by the Federal Energy Regulatory Com-  
10 mission to enforce any claim for a termination payment  
11 (as defined in any jurisdictional contract) asserted by any  
12 regulated entity the Commission has found to have vio-  
13 lated the terms of its market-based rate authority by en-  
14 gaging in manipulation of market rules or exercise of mar-  
15 ket power in the Western Interconnection during the pe-  
16 riod January 1, 2000, to June 20, 2001.

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

Passed the House of Representatives May 24, 2006.

Attest:

*Clerk.*



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

**H. R. 5427**

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**AN ACT**

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