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110th CONGRESS
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S. 3258
[Report No. 110-416]

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2009, and for other purposes.

Rule

IN THE SENATE OF THE UNITED STATES

July 14, 2008

Mr. DORGAN, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2009, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, for energy and water development and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS--CIVIL

Department of the Army

CORPS OF ENGINEERS--CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects owned or operated by the Corps; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, \$166,000,000, to remain available until expended: *Provided*, That notwithstanding the provisions of section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report and direction specified in the text accompanying this Act.

CONSTRUCTION, GENERAL

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law, including a portion of the expenses for the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); \$2,004,500,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of

construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Chickamauga Lock, Tennessee; Kentucky Lock and Dam, Tennessee River, Kentucky; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Marmet Lock and Dam, West Virginia; McAlpine Lock and Dam, Kentucky and Indiana; Olmsted Lock and Dam, Illinois and Kentucky; Gray's Landing Lock and Dam, Pennsylvania; R.C. Byrd Lock and Dam, Ohio and West Virginia; and Point Marion Lock and Dam, Pennsylvania) shall be derived from the Inland Waterways Trust Fund; and of which \$8,000,000 shall be exclusively for projects and activities authorized under section 107 of the River and Harbor Act of 1960; and of which \$10,000,000 shall be exclusively for projects and activities authorized under section 111 of the River and Harbor Act of 1968; and of which \$7,500,000 shall be exclusively for projects and activities authorized under section 103 of the River and Harbor Act of 1962; and of which \$43,123,000 shall be exclusively for projects and activities authorized under section 205 of the Flood Control Act of 1948; and of which \$10,000,000 shall be exclusively for projects and activities authorized under section 14 of the Flood Control Act of 1946; and of which \$500,000 shall be exclusively for projects and activities authorized under section 208 of the Flood Control Act of 1954; and of which \$25,000,000 shall be exclusively for projects and activities authorized under section 1135 of the Water Resources Development Act of 1986; and of which \$25,000,000 shall be exclusively for projects and activities authorized under section 206 of the Water Resources Development Act of 1996; and of which \$7,187,000 shall be exclusively for projects and activities authorized under sections 204 and 207 of the Water Resources Development Act of 1992 and section 933 of the Water Resources Development Act of 1986: *Provided*, That the Chief of Engineers is directed to use \$13,000,000 of the funds appropriated herein for the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: *Provided further*, That the Chief of Engineers is directed to use \$8,000,000 of the funds appropriated herein for planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Chief of Engineers is directed to use \$8,500,000 of the funds appropriated herein to continue planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Chief of Engineers is directed to use \$17,048,000 of the funds

provided herein for planning and design and construction of a rural health care facility on the Fort Berthold Reservation of the Three Affiliated Tribes, North Dakota: *Provided further*, That notwithstanding the provisions of section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report and direction specified in the text accompanying this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$365,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That the Chief of Engineers is directed to use \$5,000,000 of the funds provided herein for design and real estate activities and pump supply elements for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers is directed to use \$9,000,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project: *Provided further*, That, except as provided in section 101 of this Act exclusively for Mississippi River and Tributaries operation and maintenance, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report and direction specified in the text accompanying this Act.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by, or on behalf of, the United States Army Corps of Engineers (the `Corps'), including administrative buildings and facilities, and laboratories, and the Washington Aqueduct; for the maintenance of; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and

removing obstructions to navigation, \$2,220,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662 may be derived from that fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)), shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of the Water Resources Development Act of 1996, Public Law 104-303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report accompanying this Act: *Provided further*, That of the amounts provided herein, not to exceed \$500,000 is provided to the Secretary of the Army to reimburse travel expenses as provided for in section 9003(f) of the Water Resources Development Act of 2007, Public Law 110-114 (121 Stat. 1289-1290).

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$183,000,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, may use up to \$3,200,000 of the funds appropriated herein to reimburse the Port of Arlington, Gillam County, Oregon, for those direct construction costs determined by the Secretary to have been incurred by the Port as a result of and following issuance of the Department of the Army Regulatory Program permit for the construction of a commercial dock and offload facility at the Port in February 2007, including the removal of the commercial dock and offload facility.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's

early atomic energy program, \$140,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, \$40,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the United States Army Corps of Engineers, and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, \$177,000,000, to remain available until expended, of which not to exceed \$5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For the Office of the Assistant Secretary of the Army (Civil Works), \$4,500,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS, CORPS OF ENGINEERS--CIVIL

SEC. 101. None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2009, shall be available for obligation or expenditure through a reprogramming of funds that:

- (1) creates or initiates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;
- (4) proposes to use funds directed for a specific program, project, or activity by either the House or the Senate Committees on Appropriations for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;
- (5) augments or reduces existing programs, projects, or activities in excess of the amounts contained in subsections 6 through 8, unless prior approval is received from the House and Senate Committees on Appropriations;
- (6) OPERATION AND MAINTENANCE- For a base level of \$1,000,000, reprogramming of 15 percent of the base amount up to a limit of \$5,000,000 per project or activity is allowed: *Provided*, That for a base level less than \$1,000,000, the reprogramming limit is \$150,000: *Provided further*, That \$150,000 may be reprogrammed into any ongoing work on a project that did not receive an appropriation: *Provided further*, That unlimited reprogramming authority is granted to respond to a flood, hurricane, or other natural disaster or to address any imminent risk to the public health and safety from a civil works project owned or operated by the Corps;
- (7) MISSISSIPPI RIVER AND TRIBUTARIES- The same reprogramming guidelines as listed above apply to the Operation and Maintenance portion of the Mississippi River and Tributaries Account; and
- (8) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM- Reprogramming of up to 15 percent of the base of the receiving project is permitted.

SEC. 102. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to

implement any pending or future competitive sourcing actions under OMB Circular A-76 or High Performing Organizations for the U.S. Army Corps of Engineers.

SEC. 103. None of the funds appropriated in this or any other Act shall be used to demonstrate or implement any plans divesting or transferring any Civil Works missions, functions, or responsibilities of the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 104. Within 90 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 105. WATER REALLOCATION, LAKE CUMBERLAND, KENTUCKY.

(a) IN GENERAL- Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, ch. 795) and the Act of July 24, 1946 (60 Stat. 636, ch. 595).

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

SEC. 106. Section 121 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2256) is amended by striking subsection (a) and inserting the following:

` (a) Hereafter, the Secretary of the Army may carry out and fund planning studies, watershed surveys and assessments, or technical studies at 100 percent Federal expense to accomplish the purposes of the 2003 Biological Opinion described in section 205(b) of the Energy and Water Development Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2949) as amended by subsection (b) or any related subsequent biological opinion, and the collaborative program long-term plan. In carrying out a study, survey, or assessment under this subsection, the Secretary of the Army shall consult with Federal, State, tribal and local governmental entities, as well as entities participating in the Middle Rio Grande Endangered Species Collaborative Program referred to in section 205 of this Act: *Provided*, That the Secretary of the Army may also provide planning and administrative assistance to the Middle Rio Grande Endangered Species Collaborative Program, which shall not be subject to cost sharing requirements with non-Federal interests.'.

SEC. 107. All budget documents and justification materials for the Corps of Engineers annual budget submission to Congress shall be assembled and presented based on the most recent annual

appropriations Act: *Provided*, That new budget proposals for fiscal year 2009 and thereafter, shall not be integrated into the budget justifications submitted to Congress but shall be submitted separately from the budget justifications documents.

SEC. 108. The Secretary is authorized to conduct a study of the Missouri River Projects located within the Missouri River basin at a total cost of \$25,000,000 with the express purpose to review the original project purposes based on the Flood Control Act of 1944, as amended, and other subsequent relevant legislation and judicial rulings to determine if changes to the authorized project purposes and existing Federal water resource infrastructure may be warranted: *Provided*, That this study shall be undertaken at full Federal expense.

SEC. 109. There is authorized to be appropriated an additional \$5,000,000 for the construction of the permanent bridge authorized in section 128(a) of Public Law 108-137.

SEC. 110. Section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663) is amended--

(1) by inserting `(A) IN GENERAL- ' before `The'; and

(2) by adding at the end the following:

`(B) CREDIT TOWARD NON-FEDERAL SHARE- The Secretary shall credit toward the non-Federal share of the project the costs expended by non-Federal interests for the replacement and reconstruction of the Soquel Avenue Bridge, if the Secretary determines that the work is integral to the project.

`(C) MAXIMUM AMOUNT OF CREDIT- The credit under paragraph (B) may not exceed \$2,000,000.

`(D) LIMITATION OF TOTAL PROJECT COST- The Secretary shall not include the costs to be credited under paragraphs (B) and (C) in total project costs in determining the amounts of the Federal and non-Federal contributions.'

SEC. 111. The Missouri River Levee System (MRLS) Unit L-385 Project, Riverside, Missouri, authorized by the Flood Control Act of 1941, Public Law 77-228, and the Flood Control Act of 1944, Public Law 78-534, is modified to direct the Secretary, acting through the Chief of Engineers, to take such action as is necessary to correct deficiencies in the L-385 levee system in Riverside, Missouri at full Federal expense at a cost of no more than \$7,000,000.

SEC. 112. (a) Using funds appropriated in this Act and hereafter, the Secretary is directed to complete the selection for any Senior Executive Service position within the United States Army Corps of Engineers that is vacant as of the date of enactment of this Act no later than 90 days after the effective date of this section.

(b) Using funds appropriated in this Act and hereafter, the Secretary shall complete the selection for any vacancy in a Senior Executive Service position within the United States Army Corps of Engineers that occurs after the date of enactment of this Act no later than 90 days after the vacancy occurs.

(c) If the Secretary cannot complete any selection within the time period required by subsections (a) and (b) of this section, the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives on the reasons the selection could not be made within the required time period. Any such report shall be submitted to the Committees no later than 30 days after the date upon which the selection should have been completed, and the Secretary shall submit additional reports every 30 days thereafter until the selection is made.

(d) None of the funds appropriated in this Act or any other Act heretofore or hereinafter enacted may be used to reduce the total number of positions designated as Senior Executive Service positions within the United States Army Corps of Engineers below 44.

SEC. 113. Section 115 of the Energy and Water Development and Related Agencies Appropriations Act, 2008 as contained in division C of Public Law 110-161, is amended by striking ` \$20,000,000. The Secretary shall transfer this facility to the Secretary of the Interior for operation and maintenance upon the completion of construction.' and inserting in lieu thereof, ` \$20,000,000: *Provided*, That the Secretary shall transfer ownership of this facility to the Secretary of Health and Human Services for operation and maintenance upon the completion of construction.'

SEC. 114. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development shall be used to award any continuing contract that commits additional funding from the Inland Waterway Trust Fund unless or until such time that a permanent solution to enhance revenues in the fund is enacted.

SEC. 115. Section 103(c)(7) of the Water Resources Development Act of 1992 (106 Stat. 4811-12), as amended by section 117 of the Energy and Water Development Appropriations Act of 2006 (119 Stat. 2255), is further amended by striking ` 15,000,000' and inserting ` 26,000,000'.

SEC. 116. Section 3118 of Public Law 110-114 (121 Stat. 1137) is amended by--

(1) in paragraph (b) by inserting after ` New Mexico' the following: ` in accordance with the plans recommended in the feasibility report for the Middle Rio Grande Bosque, New Mexico, scheduled for completion in December 2008'.

(2) redesignating subsection (d) as subsection (e); and

(3) inserting a new subsection (d):

^ (d) COST SHARING- Any requirement for non-Federal participation in a project carried out in the bosque of Bernalillo County, New Mexico, pursuant to this section shall be limited to the provision of lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for construction, operation and maintenance of the project.'

SEC. 117. The non-Federal interest for the project referenced in section 3154 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1148) may carry out design and construction work on the project in advance of Federal appropriations or may provide funds directly to the Secretary for the Secretary to carry out such work. The Secretary of the Army shall reimburse the non-Federal interest for any costs incurred by the non-Federal interest that are in excess of the non-Federal share of total project costs.

SEC. 118. (a) The non-Federal interest for the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana, authorized by section 1001(24) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1053) may, using its own funds, construct the Houma Navigation Canal lock complex feature of the project.

(b) Costs incurred by the non-Federal interest pursuant to subsection (a) of this section may be credited against the non-Federal share of the project or reimbursed at the Secretary of the Army's discretion, subject to initiation of the construction of the project by the Federal Government and subject to a determination by the Secretary of the Army that the work completed by the non-Federal interest pursuant to subsection (a) is an integral part of the project.

SEC. 119. The Colorado Department of Natural Resources is authorized to perform modifications of the facility (Chatfield Reservoir, Colorado), and any required mitigation which results from implementation of the project: *Provided*, That in carrying out the reassignment of storage space provided for in this section, the Secretary shall collaborate with the Colorado Department of Natural Resources and local interests to determine costs to be repaid for storage that reflects the limited reliability of the resources and the capability of non-Federal interests to make use of the reallocated storage space in Chatfield Reservoir, Colorado.

SEC. 120. The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota authorized by section 101(a)(28) of the Water Resources Development Act of 1996 (110 Stat. 3666), is modified to authorize the Secretary to construct the project at an estimated total cost of \$51,000,000, with an estimated Federal cost of \$38,250,000 and an estimated non-Federal cost of \$12,750,000.

TITLE II

DEPARTMENT OF THE INTERIOR

Central Utah Project

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$40,360,000, to remain available until expended, of which \$987,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

For fiscal year 2009, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,640,000, to remain available until expended.

Bureau of Reclamation

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES (INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, \$927,320,000, to remain available until expended, of which \$46,655,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$27,951,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than \$500,000 is for high priority projects which shall be carried out by the Youth Conservation

Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a nonreimbursable basis: *Provided further*, That funds provided for the Friant-Kern and Madera Canals improvements may be expended on a non-reimbursable basis.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$56,079,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION (INCLUDING TRANSFER OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$42,000,000, to remain available until expended, of which such amounts as may be necessary

to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$59,400,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISIONS

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

General Provisions, Department of the Interior

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the 'Cleanup Program-Alternative Repayment Plan' and the 'SJVDP-Alternative Repayment

Plan' described in the report entitled 'Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

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

SEC. 203. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation.

SEC. 204. The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants, cooperative agreements, and other agreements with irrigation or water districts and States to fund up to 50 percent of the cost of planning, designing, and constructing improvements that will conserve water, increase water use efficiency, or enhance water management through measurement or automation, at existing water supply projects within the States identified in the Act of June 17, 1902, as amended, and supplemented: *Provided*, That when such improvements are to federally owned facilities, such funds may be provided in advance on a nonreimbursable basis to an entity operating affected transferred works or may be deemed nonreimbursable for nontransferred works: *Provided further*, That the calculation of the non-Federal contribution shall provide for consideration of the value of any in-kind contributions, but shall not include funds received from other Federal agencies: *Provided further*, That the cost of operating and maintaining such improvements shall be the responsibility of the non-Federal entity: *Provided further*, That this section shall not supercede any existing project-specific funding authority: *Provided further*, That the Secretary is also authorized to enter into grants or cooperative agreements with universities or nonprofit research institutions to fund water use efficiency research.

SEC. 205. (a) Section 209 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108-137; 117 Stat. 1850) is repealed.

(b) The Secretary of the Interior (referred to in this section as the 'Secretary') shall establish and maintain an Executive Committee of the Middle Rio Grande Endangered Species Collaborative Program (referred to in this section as the 'Executive Committee') consistent with the bylaws of the Middle Rio Grande Endangered Species Collaborative Program adopted on October 2, 2006.

(c) Hereafter, in compliance with applicable Federal and State laws, the Secretary (acting through the Commissioner of Reclamation), in collaboration with the Executive Committee, may enter into any grants, contracts, cooperative agreements, interagency agreements, or other agreements that the Secretary determines to be necessary to comply with the 2003 Biological Opinion described in section 205(b) of the Energy and Water Development Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2949) as amended by section 121(b) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2256) or any related subsequent biological opinion or in furtherance of the objectives set forth in the collaborative program long-term plan.

(d)(1) The acquisition of water under subsection (c) and any administrative costs associated with carrying out subsection (c) shall be at full Federal expense.

(2) Not more than 15 percent of amounts appropriated to carry out subsection (c) shall be made available for the payment of administrative expenses associated with carrying out that subsection.

(e)(1) The non-Federal share of activities carried out under subsection (c) (other than an activity or a cost described in subsection (d)(1)) shall be 25 percent. The non-Federal cost share shall be determined on a programmatic, rather than a project-by-project basis.

(2) The non-Federal share required under paragraph (1) may be in the form of in-kind contributions, the value of which shall be determined by the Secretary in consultation with the executive committee.

(f) Nothing in this section modifies or expands the discretion of the Secretary with respect to operating reservoir facilities under the jurisdiction of the Secretary in the Rio Grande Valley, New Mexico.

SEC. 206. In carrying out section 2507 of Public Law 107-171, as amended by section 2807 of Public Law 110-234, the Secretary of the Interior, acting through the Commissioner of Reclamation, shall use \$5,000,000 to provide grants, to be divided equally, to the State of Nevada and the State of California to implement the Truckee River Settlement Act, Public Law 101-618.

SEC. 207. (a) Notwithstanding any other provision of law, of amounts made available under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), as amended by section 2807 of Public Law 110-234, the Secretary of the

Interior acting through the Commissioner of Reclamation, shall use \$4,000,000 for Silver Lake water transmission improvements.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

Energy Efficiency and Renewable Energy

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed two passenger vehicles for replacement, \$1,928,259,000, to remain available until expended: *Provided*, That of the amount appropriated in this paragraph, \$124,150,000 shall be used for projects specified in the table that appears under the heading `Congressionally Directed Energy Efficiency and Renewable Energy Projects' in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

Electricity Delivery and Energy Reliability

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$166,900,000, to remain available until expended: *Provided*, That of the amount appropriated in this paragraph, \$12,900,000 shall be used for projects specified in the table that appears under the heading `Congressionally Directed Electricity Delivery and Energy Reliability Projects' in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

Nuclear Energy

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 29 passenger motor vehicles, including three new buses and 26 replacement vehicles, including one ambulance, \$803,000,000, to remain available until expended: *Provided*, That of the amount appropriated in this paragraph, \$3,000,000 shall be used for projects specified in the table that appears under the heading 'Congressionally Directed Nuclear Energy Projects' in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

CLEAN COAL TECHNOLOGY (TRANSFER OF FUNDS)

Of the funds made available under this heading for obligation in prior years, \$149,000,000 of uncommitted balances are transferred to Fossil Energy Research and Development to be used until expended: *Provided*, That funds made available in previous appropriations Acts shall be made available for any ongoing project regardless of the separate request for proposal under which the project was selected.

Fossil Energy Research and Development

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$876,730,000, to remain available until expended, of which \$149,000,000 shall be derived by transfer from

` Clean Coal Technology': *Provided*, That of the amounts provided, \$232,300,000 is available for the Clean Coal Power Initiative Round III solicitation, pursuant to title IV of the Public Law 109-58: *Provided further*, That funds appropriated for prior solicitations under the Clean Coal Technology Program, Power Plant Improvement Initiative, Clean Coal Power Initiative, *and FutureGen*, but not required by the Department to meet its obligations on projects selected under such solicitations, may be utilized for the Clean Coal Power Initiative Round III solicitation under this Act in accordance with the requirements of this Act rather than the Acts under which the funds were appropriated: *Provided further*, That no Clean Coal Power Initiative project may be selected for which full funding is not available to provide for the total project: *Provided further*, That if a Clean Coal Power Initiative project selected after enactment of this legislation for negotiation under this or any other Act in any fiscal year, is not awarded within 2 years from the date the application was selected, negotiations shall cease and the Federal funds committed to the application shall be retained by the Department for future coal-related research, development and demonstration projects, except that the time limit may be extended at the Secretary's discretion for matters outside the control of the applicant, or if the Secretary determines that extension of the time limit is in the public interest: *Provided further*, That the Secretary may not delegate this responsibility for applications greater than \$10,000,000: *Provided further*, That financial assistance for costs in excess of those estimated as of the date of award of original Clean Coal Power Initiative financial assistance may not be provided in excess of the proportion of costs borne by the Government in the original agreement and shall be limited to 25 percent of the original financial assistance: *Provided further*, That at least 50 percent cost-sharing shall be required in each budget period of a project: *Provided further*, That in accordance with section 988(e) of Public Law 109-58, repayment of the DOE contribution to a project shall not be a condition of making an award under this solicitation: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading `Clean Coal Technology' in 42 U.S.C. 5903d as well as those contained under the heading `Clean Coal Technology' in prior appropriations: *Provided further*, That any technology selected under these programs shall be considered a Clean Coal Technology, and any project selected under these programs shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That in this

Act and future Acts, up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this Fossil Energy account: *Provided further*, That in this Act and future Acts, the salaries for Federal employees performing research and development activities at the National Energy Technology Laboratory can continue to be funded from any appropriate DOE program accounts: *Provided further*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under the Fossil Energy Research and Development account may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That no funds appropriated for FutureGen under prior Acts shall be available to support projects under the Department of Energy's competitive, restructured FutureGen solicitation: *Provided further*, That of the amount appropriated in this paragraph, \$32,700,000 shall be used for projects specified in the table that appears under the heading 'Congressionally Directed Fossil Energy Projects' in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

Naval Petroleum and Oil Shale Reserves

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, \$19,099,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

Strategic Petroleum Reserve

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$205,000,000, to remain available until expended, of which \$31,507,000 shall be provided to initiate new site expansion activities, beyond land acquisition, consistent with the budget request.

Northeast Home Heating Oil Reserve

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, \$9,800,000, to remain available until expended.

Energy Information Administration

For necessary expenses in carrying out the activities of the Energy Information Administration, \$110,595,000, to remain available until expended.

Non-Defense Environmental Cleanup

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$269,411,000, to remain available until expended: *Provided*, That \$12,500,000 is appropriated for environmental remediation activities associated with the Energy Technology and Engineering Center (ETEC) at the Santa Susana Field Laboratory (SSFL), subject to the following: (1) the Department shall use a portion of this funding to enter into an interagency agreement with the Environmental Protection Agency (EPA) regarding a comprehensive radioactive site characterization of Area IV of the SSFL and (2) the Department shall provide the amount required by EPA for the radioactive site characterization in fiscal year 2009 from within the available funds: *Provided further*, That of the amount appropriated in this paragraph, \$3,000,000 shall be used for projects specified in the table that appears under the heading 'Congressionally Directed Non-Defense Environmental Cleanup Projects' in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

Uranium Enrichment Decontamination and Decommissioning Fund

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, \$515,333,000, to be derived from the Fund, to remain available until expended.

Science

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 49 passenger motor vehicles for replacement only, including one law enforcement vehicle, one ambulance, and three buses, \$4,640,469,000, to remain available until expended: *Provided*, That of the amount appropriated in this paragraph, \$58,500,000 shall be used for projects specified in the table that appears under the heading 'Congressionally Directed Science Projects' in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

Nuclear Waste Disposal

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended (the 'NWPAA'), including the acquisition of real property or facility construction or expansion, \$195,390,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for Nuclear Waste Disposal, \$5,000,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act: *Provided further*, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the NWPAA, \$1,000,000 shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of that Act: *Provided further*, That \$9,000,000 shall be provided to affected units of local government, as defined in the NWPAA, to conduct appropriate activities and participate in licensing activities: *Provided further*, That of the \$9,000,000 provided 7.5 percent of the funds provided shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada units of local government. This funding shall be provided to affected units of local government, as defined in the Act: *Provided further*, That \$500,000 shall be provided to the Timbisha-Shoshone Tribe solely for expenditures, other than salaries and expenses of tribal employees, to conduct appropriate activities

and participate in licensing activities under section 118(b) of the NWPA. The Committee requires the entities to certify that within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each of the affected units of local government shall provide certification to the Department of Energy that all funds expended from such payments have been expended for the activities authorized by the Act and this Act: *Provided further*, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department shall have no monitoring, auditing or other oversight rights or responsibilities over amounts provided to affected units of local government: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and to units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each of the affected units of local government shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the NWPA and this Act: *Provided further*, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the NWPA, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: *Provided further*, That no funds provided in this Act or any previous Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy, or to withhold payment of any such funds: *Provided further*, That of the amount appropriated in this paragraph, \$1,950,000 shall be used for projects specified in the table that appears under the heading 'Congressionally Directed Nuclear Waste Disposal Projects' in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

Title 17 Innovative Technology Loan Guarantee Program

Subject to section 502 of the Congressional Budget Act of 1974, commitments to guarantee loans under title XVII of the Energy Policy Act of 2005 shall not exceed a total principal amount, any part of which is to be guaranteed, of \$20,000,000,000 for eligible projects (other than nuclear power facilities), and commitments to guarantee loans under title XVII shall not exceed a total principal amount, any part of which is to be guaranteed, of \$18,500,000,000 for eligible nuclear power facilities: *Provided*, That these amounts are in addition to the authority provided under section 20320 of division B of Public Law 109-289, as amended by Public Law 110-5: *Provided further*, That such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in this and prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974

710: *Provided further*, That the source of such payment received from borrowers is not a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further*, That pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, no appropriations are available to pay the subsidy cost of such guarantees: *Provided further*, That for necessary administrative expenses to carry out this Loan Guarantee program, \$19,880,000 is appropriated, to remain available until expended: *Provided further*, That \$19,880,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2009 appropriation from the general fund estimated at not more than \$0.

Departmental Administration

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$30,000, \$272,144,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are

offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$117,317,000 in fiscal year 2009 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2009, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2009 appropriation from the general fund estimated at not more than \$154,827,000.

Office of the Inspector General

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$51,927,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

National Nuclear Security Administration

Weapons Activities

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed two passenger motor vehicles, and one ambulance; \$6,524,579,000, to remain available until expended: *Provided*, That \$38,583,000 is authorized to be appropriated for Project 06-D-140-05 (PED) Uranium Processing Facility, Y-12 Plant, Oak Ridge, Tennessee: *Provided further*, That \$125,000,000 is authorized to be appropriated for 04-D-125 Chemistry and Metallurgy facility replacement project, Los Alamos, New Mexico: *Provided further*, That \$35,000,000 is authorized to be appropriated for the 09-D-007 LANSCE Refurbishment, PED, Los Alamos National Laboratory, Los Alamos, New Mexico: *Provided further*, That of the amount appropriated in this paragraph, \$3,500,000 shall be used for projects specified in the table that

appears under the heading 'Congressionally Directed Weapons Activities Projects' in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

Defense Nuclear Nonproliferation

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only; \$1,909,056,000, to remain available until expended: *Provided*, That of the funds provided herein, \$487,008,000 is for Project 99-D-143 Mixed Oxide (MOX) Fuel Fabrication Facility, Savannah River Site, South Carolina: *Provided further*, That the Department of Energy adhere strictly to Department of Energy Order 413.3A for Project 99-D-143.

Naval Reactors

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$828,054,000, to remain available until expended.

Office of the Administrator

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed \$12,000, \$404,081,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

Defense Environmental Cleanup

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed four ambulances and three passenger motor vehicles for replacement only, \$5,771,506,000, to remain available until expended, of which \$463,000,000 shall be transferred to the 'Uranium Enrichment Decontamination and Decommissioning Fund': *Provided*, That of the amount appropriated in this paragraph, \$9,000,000 shall be used for projects specified in the table that appears under the heading 'Congressionally Directed Defense Environmental Cleanup Projects' in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

Other Defense Activities

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 10 passenger motor vehicles for replacement only, \$827,503,000, to remain available until expended: *Provided*, That of the amount appropriated in this paragraph, \$1,050,000 shall be used for projects specified in the table that appears under the heading 'Congressionally Directed Other Defense Activities Projects' in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

Defense Nuclear Waste Disposal

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$193,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

Bonneville Power Administration Fund

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed \$1,500. During fiscal year 2009, no new direct loan obligations may be made.

Operation and Maintenance, Southeastern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$7,420,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to \$49,520,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

Operation and Maintenance, Southwestern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$28,414,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to \$35,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500; \$218,346,000, to remain available until expended, of which \$208,642,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, \$7,342,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That notwithstanding the provision of 31 U.S.C. 3302, up to \$403,118,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

Falcon and Amistad Operating and Maintenance Fund

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$2,959,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

Federal Energy Regulatory Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed \$3,000, \$273,400,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$273,400,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2009 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during

fiscal year 2009 so as to result in a final fiscal year 2009 appropriation from the general fund estimated at not more than \$0.

GENERAL PROVISIONS--DEPARTMENT OF ENERGY

SEC. 301. DOWNBLENDING HIGHLY ENRICHED URANIUM. The USEC Privatization Act (42 U.S.C. 2297h et seq.) is amended--

- (1) in section 3102, by striking 'For purposes' and inserting 'Except as provided in section 3112A, for purposes'; and
- (2) by inserting after section 3112 the following:

SEC. 3112A. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION.

(a) DEFINITIONS- In this section:

- (1) COMPLETION OF THE RUSSIAN HEU AGREEMENT- The term 'completion of the Russian HEU Agreement' means the importation into the United States from the Russian Federation pursuant to the Russian HEU Agreement of uranium derived from the downblending of not less than 500 metric tons of highly enriched uranium of weapons origin.
- (2) DOWNBLENDING- The term 'downblending' means processing highly enriched uranium into a uranium product in any form in which the uranium contains less than 20 percent uranium-235.
- (3) HIGHLY ENRICHED URANIUM- The term 'highly enriched uranium' has the meaning given that term in section 3102(4).
- (4) HIGHLY ENRICHED URANIUM OF WEAPONS ORIGIN- The term 'highly enriched uranium of weapons origin' means highly enriched uranium that--
 - (A) contains 90 percent or more uranium-235; and
 - (B) is verified by the Secretary of Energy to be of weapons origin.
- (5) LOW-ENRICHED URANIUM- The term 'low-enriched uranium' means a uranium product in any form, including uranium hexafluoride (UF₆) and uranium oxide (UO₂), in which the uranium contains less than 20 percent uranium-235, including natural uranium, without regard to whether the uranium is incorporated into fuel rods or complete fuel assemblies.
- (6) RUSSIAN HEU AGREEMENT- The term 'Russian HEU Agreement' has the meaning given that term in section 3102(11).

` (7) URANIUM-235- The term ` uranium-235' means the isotope 235 U.

` (b) STATEMENT OF POLICY- It is the policy of the United States to support the continued downblending of highly enriched uranium of weapons origin in the Russian Federation in order to protect the essential security interests of the United States with respect to the nonproliferation of nuclear weapons.

` (c) PROMOTION OF DOWNBLENDING OF RUSSIAN HIGHLY ENRICHED URANIUM-

` (1) COMPLETION OF THE RUSSIAN HEU AGREEMENT- Prior to the completion of the Russian HEU Agreement, the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation and is not imported pursuant to the Russian HEU Agreement, may not exceed the following amounts:

` (A) In the 4-year period beginning with calendar year 2008, 16,559 kilograms.

` (B) In calendar year 2012, 24,839 kilograms.

` (C) In calendar year 2013 and each calendar year thereafter through the calendar year of the completion of the Russian HEU Agreement, 41,398 kilograms.

` (2) INCENTIVES TO CONTINUE DOWNBLENDING RUSSIAN HIGHLY ENRICHED URANIUM AFTER THE COMPLETION OF THE RUSSIAN HEU AGREEMENT-

` (A) IN GENERAL- After the completion of the Russian HEU Agreement, the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may not exceed--

` (i) in calendar year 2014, 485,279 kilograms;

` (ii) in calendar year 2015, 455,142 kilograms;

` (iii) in calendar year 2016, 480,146 kilograms;

` (iv) in calendar year 2017, 490,710 kilograms;

` (v) in calendar year 2018, 492,731 kilograms;

` (vi) in calendar year 2019, 509,058 kilograms; and

` (vii) in calendar year 2020, 514,754 kilograms.

` (B) ADDITIONAL IMPORTS IN EXCHANGE FOR A COMMITMENT TO DOWNBLEND AN ADDITIONAL 300 METRIC TONS OF HIGHLY ENRICHED URANIUM-

` (i) IN GENERAL- In addition to the amount authorized to be imported under subparagraph (A)

and except as provided in clause (ii), if the Russian Federation enters into a bilateral agreement with the United States under which the Russian Federation agrees to downblend an additional 300 metric tons of highly enriched uranium after the completion of the Russian HEU Agreement, 4 kilograms of low-enriched uranium, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin and including low-enriched uranium obtained under contracts for separative work units, may be imported in a calendar year for every 1 kilogram of Russian highly enriched uranium of weapons origin that was downblended in the preceding calendar year, subject to the verification of the Secretary of Energy under paragraph (9).

ˆ (ii) MAXIMUM ANNUAL IMPORTS- Not more than 120,000 kilograms of low-enriched uranium may be imported in a calendar year under clause (i).

ˆ (3) EXCEPTIONS- The import limitations described in paragraphs (1) and (2) shall not apply to low-enriched uranium produced in the Russian Federation that is imported into the United States--

ˆ (A) for use in the initial core of a new nuclear reactor;

ˆ (B) for processing and to be certified for re-exportation and not for consumption in the United States; or

ˆ (C) to be added to the inventory of the Department of Energy.

ˆ (4) ADJUSTMENTS TO IMPORT LIMITATIONS-

ˆ (A) IN GENERAL- The import limitations described in paragraph (2)(A) are based on the reference data in the 2005 Market Report on the Global Nuclear Fuel Market Supply and Demand 2005-2030 of the World Nuclear Association. In each of calendar years 2016 and 2019, the Secretary of Commerce shall review the projected demand for uranium for nuclear reactors in the United States and adjust the import limitations described in paragraph (2)(A) to account for changes in such demand in years after the year in which that report or a subsequent report is published.

ˆ (B) INCENTIVE ADJUSTMENT- Beginning in the second calendar year after the calendar year of the completion of the Russian HEU Agreement, the Secretary of Energy shall increase or decrease the amount of low-enriched uranium that may be imported in a calendar year under paragraph

(2)(B) (including the amount of low-enriched uranium that may be imported for each kilogram of highly enriched uranium downblended under paragraph (2)(B)(i)) by a percentage equal to the percentage increase or decrease, as the case may be, in the average amount of uranium loaded into nuclear power reactors in the United States in the most recent 3-calendar-year period for which data are available, as reported by the Energy Information Administration of the Department of Energy, compared to the average amount of uranium loaded into such reactors during the 3-calendar-year period beginning on January 1, 2011, as reported by the Energy Information Administration.

ˆ (C) PUBLICATION OF ADJUSTMENTS- As soon as practicable, but not later than July 31 of each calendar year, the Secretary of Energy shall publish in the Federal Register the amount of low-enriched uranium that may be imported in the current calendar year after the adjustments under subparagraph (B).

ˆ (5) AUTHORITY FOR ADDITIONAL ADJUSTMENT- In addition to the adjustment under paragraph (4)(A), the Secretary of Commerce may adjust the import limitations under paragraph (2)(A) for a calendar year if the Secretary--

ˆ (A) in consultation with the Secretary of Energy, determines that the available supply of low-enriched uranium and the available stockpiles of uranium of the Department of Energy are insufficient to meet demand in the United States in the following calendar year; and

ˆ (B) notifies Congress of the adjustment not less than 45 days before making the adjustment.

ˆ (6) EQUIVALENT QUANTITIES OF LOW-ENRICHED URANIUM IMPORTS-

ˆ (A) IN GENERAL- The import limitations described in paragraphs (1) and (2) are expressed in terms of uranium containing 4.4 percent uranium-235 and a tails assay of 0.3 percent.

ˆ (B) ADJUSTMENT FOR OTHER URANIUM- Imports of low-enriched uranium under paragraphs (1) and (2), including low-enriched uranium obtained under contracts for separative work units, shall count against the import limitations described in such paragraphs in amounts calculated as the quantity of low-enriched uranium containing 4.4 percent uranium-235 necessary to equal the total amount of uranium-235 contained in such imports.

- ˘ (7) DOWNBLENDING OF OTHER HIGHLY ENRICHED URANIUM-
 - ˘ (A) IN GENERAL- The downblending of highly enriched uranium not of weapons origin may be counted for purposes of paragraph (2)(B), subject to verification under paragraph (9), if the Secretary of Energy determines that the highly enriched uranium to be downblended poses a risk to the national security of the United States.
 - ˘ (B) EQUIVALENT QUANTITIES OF HIGHLY ENRICHED URANIUM- For purposes of determining the additional low-enriched uranium imports allowed under paragraph (2)(B), highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A) shall count as downblended highly enriched uranium of weapons origin in amounts calculated as the quantity of highly enriched uranium containing 90 percent uranium-235 necessary to equal the total amount of uranium-235 contained in the highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A).
- ˘ (8) TERMINATION OF IMPORT RESTRICTIONS- The provisions of this subsection shall terminate on December 31, 2020.
- ˘ (9) TECHNICAL VERIFICATIONS BY SECRETARY OF ENERGY-
 - ˘ (A) IN GENERAL- The Secretary of Energy shall verify the origin, quantity, and uranium-235 content of the highly enriched uranium downblended for purposes of paragraphs (2)(B) and (7).
 - ˘ (B) METHODS OF VERIFICATION- In conducting the verification required under subparagraph (A), the Secretary of Energy shall employ the transparency measures and access provisions agreed to under the Russian HEU Agreement for monitoring the downblending of Russian highly enriched uranium of weapons origin and such other methods as the Secretary determines appropriate.
- ˘ (10) ENFORCEMENT OF IMPORT LIMITATIONS- The Secretary of Commerce shall be responsible for enforcing the import limitations imposed under this subsection and shall enforce such import limitations in a manner that imposes a minimal burden on the commercial nuclear industry.
- ˘ (11) EFFECT ON OTHER AGREEMENTS-
 - ˘ (A) RUSSIAN HEU AGREEMENT- Nothing in this section shall be construed to modify the terms of the Russian HEU Agreement, including the provisions of the Agreement relating to the amount of low-enriched uranium that may be imported into the United States.

^ (B) OTHER AGREEMENTS- If a provision of any agreement between the United States and the Russian Federation, other than the Russian HEU Agreement, relating to the importation of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, into the United States conflicts with a provision of this section, the provision of this section shall supersede the provision of the agreement to the extent of the conflict.'

SEC. 302. UNFUNDED REQUESTS FOR PROPOSALS. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

SEC. 303. WORKFORCE RESTRUCTURING. None of the funds appropriated by this Act may be used to--

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

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

SEC. 304. Section 3161 Assistance. None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees.

SEC. 305. UNEXPENDED BALANCES. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. BONNEVILLE POWER AUTHORITY SERVICE TERRITORY.

None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. USER FACILITIES. When the Department of Energy makes a user facility available to universities or other potential users, or seeks

input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term 'user facility' includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. INTELLIGENCE ACTIVITIES. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2009 until the enactment of the Intelligence Authorization Act for fiscal year 2009.

SEC. 309. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT. Of the funds made available by the Department of Energy for activities at government-owned, contractor-operator operated laboratories funded in this Act or subsequent Energy and Water Development Appropriations Acts, the Secretary may authorize a specific amount, not to exceed 10 percent of such funds, to be used by such laboratories for laboratory-directed research and development: *Provided*, That the Secretary may also authorize a specific amount not to exceed 6 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site-directed research and development: *Provided further*, That notwithstanding Department of Energy order 413.2A, dated January 8, 2001, beginning in fiscal year 2006 and thereafter, all DOE laboratories may be eligible for laboratory directed research and development funding.

SEC. 310. Not to exceed 5 percent of any appropriation made available for Department of Energy activities funded in this Act or subsequent Energy and Water Development Appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 percent by any such transfers, and notification of such transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

SEC. 311. GENERAL PLANT PROJECTS. Plant or construction projects for which amounts are made available under this and subsequent appropriation Acts with a current estimated cost of less than \$10,000,000 are considered for purposes of section 4703 of Public Law 107-314 as a plant project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 4704 of Public Law 107-314 as a construction project with a current estimated cost of less than a minor construction threshold.

SEC. 312. RENO HYDROGEN FUEL PROJECT. (a) The non-Federal share of project costs shall be 20 percent.

(b) The cost of project vehicles, related facilities, and other activities funded from the Federal Transit Administration sections 5307, 5308, 5309, and 5314 program, including the non-Federal share for the FTA funds, is an eligible component of the non-Federal share for this project.

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

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

(e) This section applies to project appropriations beginning in fiscal year 2004.

SEC. 313. INTEGRATED UNIVERSITY PROGRAM. (a) The Secretary of Energy, along with the Administrator of the National Nuclear Security Administration and the Chairman of the Nuclear Regulatory Commission, shall establish an Integrated University Program.

(b) For the purposes of carrying out this section, \$45,000,000 is authorized to be appropriated in each of fiscal years 2009 to 2019 as follows:

- (1) \$15,000,000 for the Department of Energy;
- (2) \$15,000,000 for the Nuclear Regulatory Commission; and
- (3) \$15,000,000 for the National Nuclear Security Administration.

(c) Of the amounts authorized to carry out this section, \$10,000,000 shall be used by each organization to support university research and development in areas relevant to their respective organization's mission, and \$5,000,000 shall be used by each organization to support a jointly implemented Nuclear Science and Engineering Grant Program that will support multiyear research projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

SEC. 314. NAMING LABORATORY FACILITIES. Facilities at Sandia National Laboratories and Los Alamos National Laboratory, New

Mexico, shall be named in honor of Senator Pete V. Domenici in recognition of his exceptional service in the national interest and his steadfast support of scientific excellence at our national laboratories.

TITLE IV

INDEPENDENT AGENCIES

Appalachian Regional Commission

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, not withstanding 40 U.S.C. 14704, and, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$85,000,000, to remain available until expended: *Provided*, That any congressionally directed spending shall be taken from within that State's allocation in the fiscal year in which it is provided.

Defense Nuclear Facilities Safety Board

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$25,499,000, to remain available until expended.

Delta Regional Authority

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, \$20,000,000, to remain available until expended.

Denali Commission

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, \$21,800,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

Nuclear Regulatory Commission

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$25,000), \$1,022,956,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$37,300,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$860,857,000 in fiscal year 2009 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2009 so as to result in a final fiscal year 2009 appropriation estimated at not more than \$162,099,000: *Provided further*, That such funds as are made available for necessary expenses of the Commission by this Act or any other Act may be used for the acquisition and lease of additional office space provided by the General Services Administration for personnel of the U.S. Nuclear Regulatory Commission as close as reasonably possible to the Commission's headquarters location in Rockville, Maryland, and of such square footage and for such lease term, as are determined by the Commission to be necessary to maintain the agency's regulatory effectiveness, efficiency, and emergency response capability: *Provided further*, That notwithstanding any other provision of law or any prevailing practice, the acquisition and lease of space for such purpose shall, to the extent necessary to obtain the space, be based on the prevailing rates in the immediate vicinity of the Commission's headquarters.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended,

\$9,344,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$8,410,000 in fiscal year 2009 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2009 so as to result in a final fiscal year 2009 appropriation estimated at not more than \$934,000.

Nuclear Waste Technical Review Board

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,811,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, \$4,400,000: *Provided*, That any fees, charges, or commissions received pursuant to section 802 of Public Law 110-140 in fiscal year 2009 in excess of \$4,660,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

TITLE V

GENERAL PROVISIONS

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

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

This Act may be cited as the 'Energy and Water Development and Related Agencies Appropriations Act, 2009'.

Calendar No. 876

110th CONGRESS
2d Session
S. 3258
[Report No. 110-416]
A BILL

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2009, and for other purposes.

July 14, 2008

Read twice and placed on the calendar

END

S.3258

Title: An original bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2009, and for other purposes.

Sponsor: [Sen Dorgan, Byron L.](#) [ND] (introduced 7/14/2008) Cosponsors (None)

Latest Major Action: 7/14/2008 Placed on Senate Legislative Calendar under General Orders. Calendar No. 876.

Senate Reports: [110-416](#)

ALL ACTIONS:

7/14/2008:

Committee on Appropriations. Original measure reported to Senate by Senator Dorgan. With written report No. [110-416](#).

7/14/2008:

Placed on Senate Legislative Calendar under General Orders. Calendar No. 876.