

## 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, \$15,000,000, to remain  
5 available until September 30, 2012.

## 6 ENVIRONMENTAL AND OTHER DEFENSE

## 7 ACTIVITIES

## 8 DEFENSE ENVIRONMENTAL CLEANUP

9 For an additional amount for "Defense Environ-  
10 mental Cleanup," \$5,127,000,000.

11 CONSTRUCTION, REHABILITATION, OPERATION, AND  
12 MAINTENANCE, WESTERN AREA POWER ADMINIS-  
13 TRATION

14 For carrying out the functions authorized by title III,  
15 section 302(a)(1)(E) of the Act of August 4, 1977 (42  
16 U.S.C. 7152), and other related activities including con-  
17 servation and renewable resources programs as author-  
18 ized, \$10,000,000, to remain available until expended:  
19 *Provided*, That the Administrator shall establish such per-  
20 sonnel staffing levels as he deems necessary to economi-  
21 cally and efficiently complete the activities pursued under  
22 the authority granted by section 402 of this Act: *Provided*  
23 *further*, That this appropriation is non-reimbursable.

## 1           GENERAL PROVISIONS—THIS TITLE

2           SEC. 401. BONNEVILLE POWER ADMINISTRATION  
3 BORROWING AUTHORITY. For the purposes of providing  
4 funds to assist in financing the construction, acquisition,  
5 and replacement of the transmission system of the Bonne-  
6 ville Power Administration and to implement the authority  
7 of the Administrator of the Bonneville Power Administra-  
8 tion under the Pacific Northwest Electric Power Planning  
9 and Conservation Act (16 U.S.C. 839 et seq.), an addi-  
10 tional \$3,250,000,000 in borrowing authority is made  
11 available under the Federal Columbia River Transmission  
12 System Act (16 U.S.C. 838 et seq.), to remain outstanding  
13 at any time.

14           SEC. 402. WESTERN AREA POWER ADMINISTRATION  
15 BORROWING AUTHORITY. The Hoover Power Plant Act of  
16 1984 (Public Law 98-381) is amended by adding at the  
17 end the following:

18                   **“TITLE III—BORROWING**  
19                                   **AUTHORITY**

20           **“SEC. 301. WESTERN AREA POWER ADMINISTRATION BOR-**  
21                                   **ROWING AUTHORITY.**

22           “(a) DEFINITIONS.—In this section:

23                   “(1) ADMINISTRATOR.—The term ‘Adminis-  
24           trator’ means the Administrator of the Western  
25           Area Power Administration.

1           “(2) SECRETARY.—The term ‘Secretary’ means  
2           the Secretary of the Treasury.

3           “(b) AUTHORITY.—

4           “(1) IN GENERAL.—Notwithstanding any other  
5           provision of law, subject to paragraphs (2) through  
6           (5)—

7           “(A) the Western Area Power Administra-  
8           tion may borrow funds from the Treasury; and

9           “(B) the Secretary shall, without further  
10           appropriation and without fiscal year limitation,  
11           loan to the Western Area Power Administra-  
12           tion, on such terms as may be fixed by the Ad-  
13           ministrator and the Secretary, such sums (not  
14           to exceed, in the aggregate (including deferred  
15           interest), \$3,250,000,000 in outstanding repay-  
16           able balances at any one time) as, in the judg-  
17           ment of the Administrator, are from time to  
18           time required for the purpose of—

19           “(i) constructing, financing, facili-  
20           tating, planning, operating, maintaining,  
21           or studying construction of new or up-  
22           graded electric power transmission lines  
23           and related facilities with at least one ter-  
24           minus within the area served by the West-  
25           ern Area Power Administration; and

1                   “(ii) delivering or facilitating the de-  
2                   livery of power generated by renewable en-  
3                   ergy resources constructed or reasonably  
4                   expected to be constructed after the date  
5                   of enactment of this section.

6                   “(2) INTEREST.—The rate of interest to be  
7                   charged in connection with any loan made pursuant  
8                   to this subsection shall be fixed by the Secretary,  
9                   taking into consideration market yields on out-  
10                  standing marketable obligations of the United States  
11                  of comparable maturities as of the date of the loan.

12                  “(3) REFINANCING.—The Western Area Power  
13                  Administration may refinance loans taken pursuant  
14                  to this section within the Treasury.

15                  “(4) PARTICIPATION.—The Administrator may  
16                  permit other entities to participate in the financing,  
17                  construction and ownership projects financed under  
18                  this section.

19                  “(5) CONGRESSIONAL REVIEW OF DISBURSE-  
20                  MENT.—Effective upon the date of enactment of this  
21                  section, the Administrator shall have the authority  
22                  to have utilized \$1,750,000,000 at any one time. If  
23                  the Administrator seeks to borrow funds above  
24                  \$1,750,000,000, the funds will be disbursed unless  
25                  there is enacted, within 90 calendar days of the first

1       such request, a joint resolution that rescinds the re-  
2       mainder of the balance of the borrowing authority  
3       provided in this section.

4       “(c) TRANSMISSION LINE AND RELATED FACILITY  
5 PROJECTS.—

6               “(1) IN GENERAL.—For repayment purposes,  
7       each transmission line and related facility project in  
8       which the Western Area Power Administration par-  
9       ticipates pursuant to this section shall be treated as  
10      separate and distinct from—

11               “(A) each other such project; and

12               “(B) all other Western Area Power Admin-  
13      istration power and transmission facilities.

14               “(2) PROCEEDS.—The Western Area Power  
15      Administration shall apply the proceeds from the use  
16      of the transmission capacity from an individual  
17      project under this section to the repayment of the  
18      principal and interest of the loan from the Treasury  
19      attributable to that project, after reserving such  
20      funds as the Western Area Power Administration  
21      determines are necessary—

22               “(A) to pay for any ancillary services that  
23      are provided; and

1           “(B) to meet the costs of operating and  
2           maintaining the new project from which the  
3           revenues are derived.

4           “(3) SOURCE OF REVENUE.—Revenue from the  
5           use of projects under this section shall be the only  
6           source of revenue for—

7                   “(A) repayment of the associated loan for  
8           the project; and

9                   “(B) payment of expenses for ancillary  
10           services and operation and maintenance.

11           “(4) LIMITATION ON AUTHORITY.—Nothing in  
12           this section confers on the Administrator any addi-  
13           tional authority or obligation to provide ancillary  
14           services to users of transmission facilities developed  
15           under this section.

16           “(5) TREATMENT OF CERTAIN REVENUES.—  
17           Revenue from ancillary services provided by existing  
18           Federal power systems to users of transmission  
19           projects funded pursuant to this section shall be  
20           treated as revenue to the existing power system that  
21           provided the ancillary services.

22           “(d) CERTIFICATION.—

23                   “(1) IN GENERAL.—For each project in which  
24           the Western Area Power Administration participates  
25           pursuant to this section, the Administrator shall cer-

1       tify, prior to committing funds for any such project,  
2       that—

3               “(A) the project is in the public interest;

4               “(B) the project will not adversely impact  
5       system reliability or operations, or other statu-  
6       tory obligations; and

7               “(C) it is reasonable to expect that the  
8       proceeds from the project shall be adequate to  
9       make repayment of the loan.

10       “(2) FORGIVENESS OF BALANCES.—

11               “(A) IN GENERAL.—If, at the end of the  
12       useful life of a project, there is a remaining bal-  
13       ance owed to the Treasury under this section,  
14       the balance shall be forgiven.

15       “(B) UNCONSTRUCTED PROJECTS.—Funds  
16       expended to study projects that are considered  
17       pursuant to this section but that are not con-  
18       structed shall be forgiven.

19               “(C) NOTIFICATION.—The Administrator  
20       shall notify the Secretary of such amounts as  
21       are to be forgiven under this paragraph.

22       “(e) PUBLIC PROCESSES.—

23               “(1) POLICIES AND PRACTICES.—Prior to re-  
24       questing any loans under this section, the Adminis-  
25       trator shall use a public process to develop practices

1 and policies that implement the authority granted by  
2 this section.

3 “(2) REQUESTS FOR INTEREST.—In the course  
4 of selecting potential projects to be funded under  
5 this section, the Administrator shall seek Requests  
6 For Interest from entities interested in identifying  
7 potential projects through one or more notices pub-  
8 lished in the Federal Register.”

9 SEC. 403. SET-ASIDE FOR MANAGEMENT AND OVER-  
10 SIGHT. Up to 0.5 percent of each amount appropriated  
11 in this title may be used for the expenses of management  
12 and oversight of the programs, grants, and activities fund-  
13 ed by such appropriation, and may be transferred by the  
14 head of the Federal department or agency involved to any  
15 other appropriate account within the department or agen-  
16 cy for that purpose: *Provided*, That the Secretary will pro-  
17 vide a report to the Committees on Appropriations of the  
18 House of Representatives and the Senate 30 days prior  
19 to the transfer: *Provided further*, That funds set aside  
20 under this section shall remain available for obligation  
21 until September 30, 2012.

22 SEC. 404. TECHNICAL CORRECTIONS TO THE EN-  
23 ERGY INDEPENDENCE AND SECURITY ACT OF 2007. (a)  
24 Section 543(a) of the Energy Independence and Security  
25 Act of 2007 (42 U.S.C. 17153(a)) is amended—