

1 DIVISION C—ENERGY AND WATER DEVELOP-
2 MENT AND RELATED AGENCIES APPRO-
3 PRIATIONS ACT, 2008

4 TITLE I

5 CORPS OF ENGINEERS—CIVIL

6 DEPARTMENT OF THE ARMY

7 CORPS OF ENGINEERS—CIVIL

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

15 INVESTIGATIONS

16 (INCLUDING RESCISSION OF FUNDS)

17 For expenses necessary for the collection and study
18 of basic information pertaining to river and harbor, flood
19 and storm damage reduction, shore protection, aquatic
20 ecosystem restoration, and related projects; restudy of au-
21 thorized projects, miscellaneous investigations; and, when
22 authorized by law, surveys and detailed studies, and plans
23 and specifications of projects prior to construction,
24 \$167,261,000, to remain available until expended: *Pro-*
25 *vided*, That of the funds provided under this heading of
26 Public Law 106-554, \$100,000 are rescinded: *Provided*

1 *further*, That using \$2,952,000 of the funds provided here-
2 in, the Secretary of the Army acting through the Chief
3 of Engineers shall continue the Louisiana Coastal Protec-
4 tion and Restoration study at full Federal expense: *Pro-*
5 *vided further*, That using \$1,968,000 of the funds pro-
6 vided herein, the Secretary of the Army acting through
7 the Chief of Engineers shall continue the Coastal Mis-
8 sissippi Hurricane and Storm Damage Reduction study at
9 full Federal expense: *Provided further*, That funds in the
10 amount of \$461,000 are provided to continue environ-
11 mental studies for the Pine Mountain Dam, Arkansas,
12 project: *Provided further*, That cost sharing of
13 preconstruction engineering and design shall be as pre-
14 viously applied to this activity.

15 CONSTRUCTION

16 (INCLUDING RESCISSIONS OF FUNDS)

17 For expenses necessary for the construction of river
18 and harbor, flood and storm damage reduction, shore pro-
19 tection, aquatic ecosystem restoration, and related
20 projects authorized by law, including a portion of the ex-
21 penses for the modifications authorized by section 104 of
22 the Everglades National Park Protection and Expansion
23 Act of 1989; for conducting detailed studies, and plans
24 and specifications, of such projects (including those involv-
25 ing participation by States, local governments, or private
26 groups) authorized or made eligible for selection by law

1 (but such detailed studies, and plans and specifications,
2 shall not constitute a commitment of the Government to
3 construction); \$2,294,029,000, to remain available until
4 expended; of which such sums as are necessary to cover
5 the Federal share of construction costs for facilities under
6 the Dredged Material Disposal Facilities program shall be
7 derived from the Harbor Maintenance Trust Fund as au-
8 thorized by Public Law 104-303; and of which such sums
9 as are necessary pursuant to Public Law 99-662 shall be
10 derived from the Inland Waterways Trust Fund, to cover
11 one-half of the costs of construction and rehabilitation of
12 inland waterways projects (including the rehabilitation
13 costs for Lock and Dam 11, Mississippi River, Iowa; Lock
14 and Dam 19, Mississippi River, Iowa; Lock and Dam 24,
15 Mississippi River, Illinois and Missouri; Lock 27, Mis-
16 sissippi River, Illinois; Markland Locks and Dam, Ken-
17 tucky and Indiana; Emsworth Locks and Dam, Ohio
18 River, Pennsylvania; and Lock and Dam 3, Mississippi
19 River, Minnesota) shall be derived from the Inland Water-
20 ways Trust Fund; and of which \$7,380,000 shall be exclu-
21 sively for projects and activities authorized under section
22 107 of the River and Harbor Act of 1960; and of which
23 \$4,796,000 shall be exclusively for projects and activities
24 authorized under section 111 of the River and Harbor Act
25 of 1968; and of which \$4,428,000 shall be exclusively for

1 projects and activities authorized under section 103 of the
2 River and Harbor Act of 1962; and of which \$42,312,000
3 shall be exclusively for projects and activities authorized
4 under section 205 of the Flood Control Act of 1948; and
5 of which \$9,840,000 shall be exclusively for projects and
6 activities authorized under section 14 of the Flood Control
7 Act of 1946; and of which \$0 shall be exclusively for
8 projects and activities authorized under section 208 of the
9 Flood Control Act of 1954; and of which \$29,520,000
10 shall be exclusively for projects and activities authorized
11 under section 1135 of the Water Resources Development
12 Act of 1986; and of which \$29,520,000 shall be exclusively
13 for projects and activities authorized under section 206
14 of the Water Resources Development Act of 1996; and of
15 which \$5,292,000 shall be exclusively for projects and ac-
16 tivities authorized under sections 204 and 207 of the
17 Water Resources Development Act of 1992 and section
18 933 of the Water Resources Development Act of 1986:
19 *Provided*, That the Chief of Engineers is directed to use
20 \$12,792,000 of the funds appropriated herein for the Dal-
21 las Floodway Extension, Texas, project, including the
22 Cadillac Heights feature, generally in accordance with the
23 Chief of Engineers report dated December 7, 1999: *Pro-*
24 *vided further*, That the Chief of Engineers is directed to
25 use \$1,968,000 of the funds provided herein for the Ha-

1 waii Water Management Project: *Provided further*, That
2 the Chief of Engineers is directed to use \$5,166,000 of
3 the funds appropriated herein for planning, engineering,
4 design or construction of the Grundy, Buchanan County,
5 and Dickenson County, Virginia, elements of the Levisa
6 and Tug Forks of the Big Sandy River and Upper Cum-
7 berland River Project: *Provided further*, That the Chief of
8 Engineers is directed to use \$18,204,000 of the funds ap-
9 propriated herein to continue planning, engineering, de-
10 sign or construction of the Lower Mingo County, Upper
11 Mingo County, Wayne County, McDowell County, West
12 Virginia, elements of the Levisa and Tug Forks of the Big
13 Sandy River and Upper Cumberland River Project: *Pro-*
14 *vided further*, That the Secretary of the Army, acting
15 through the Chief of Engineers, is directed to use
16 \$4,920,000 of the funds appropriated herein for the Clo-
17 ver Fork, City of Cumberland, Town of Martin, Pike
18 County (including Levisa Fork and Tug Fork Tribu-
19 taries), Bell County, Harlan County in accordance with
20 the Draft Detailed Project Report dated January 2002,
21 Floyd County, Martin County, Johnson County, and Knox
22 County, Kentucky, detailed project report, elements of the
23 Levisa and Tug Forks of the Big Sandy River and Upper
24 Cumberland River: *Provided further*, That the Secretary
25 of the Army is directed to use any remaining available

1 funds from funds appropriated in Public Law 103-126
2 (107 Stat. 1315) for carrying out engineering and design
3 for the relocation of the comfort and lifeguard stations on
4 the Atlantic Coast of New York City from Rockaway Inlet
5 to Norton Point, New York, project for construction of
6 other features of the project: *Provided further*, That the
7 Secretary of the Army is directed to use any remaining
8 available funds from the funds appropriated in Public Law
9 107-66 (115 Stat. 488) for increasing the authorized level
10 of protection for the Bois Brule Drainage and Levee Dis-
11 trict, Missouri, project, to continue design deficiency re-
12 pairs on the project: *Provided further*, That the Chief of
13 Engineers is directed to use \$2,952,000 of the funds pro-
14 vided herein to initiate planning and design of a rural
15 health care facility on the Fort Berthold Reservation of
16 the Three Affiliated Tribes, North Dakota: *Provided fur-*
17 *ther*, That \$1,476,000 of the funds provided herein shall
18 be available to continue detailed design including plans
19 and specifications, execute a PCA and initiate construc-
20 tion of Phases I and II for the Greenbrier River Basin,
21 Marlinton, West Virginia, project: *Provided further*, That
22 the Secretary of the Army shall use up to \$5,904,000 in-
23 cluding the prior unobligated balance of \$4,972,000 from
24 the Devils Lake Outlet, North Dakota, project for the
25 North Dakota environmental infrastructure project: *Pro-*

1 *vided further*, That the Secretary of the Army shall use
2 the prior year unobligated balance of \$1,500,000 from the
3 Waterbury Dam repairs project for the Lake Champlain
4 Watershed project: *Provided further*, That of the funds
5 provided under this heading the following amounts are re-
6 scinded: from Public Law 101-101, \$435,000; from Pub-
7 lic Law 102-377, \$1,740,000; from Public Law 103-126,
8 \$797,000; and from Public Law 105-245, \$1,716,000.

9 MISSISSIPPI RIVER AND TRIBUTARIES

10 For expenses necessary for the flood damage reduc-
11 tion program for the Mississippi River alluvial valley below
12 Cape Girardeau, Missouri, as authorized by law,
13 \$387,402,000, to remain available until expended, of
14 which such sums as are necessary to cover the Federal
15 share of operation and maintenance costs for inland har-
16 bors shall be derived from the Harbor Maintenance Trust
17 Fund: *Provided*, That the Chief of Engineers is directed
18 to use \$9,840,000 of the funds provided herein for design
19 and real estate activities and pump supply elements for
20 the Yazoo Basin, Yazoo Backwater Pumping Plant, Mis-
21 sissippi: *Provided further*, That the Secretary of the Army,
22 acting through the Chief of Engineers is directed to use
23 \$9,840,000 appropriated herein for construction of water
24 withdrawal features of the Grand Prairie, Arkansas,
25 project.

1 OPERATION AND MAINTENANCE

2 For expenses necessary for the operation, mainte-
3 nance, and care of existing river and harbor, flood and
4 storm damage reduction, aquatic ecosystem restoration,
5 and related projects authorized by law, for providing secu-
6 rity for infrastructure owned and operated by, or on behalf
7 of, the United States Army Corps of Engineers (the
8 "Corps"), including administrative buildings and facilities,
9 and laboratories, and the Washington Aqueduct; for the
10 maintenance of harbor channels provided by a State, mu-
11 nicipality, or other public agency that serve essential navi-
12 gation needs of general commerce, where authorized by
13 law; and for surveys and charting of northern and north-
14 western lakes and connecting waters, clearing and
15 straightening channels, and removal of obstructions to
16 navigation, \$2,243,637,000, to remain available until ex-
17 pended, of which such sums as are necessary to cover the
18 Federal share of operation and maintenance costs for
19 coastal harbors and channels, and inland harbors shall be
20 derived from the Harbor Maintenance Trust Fund, pursu-
21 ant to Public Law 99-662 may be derived from that fund;
22 of which such sums as become available from the special
23 account for the Corps established by the Land and Water
24 Conservation Act of 1965, as amended (16 U.S.C. 4601-
25 6a(i)), may be derived from that account for resource pro-

1 tection, research, interpretation, and maintenance activi-
2 ties related to resource protection in the areas at which
3 outdoor recreation is available; and of which such sums
4 as become available under section 217 of the Water Re-
5 sources Development Act of 1996, Public Law 104-303,
6 shall be used to cover the cost of operation and mainte-
7 nance of the dredged material disposal facilities for which
8 fees have been collected: *Provided*, That utilizing funds ap-
9 propriated herein, for the Intracoastal Waterway, Dela-
10 ware River to Chesapeake Bay, Delaware and Maryland,
11 the Chief of Engineers, is directed to reimburse the State
12 of Delaware for normal operation and maintenance costs
13 incurred by the State of Delaware for the SR1 Bridge
14 from station 58+00 to station 293+00 between October
15 1, 2007, and September 30, 2008: *Provided further*, That
16 the Secretary of the Army, acting through the Chief of
17 Engineers, is directed to use up to \$350,000 of the funds
18 appropriated herein to reimburse the City of Glen Cove,
19 New York, for costs associated with the maintenance
20 dredging of Glen Cove Creek incurred prior to enactment
21 of this Act.

22

REGULATORY PROGRAM

23 For expenses necessary for administration of laws
24 pertaining to regulation of navigable waters and wetlands,
25 \$180,000,000, to remain available until expended.

1 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

2 For expenses necessary to clean up contamination
3 from sites in the United States resulting from work per-
4 formed as part of the Nation's early atomic energy pro-
5 gram, \$140,000,000, to remain available until expended.

6 EXPENSES

7 For expenses necessary for general administration
8 and related civil works functions in the headquarters of
9 the United States Army Corps of Engineers, the offices
10 of the Division Engineers, the Humphreys Engineer Cen-
11 ter Support Activity, the Institute for Water Resources,
12 the United States Army Engineer Research and Develop-
13 ment Center, and the United States Army Corps of Engi-
14 neers Finance Center, \$175,046,000, to remain available
15 until expended: *Provided*, That no part of any other appro-
16 priation provided in title I of this Act shall be available
17 to fund the civil works activities of the Office of the Chief
18 of Engineers or the civil works executive direction and
19 management activities of the division offices.

20 OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL
21 WORKS)

22 For the Office of the Assistant Secretary of the Army
23 (Civil Works) as authorized by 10 U.S.C. 3016(b)(3),
24 \$4,500,000 is provided.

1 ADMINISTRATIVE PROVISION

2 Appropriations in this title shall be available for offi-
3 cial reception and representation expenses (not to exceed
4 \$5,000); and during the current fiscal year the Revolving
5 Fund, Corps of Engineers, shall be available for purchase
6 (not to exceed 100 for replacement only) and hire of pas-
7 senger motor vehicles.

8 GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

9 SEC. 101. (a) None of the funds provided in title I
10 of this Act, or provided by previous appropriations Acts
11 to the agencies or entities funded in title I of this Act
12 that remain available for obligation or expenditure in fiscal
13 year 2008, shall be available for obligation or expenditure
14 through a reprogramming of funds that:

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

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

18 (3) increases funds or personnel for any pro-
19 gram, project or activity for which funds have been
20 denied or restricted by this Act, unless prior ap-
21 proval is received from the House and Senate Com-
22 mittees on Appropriations;

23 (4) proposes to use funds directed for a specific
24 activity by either the House or the Senate Commit-
25 tees on Appropriations for a different purpose, un-

1 less prior approval is received from the House and
2 Senate Committees on Appropriations;

3 (5) augments or reduces existing programs,
4 projects or activities in excess of the amounts con-
5 tained in subsections 6 through 10, unless prior ap-
6 proval is received from the House and Senate Com-
7 mittees on Appropriations;

8 (6) INVESTIGATIONS.—For a base level over
9 \$100,000, reprogramming of 25 percent of the base
10 amount up to a limit of \$150,000 per project, study
11 or activity is allowed: *Provided*, That for a base level
12 less than \$100,000, the reprogramming limit is
13 \$25,000; *Provided further*, That up to \$25,000 may
14 be reprogrammed into any continuing study or activ-
15 ity that did not receive an appropriation for existing
16 obligations and concomitant administrative expenses;

17 (7) CONSTRUCTION.—For a base level over
18 \$2,000,000, reprogramming of 15 percent of the
19 base amount up to a limit of \$3,000,000 per project,
20 study or activity is allowed: *Provided*, That for a
21 base level less than \$2,000,000, the reprogramming
22 limit is \$300,000: *Provided further*, That up to
23 \$3,000,000 may be reprogrammed for settled con-
24 tractor claims, changed conditions, or real estate de-
25 ficiency judgments; *Provided further*, That up to

1 \$300,000 may be reprogrammed into any continuing
2 study or activity that did not receive an appropria-
3 tion for existing obligations and concomitant admin-
4 istrative expenses;

5 (8) OPERATION AND MAINTENANCE.—Unlim-
6 ited reprogramming authority is granted in order for
7 the Corps to be able to respond to emergencies: *Pro-*
8 *vided*, That the Chief of Engineers must notify the
9 House and Senate Committees on Appropriations of
10 these emergency actions as soon thereafter as prac-
11 ticable: *Provided further*, That for a base level over
12 \$1,000,000, reprogramming of 15 percent of the
13 base amount up to a limit of \$5,000,000 per project,
14 study or activity is allowed: *Provided further*, That
15 for a base level less than \$1,000,000, the re-
16 programming limit is \$150,000: *Provided further*,
17 That \$150,000 may be reprogrammed into any con-
18 tinuing study or activity that did not receive an ap-
19 propriation;

20 (9) MISSISSIPPI RIVER AND TRIBUTARIES.—
21 The same reprogramming guidelines for the Inves-
22 tigations, Construction, and Operation and Mainte-
23 nance portions of the Mississippi River and Tribu-
24 taries Account as listed above; and

1 (10) FORMERLY UTILIZED SITES REMEDIAL AC-
2 TION PROGRAM.—Reprogramming of up to 15 per-
3 cent of the base of the receiving project is permitted.

4 (b) CONTINUING AUTHORITIES PROGRAM.—Sub-
5 section (a)(1) shall not apply to any project or activity
6 funded under the continuing authorities program.

7 (c) Not later than 60 days after the date of enact-
8 ment of this Act, the Corps of the Engineers shall submit
9 a report to the House and Senate Committees on Appro-
10 priations to establish the baseline for application of re-
11 programming and transfer authorities for the current fis-
12 cal year: *Provided*, That the report shall include:

13 (1) A table for each appropriation with a sepa-
14 rate column to display the President's budget re-
15 quest, adjustments made by Congress, adjustments
16 due to enacted rescissions, if appropriate, and the
17 fiscal year enacted level;

18 (2) A delineation in the table for each appro-
19 priation both by object class and program, project
20 and activity as detailed in the budget appendix for
21 the respective appropriations; and

22 (3) An identification of items of special congres-
23 sional interest: *Provided further*, That the amount
24 appropriated for salaries and expenses of the Corps
25 of Engineers shall be reduced by \$100,000 per day

1 for each day after the required date that the report
2 has not been submitted to the Congress.

3 SEC. 102. None of the funds made available in this
4 title may be used to award any continuing contract or
5 make modifications to any existing continuing contract
6 that commits an amount for a project in excess of the
7 amounts appropriated for that project that remain unobli-
8 gated, except that such amounts may include any funds
9 that have been made available through reprogramming to
10 that project pursuant to section 101 of this Act.

11 SEC. 103. None of the funds in this Act, or previous
12 Acts, making funds available for Energy and Water Devel-
13 opment, shall be used to implement any pending or future
14 competitive sourcing actions under OMB Circular A-76
15 or High Performing Organizations for the U.S. Army
16 Corps of Engineers.

17 SEC. 104. None of the funds appropriated in this or
18 any other Act shall be used to demonstrate or implement
19 any plans divesting or transferring any Civil Works mis-
20 sions, functions, or responsibilities of the United States
21 Army Corps of Engineers to other government agencies
22 without specific direction in a subsequent Act of Congress.

23 SEC. 105. Within 90 days of the date of the Chief
24 of Engineers Report on a water resource matter, the As-
25 sistant Secretary of the Army (Civil Works) shall submit

1 the report to the appropriate authorizing and appro-
2 priating committees of the Congress.

3 SEC. 106. WATER REALLOCATION, LAKE CUM-
4 BERLAND, KENTUCKY. (a) IN GENERAL.—Subject to sub-
5 section (b), none of the funds made available by this Act
6 may be used to carry out any water reallocation project
7 or component under the Wolf Creek Project, Lake Cum-
8 berland, Kentucky, authorized under the Act of June 28,
9 1938 (52 Stat. 1215, ch. 795) and the Act of July 24,
10 1946 (60 Stat. 636, ch. 595).

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

16 SEC. 107. Using amounts available in the Revolving
17 Fund, the Secretary of the Army is authorized to con-
18 struct a new Environmental Laboratory and improve-
19 ments to the Information Technology Laboratory at the
20 Engineer Research and Development Center in Vicksburg,
21 Mississippi: *Provided*, That the Secretary shall ensure that
22 the Revolving Fund is appropriately reimbursed from ap-
23 propriations of the Corps' benefiting programs by collec-
24 tion each year of amounts sufficient to repay the capital-
25 ized cost of such construction and improvements.

1 SEC. 108. Notwithstanding section 729 of the Water
2 Resources Development Act of 1986, as amended (33
3 U.S.C. 2267a), the Secretary shall credit toward the non-
4 Federal share of the cost of the Rio Grande Basin Water-
5 shed Study, New Mexico, Colorado and Texas, the cost
6 of in-kind services contributed by the New Mexico Inter-
7 state Stream Commission for the Study up to the full
8 amount of the required non-Federal share, in accordance
9 with the Agreement between the Commission and the De-
10 partment of the Army dated December 3, 2001 as modi-
11 fied on January 14, 2002.

12 SEC. 109. Section 121 of the Energy and Water De-
13 velopment Appropriations Act, 2006 (Public Law 109-
14 103; 119 Stat. 2256) is amended by striking subsection
15 (a) and inserting the following:

16 “(a) The Secretary of the Army may carry out and
17 fund planning studies, watershed surveys and assess-
18 ments, or technical studies at 100 percent Federal expense
19 to accomplish the purposes of the 2003 Biological Opinion
20 described in section 205(b) of the Energy and Water De-
21 velopment Appropriations Act, 2005 (Public Law 108-
22 447; 118 Stat. 2949) as amended by subsection (b) and
23 the collaborative program long-term plan. In carrying out
24 a study, survey, or assessment under this subsection, the
25 Secretary of the Army shall consult with Federal, State,

1 tribal and local governmental entities, as well as entities
2 participating in the Middle Rio Grande Endangered Spe-
3 ~~cies Collaborative Program referred to in section 205 of~~
4 ~~this division:~~ *Provided*, That the Secretary of the Army
5 may also provide planning and administrative assistance
6 to the Middle Rio Grande Endangered Species Collabo-
7 rative Program, which shall not be subject to cost sharing
8 requirements with non-Federal interests.”

9 SEC. 110. The Secretary of the Army, acting through
10 the Chief of Engineers, is directed to convey at no cost,
11 lands to Tate County School District, Tate County, Mis-
12 sissippi, the transfer of any real property interests, not
13 to exceed 50 acres, at Arkabutla Lake deemed available
14 by the Army that is located adjacent to school district
15 property in the vicinity of State Highway 306 west of
16 Coldwater, Mississippi. Such transfer shall be subject to
17 the reservation of any required flowage easements for the
18 operation of Arkabutla Lake and which preclude struc-
19 tures for human habitation. This property shall be used
20 by the Tate County School District for public educational
21 purposes.

22 SEC. 111. Section 594 of the Water Resources Devel-
23 opment Act of 1999 is amended by striking “SEC. 594.
24 OHIO.” and inserting in lieu thereof “SEC. 594. OHIO
25 AND NORTH DAKOTA.” and in (a) strike “Ohio.” and

1 insert in lieu thereof "Ohio and North Dakota." and in
2 (b) strike "Ohio," and insert in lieu thereof "Ohio and
3 North Dakota," and in (h) strike "\$240,000,000." and
4 insert in lieu thereof "\$240,000,000 for Ohio and
5 \$100,000,000 for North Dakota."

6 SEC. 112. The Secretary of the Army, acting through
7 the Chief of Engineers, is directed and authorized to con-
8 duct preconstruction engineering and design activities at
9 full Federal expense for the Kahuku Storm Damage Re-
10 duction Project, Oahu, Hawaii, which includes interior
11 drainage and related improvements to be constructed on
12 lands that may include Federal land, the cost of the
13 preconstruction, engineering, and design activities shall be
14 included in total project costs to be cost shared at the rate
15 of 65 percent Federal and 35 percent non-Federal, as a
16 part of construction and the Decision Document contents
17 shall be limited to a design analysis and supporting NEPA
18 documentation for drainage improvements.

19 SEC. 113. Section 227 of Public Law 104-303 is
20 amended in section 5(a) by striking "7", and inserting
21 "12" in lieu thereof.

22 SEC. 114. All budget documents and justification ma-
23 terials for the Corps of Engineers annual budget submis-
24 sion to Congress shall be assembled and presented based
25 on the most recent annual appropriations Act: *Provided,*

1 That new budget proposals for fiscal year 2008 and there-
2 after, shall not be integrated into the budget justifications
3 submitted to Congress but shall be submitted separately
4 from the budget justifications documents.

5 SEC. 115. The Secretary of the Army acting through
6 the Chief of Engineers is directed to plan, design, and con-
7 struct a rural health care facility on the Fort Berthold
8 Indian Reservation of the Three Affiliated Tribes, North
9 Dakota, at an estimated Federal cost of \$20,000,000. The
10 Secretary shall transfer this facility to the Secretary of
11 the Interior for operation and maintenance upon the com-
12 pletion of construction.

13 SEC. 116. The last sentence of section 215(a) of the
14 Flood Control Act of 1968 (42 U.S.C. 1962d-5a(a)) is
15 amended by striking "\$5,000,000" and inserting
16 "\$7,000,000".

17 SEC. 117. JOHNSON CREEK, ARLINGTON, TEXAS. (a)
18 IN GENERAL.—The project for flood damage reduction,
19 environmental restoration and recreation, Johnson Creek,
20 Arlington, Texas, authorized by section 101(b)(14) of the
21 Water Resources Development Act of 1999 (113 Stat.
22 280-281) is modified to authorize the Secretary to con-
23 struct the project substantially in accordance with the re-
24 port entitled Johnson Creek: A Vision of Conservation,
25 dated March 30, 2006, at a total cost of \$80,000,000,

1 with an estimated Federal cost of \$52,000,000 and an es-
2 timated non-Federal cost of \$28,000,000 if the Secretary
3 determines that the project is technically sound and envi-
4 ronmentally acceptable.

5 (b) NON-FEDERAL SHARE.—

6 (1) IN GENERAL.—The non-Federal share of
7 the cost of the project may be provided in cash or
8 in the form of in-kind services or materials.

9 (2) CREDIT AND REIMBURSEMENT.—The Sec-
10 retary shall credit toward the non-Federal share of
11 the cost of the project the cost of planning, design,
12 and construction work carried out by the non-Fed-
13 eral interest for implementation of the project, if the
14 Secretary determines that the work is integral to the
15 project. Subject to the availability of funds, the non-
16 Federal interest shall be reimbursed for costs in-
17 curred by the non-Federal interest that exceed the
18 non-Federal share of project costs.

19 (c) CONFORMING AMENDMENT.—Section 134 of the
20 Energy and Water Development Appropriations Act, 2006
21 (119 Stat. 2264) and section 5143 of the Water Resources
22 Development Act of 2007, (Public Law 110–114) are re-
23 pealed.

24 SEC. 118. The Secretary is authorized and directed
25 to reimburse local governments for expenses they have in-

1 curred in storm-proofing pumping stations, constructing
2 safe houses for operators, and other interim flood control
3 measures in and around the New Orleans metropolitan
4 area, provided the Secretary determines those elements of
5 work and related expenses to be integral to the overall
6 plan to ensure operability of the stations during hurri-
7 canes, storms and high water events and the flood control
8 plan for the area.

9 SEC. 119. Section 219(f) of the Water Resources De-
10 velopment Act of 1992 (Public Law 102-580, 106 Stat.
11 4835 et seq.), as amended, is further amended by striking
12 subsection “(71) Coronado, California”, in its entirety and
13 inserting the following:

14 “(71) CORONADO, CALIFORNIA.

15 “(A) \$10,000,000 is authorized for waste-
16 water infrastructure, Coronado, California.

17 “(B) The Federal Share may be in the
18 form of grants or reimbursements of project
19 costs incurred by the non-Federal sponsor for
20 work performed by the non-Federal sponsor be-
21 fore or after the execution of a project coopera-
22 tion agreement, if the Secretary determines that
23 such work is integral to the project.

24 “(C) The Secretary is authorized to credit
25 towards the non-Federal share of project costs

1 the costs incurred by the non-Federal sponsor
2 for work performed by the non-Federal sponsor
3 before or after the execution of a project co-
4 operation agreement, if the Secretary deter-
5 mines that such work is integral to the
6 project.”

7 SEC. 120. NAVAJO RESERVATION, ARIZONA, NEW
8 MEXICO, AND UTAH.—Section 520(b) of the Water Re-
9 sources Development Act of 1999 (Public Law 106–53;
10 113 Stat. 345) is amended by inserting after the second
11 sentence “The local match for the funds appropriated for
12 flood plain delineation on the Navajo reservation in Ari-
13 zona, New Mexico, and Utah may be provided as in-kind
14 services.”.

15 SEC. 121. The Secretary of the Army may, under
16 such terms and conditions as the Secretary deems appro-
17 priate, contract with any public or private entity to provide
18 visitor reservation services. Any such contract in effect on
19 or after October 1, 2004, may provide that the contractor
20 shall be permitted to deduct a commission to be fixed by
21 the Secretary from the amount charged the public for pro-
22 viding such services and to remit the net proceeds there-
23 from to the contracting agency.

24 SEC. 122. The project for flood control, Redwood
25 River, Marshall, Minnesota, authorized by section 401(a)

1 of the Water Resources Development Act of 1986 and
2 modified by section 4(k) of the Water Resources Develop-
3 ment Act of 1988 is further modified to authorize the Sec-
4 retary to construct the project at a total cost of
5 \$11,863,000, with an estimated first Federal cost of
6 \$8,722,000 and an estimated first non-Federal cost of
7 \$3,141,000.

8 SEC. 123. The project for St. John's Bayou and New
9 Madrid Floodway in the State of Missouri as authorized
10 by subsection (d) of the matter under the heading "Lower
11 Mississippi River" under section 203 of the Flood Control
12 Act of 1954 (68 Stat. 1258) and section 401(a) of the
13 Water Resources Development Act of 1986 (100 Stat.
14 4118), and as modified by section 331 of the Water Re-
15 sources Development Act of 1996 (110 Stat. 3658) as de-
16 scribed in the June 2002 Revised Supplemental Impact
17 Statement, as supplemented by the March 2006 Revised
18 Supplemental Environmental Impact Statement 2 for this
19 project is economically justified: *Provided*, That the levee
20 closure and gravity structure at the south end of the New
21 Madrid Floodway portion of the Project are part of the
22 Mississippi River Levee feature of the Mississippi River
23 and Tributaries Project and are not a separable element
24 of that Project.

1 SEC. 124. Funds provided in title V, chapter 3 of
2 Public Law 110-28 under the heading "Construction"
3 may be used for restoration of shore protection projects
4 in New Jersey damaged by the same meteorological events
5 that resulted in Presidential Disaster Declaration FEMA-
6 1694-DR.

7 SEC. 125. The project for flood control, Cedar Ham-
8 mock (Wares Creek), Florida, authorized by section
9 101(a)(10) of Public Law 104-303 (110 Stat. 3664), is
10 modified to authorize the Secretary to construct the
11 project at a total cost of \$42,600,000.

12 SEC. 126. Section 156 of Public Law 108-137 is
13 amended by inserting "or reimburse" after "non-Federal
14 share of the cost of the project" in paragraphs (2) and
15 (3).

16 SEC. 127. Notwithstanding any other provision of
17 law, the requirements regarding the use of continuing con-
18 tracts under the authority of section 206 of the Water Re-
19 sources Development Act of 1999 (33 U.S.C. 2331) shall
20 apply only to projects funded under the Operation and
21 Maintenance account and the Operation and Maintenance
22 subaccount of the Mississippi River and Tributaries ac-
23 count.

1 SEC. 128. Section 3020 of the Water Resources De-
2 velopment Act of 2007, Public Law 110–114, is amended
3 by inserting “or after” following the word “before”.

4 SEC. 129. Notwithstanding provisions of 42 U.S.C.
5 2011 et seq. and 42 U.S.C. 7901 et seq. the U.S. Army
6 Corps of Engineers shall have the authority to arrange
7 disposal of waste materials from the Maywood, New Jer-
8 sey, Formerly Utilized Sites Remedial Action Program
9 (FUSRAP) site at off-site facilities permitted to accept
10 such waste materials under subtitle C of the Resource
11 Conservation and Recovery Act (42 U.S.C. 6921 et seq.).
12 FUSRAP waste materials from the Maywood site may be,
13 but shall not be required to be, disposed at sites licensed
14 under the Atomic Energy Act (42 U.S.C. 2011 et seq.).

15 SEC. 130. AMERICAN AND SACRAMENTO RIVERS,
16 CALIFORNIA. Section 101(a)(1)(B) of the Water Re-
17 sources Development Act of 1996 (Public Law 104–303:
18 110 Stat. 3662) is modified to read as follows:

19 “(B) CREDIT TOWARD NON-FEDERAL
20 SHARE.—The non-Federal interest shall receive
21 credit toward the non-Federal share of project
22 costs for expenses that the non-Federal interest
23 incurs for design or construction of any author-
24 ized project feature, including credit for work
25 commenced before the date of execution of a co-

1 operation agreement for the affected feature.
2 The amount of the credit shall be determined
3 by the Secretary.”.

4 SEC. 131. WHITE RIVER NAVIGATION TO BATES-
5 VILLE, ARKANSAS. The project for navigation, White River
6 Navigation to Batesville, Arkansas, as authorized in Pub-
7 lic Law 99-662 is amended to extend the project from
8 mile 255, near Newport, Arkansas, to approximately mile
9 296, near Batesville, Arkansas; to include a harbor at
10 Batesville, Arkansas; and environmental restoration with-
11 in the White River Basin including Federally owned lands.

12 SEC. 132. LANDFILLS USED FOR CERTAIN WASTE.

13 (a) IN GENERAL.—The funding prohibition set forth in
14 section 103 of the Energy and Water Development Appro-
15 priations Act, 2006 shall not apply to the construction or
16 expansion of any landfill in the Muskingum River water-
17 shed if—

18 (1) the landfill is used solely for the disposal
19 of—

20 (A) wastes generated from the combustion
21 or gasification of coal,

22 (B) wastes consisting of byproducts from
23 pollution control technology installed to comply
24 with the Clean Air Act, or

25 (C) both of such types of wastes.

1 (2) the landfill is owned by the waste generator
2 or any affiliated person, and

3 (3) the facility at which the wastes are gen-
4 erated is located in the same watershed as the land-
5 fill.

6 (b) DEFINITIONS.—For purposes of this section:

7 (1) The term “affiliated person” means any
8 person who, directly or indirectly, owns or controls
9 the waste generator, is owned or controlled by the
10 waste generator, or is under common ownership or
11 control with the waste generator.

12 (2) The term “Muskingum River watershed”
13 shall mean the area within the watershed of the
14 Muskingum River, as delineated by the Secretary of
15 the Army, acting through the Chief of Engineers.

16 SEC. 133. CONVEYANCE TO STORY COUNTY, IOWA.

17 Not later than 180 days after the date of enactment of
18 this Act, the Chief of the Army Corps of Engineers shall
19 convey to Story County, Iowa, without consideration, all
20 rights, title, and interest of the United States in and to
21 a parcel of real property, including any improvements
22 thereon, consisting of approximately 197 acres originally
23 proposed for the Skunk River Reservoir, located between
24 Ames, Iowa, and Story City, Iowa.

1 SEC. 134. None of the funds provided herein may be
2 used to implement any new water control manuals for the
3 Apalachicola-Chattahoochee-Flint and Alabama-Coosa-
4 Tallapoosa river systems: *Provided*, That in updating the
5 water control manuals the Secretary of the Army, acting
6 through the Chief of Engineers is directed to provide the
7 following information by September 30, 2008:

8 (1) an estimate of the amount of withdrawals
9 from each respective river basin for entities with-
10 drawing one million gallons per day or more over the
11 preceding 60 months;

12 (2) a flow data set for the respective river basin
13 updated through the most recently completed cal-
14 endar year;

15 (3) an estimated projection of total water usage
16 in the respective basins over the next 25 years.

17 SEC. 135. Title II, chapter 3 of Public Law 109-234
18 under the heading "Construction" is modified by striking
19 "construction: *Provided*," and inserting in lieu thereof "*Pro-*
20 *vided*, That the Secretary of the Army, in imple-
21 menting projects and measures in the New Orleans metro-
22 politan area required to achieve certification for participa-
23 tion in the National Flood Insurance Program as directed
24 in Public Law 109-234 shall include all authorized fea-
25 tures of the Southeast Louisiana Flood Control project

1 and related internal pumping requirements as integral ele-
2 ments of the comprehensive protection system for the area
3 and shall complete all authorized work for the Southeast
4 Louisiana project concurrently and integrally with other
5 area projects: *Provided further,*”.

6 SEC. 136. Utilizing funds appropriated under Alaska
7 Coastal Erosion or other available funds, the Secretary of
8 the Army, acting through the Chief of Engineers, is di-
9 rected to prepare a preliminary action plan for any com-
10 munity that requests assistance pursuant to section 117,
11 as contained in title I, division C of Public Law 108-447:
12 *Provided,* That the preliminary action plan pursuant to
13 this authority shall be presented to the Assistant Sec-
14 retary of the Army (Civil Works) and the Alaska Congres-
15 sional Delegation not later than 90 days after the initial
16 request from the community: *Provided further,* That the
17 preliminary action plan will recommend the most appro-
18 priate course of action (relocation or erosion stabilization),
19 including a preliminary cost estimate and, at a minimum,
20 the first year funding requirements: *Provided further,*
21 That if the Alaska District is unable to comply with this
22 reporting requirement, the District shall provide written
23 notification to the Assistant Secretary of the Army (Civil
24 Works) and the Alaska Congressional Delegation within

1 30 days of the community assistance request explaining
2 why they are unable to comply.

3 TITLE II

4 DEPARTMENT OF THE INTERIOR

5 CENTRAL UTAH PROJECT

6 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

7 For carrying out activities authorized by the Central
8 Utah Project Completion Act, \$41,380,000, to remain
9 available until expended, of which \$976,000 shall be de-
10 posited into the Utah Reclamation Mitigation and Con-
11 servation Account for use by the Utah Reclamation Miti-
12 gation and Conservation Commission.

13 In addition, for necessary expenses incurred in car-
14 rying out related responsibilities of the Secretary of the
15 Interior, \$1,620,000, to remain available until expended.

16 For fiscal year 2008, the Commission may use an
17 amount not to exceed \$1,500,000 for administrative ex-
18 penses.

19 BUREAU OF RECLAMATION

20 The following appropriations shall be expended to
21 execute authorized functions of the Bureau of Reclama-
22 tion:

23 WATER AND RELATED RESOURCES

24 (INCLUDING TRANSFERS OF FUNDS)

25 For management, development, and restoration of
26 water and related natural resources and for related activi-

1 ties, including the operation, maintenance, and rehabilita-
2 tion of reclamation and other facilities, participation in
3 fulfilling related Federal responsibilities to Native Ameri-
4 cans, and related grants to, and cooperative and other
5 agreements with, State and local governments, federally
6 recognized Indian tribes, and others, \$949,882,000, to re-
7 main available until expended, of which \$60,258,000 shall
8 be available for transfer to the Upper Colorado River
9 Basin Fund and \$26,787,000 shall be available for trans-
10 fer to the Lower Colorado River Basin Development Fund;
11 of which such amounts as may be necessary may be ad-
12 vanced to the Colorado River Dam Fund; of which not
13 more than \$500,000 is for high priority projects which
14 shall be carried out by the Youth Conservation Corps, as
15 authorized by 16 U.S.C. 1706: *Provided*, That such trans-
16 fers may be increased or decreased within the overall ap-
17 propriation under this heading: *Provided further*, That of
18 the total appropriated, the amount for program activities
19 that can be financed by the Reclamation Fund or the Bu-
20 reau of Reclamation special fee account established by 16
21 U.S.C. 4601-6a(i) shall be derived from that Fund or ac-
22 count: *Provided further*, That funds contributed under 43
23 U.S.C. 395 are available until expended for the purposes
24 for which contributed: *Provided further*, That funds ad-
25 vanced under 43 U.S.C. 397a shall be credited to this ac-

1 count and are available until expended for the same pur-
2 poses as the sums appropriated under this heading: *Pro-*
3 *vided further*, That funds available for expenditure for the
4 Departmental Irrigation Drainage Program may be ex-
5 pended by the Bureau of Reclamation for site remediation
6 on a non-reimbursable basis: *Provided further*, That funds
7 provided for the Friant-Kern and Madera Canals improve-
8 ments may be expended on a non-reimbursable basis: *Pro-*
9 *vided further*, That \$2,952,000 of the funds appropriated
10 under this heading shall be deposited in the San Gabriel
11 Basin Restoration Fund established by section 110 of title
12 I of appendix D of Public Law 106-554.

13 CENTRAL VALLEY PROJECT RESTORATION FUND

14 For carrying out the programs, projects, plans, and
15 habitat restoration, improvement, and acquisition provi-
16 sions of the Central Valley Project Improvement Act,
17 \$59,122,000, to be derived from such sums as may be col-
18 lected in the Central Valley Project Restoration Fund pur-
19 suant to sections 3407(d), 3404(c)(3), 3405(f), and
20 3406(e)(1) of Public Law 102-575, to remain available
21 until expended: *Provided*, That the Bureau of Reclamation
22 is directed to assess and collect the full amount of the
23 additional mitigation and restoration payments authorized
24 by section 3407(d) of Public Law 102-575: *Provided fur-*
25 *ther*, That none of the funds made available under this
26 heading may be used for the acquisition or leasing of water

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

3 CALIFORNIA BAY-DELTA RESTORATION
4 (INCLUDING TRANSFER OF FUNDS)

5 For carrying out activities authorized by the Water
6 Supply, Reliability, and Environmental Improvement Act,
7 consistent with plans to be approved by the Secretary of
8 the Interior, \$40,098,000, to remain available until ex-
9 pended, of which such amounts as may be necessary to
10 carry out such activities may be transferred to appropriate
11 accounts of other participating Federal agencies to carry
12 out authorized purposes: *Provided*, That funds appro-
13 priated herein may be used for the Federal share of the
14 costs of CALFED Program management: *Provided fur-*
15 *ther*, That the use of any funds provided to the California
16 Bay-Delta Authority for program-wide management and
17 oversight activities shall be subject to the approval of the
18 Secretary of the Interior: *Provided further*, That CALFED
19 implementation shall be carried out in a balanced manner
20 with clear performance measures demonstrating concur-
21 rent progress in achieving the goals and objectives of the
22 Program.

23 POLICY AND ADMINISTRATION
24 (INCLUDING TRANSFER OF FUNDS)

25 For necessary expenses of policy, administration, and
26 related functions in the office of the Commissioner, the

1 Denver office, and offices in the five regions of the Bureau
2 of Reclamation, to remain available until expended,
3 \$58,811,000, to be derived from the Reclamation Fund
4 and be nonreimbursable as provided in 43 U.S.C. 377:
5 *Provided*, That no part of any other appropriation in this
6 Act shall be available for activities or functions budgeted
7 as policy and administration expenses: *Provided further*,
8 That, of the funds provided under this heading,
9 \$10,000,000 shall be transferred to "Water and Related
10 Resources" upon the expiration of the 60-day period fol-
11 lowing the date of enactment of this Act if, during such
12 period, the Secretary of the Interior has not submitted to
13 the Committees on Appropriations of the House of Rep-
14 resentatives and the Senate the Bureau of Reclamation's
15 five-year budget plan.

16 ADMINISTRATIVE PROVISION

17 Appropriations for the Bureau of Reclamation shall
18 be available for purchase of not to exceed 14 passenger
19 motor vehicles, which are for replacement only.

20 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

21 SEC. 201. (a) None of the funds appropriated or oth-
22 erwise made available by this Act may be used to deter-
23 mine the final point of discharge for the interceptor drain
24 for the San Luis Unit until development by the Secretary
25 of the Interior and the State of California of a plan, which
26 shall conform to the water quality standards of the State

1 of California as approved by the Administrator of the En-
2 vironmental Protection Agency, to minimize any detri-
3 mental effect of the San Luis drainage waters.

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

19 SEC. 202. None of the funds appropriated or other-
20 wise made available by this or any other Act may be used
21 to pay the salaries and expenses of personnel to purchase
22 or lease water in the Middle Rio Grande or the Carlsbad
23 Projects in New Mexico unless said purchase or lease is
24 in compliance with the purchase requirements of section
25 202 of Public Law 106-60.

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

6 SEC. 204. The Secretary of the Interior, acting
7 through the Commissioner of the Bureau of Reclamation,
8 is authorized to enter into grants, cooperative agreements,
9 and other agreements with irrigation or water districts
10 and States to fund up to 50 percent of the cost of plan-
11 ning, designing, and constructing improvements that will
12 conserve water, increase water use efficiency, or enhance
13 water management through measurement or automation,
14 at existing water supply projects within the States identi-
15 fied in the Act of June 17, 1902, as amended, and supple-
16 mented: *Provided*, That when such improvements are to
17 federally owned facilities, such funds may be provided in
18 advance on a non-reimbursable basis to an entity oper-
19 ating affected transferred works or may be deemed non-
20 reimbursable for non-transferred works: *Provided further*,
21 That the calculation of the non-Federal contribution shall
22 provide for consideration of the value of any in-kind con-
23 tributions, but shall not include funds received from other
24 Federal agencies: *Provided further*, That the cost of oper-
25 ating and maintaining such improvements shall be the re-

1 sponsibility of the non-Federal entity: *Provided further*,
2 That this section shall not supercede any existing project-
3 specific funding authority: *Provided further*, That the Sec-
4 retary is also authorized to enter into grants or coopera-
5 tive agreements with universities or non-profit research in-
6 stitutions to fund water use efficiency research.

7 SEC. 205. (a) Section 209 of the Energy and Water
8 Development Appropriations Act, 2004 (Public Law 108-
9 137; 117 Stat. 1850) is repealed.

10 (b) The Secretary of the Interior (referred to in this
11 section as the "Secretary") shall establish an Executive
12 Committee of the Middle Rio Grande Endangered Species
13 Collaborative Program (referred to in this section as the
14 "Executive Committee") consistent with the bylaws of the
15 Middle Rio Grande Endangered Species Collaborative Pro-
16 gram adopted on October 2, 2006.

17 (c) In compliance with applicable Federal and State
18 laws, the Secretary (acting through the Commissioner of
19 Reclamation), in collaboration with the Executive Com-
20 mittee, may enter into any grants, contracts, cooperative
21 agreements, interagency agreements, or other agreements
22 that the Secretary determines to be necessary to comply
23 with the 2003 Biological Opinion described in section
24 205(b) of the Energy and Water Development Appropria-
25 tions Act, 2005 (Public Law 108-447; 118 Stat. 2949)

1 as amended by section 121(b) of the Energy and Water
2 Development Appropriations Act, 2006 (Public Law 109-
3 103; 119 Stat. 2256) or in furtherance of the objectives
4 set forth in the collaborative program long-term plan.

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

8 (2) Not more than 15 percent of amounts appro-
9 priated to carry out subsection (c) shall be made available
10 for the payment of administrative expenses associated with
11 carrying out that subsection.

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

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

21 (f) Nothing in this section modifies or expands the
22 discretion of the Secretary with respect to operating res-
23 ervoir facilities under the jurisdiction of the Secretary in
24 the Rio Grande Valley, New Mexico.

1 SEC. 206. In furtherance of section 529 of Public
2 Law 106-541, the Secretary of the Interior shall continue
3 to participate in implementation of the Project at Las
4 Vegas Wash and Lake Mead in accordance with the Plan,
5 and may provide grants to the Southern Nevada Water
6 Authority to carry out the implementation of the Project
7 at Las Vegas Wash and Lake Mead in accordance with
8 the Plan: *Provided*, That issuance of any such grants shall
9 not modify the cost sharing requirements provided in sec-
10 tion 529(b) of Public Law 106-541.

11 SEC. 207. In carrying out section 2507 of Public Law
12 107-171, the Secretary of the Interior, acting through the
13 Commissioner of Reclamation, shall use \$2,000,000 to
14 provide grants, to be divided equally, to the State of Ne-
15 vada and the State of California to implement the Truckee
16 River Settlement Act, Public Law 101-618.

17 SEC. 208. (a) Notwithstanding any other provision
18 of law, of amounts made available under section 2507 of
19 the Farm Security and Rural Investment Act of 2002 (43
20 U.S.C. 2211 note; Public Law 107-171), the Secretary
21 of the Interior—

22 (1) acting through the Commissioner of Rec-
23 lamation, shall use—

24 (A) subject to subsection (b), \$3,000,000
25 for activities necessary to convey to the State of

1 Nevada the land known as the “Carson Lake
2 and Pasture”, as authorized by section 206(e)
3 of the Truckee-Carson-Pyramid Lake Water
4 Rights Settlement Act (Public Law 101-618:
5 104 Stat. 3311);

6 (B) \$10,000,000 for the removal of the
7 Numana Dam and other obsolete irrigation
8 structures located on the Pyramid Lake Paiute
9 Reservation for the benefit of the Pyramid
10 Lake Paiute Tribe because of their status as
11 Indians;

12 (C) in consultation with the Corps of Engi-
13 neers, as applicable, \$5,000,000 to study and
14 prepare plans for the development and con-
15 struction of a pipeline to convey water from
16 Dixie Valley to Churchill County, Nevada;

17 (D) \$10,000,000 for—

18 (i) design and construction of the
19 Derby Dam fish screen to allow passage of
20 fish, including the cui-ui and Lahontan
21 cutthroat trout; and

22 (ii) any improvements to Derby Dam
23 necessary to make the fish screen operable;

24 (E) \$6,000,000 for the acquisition of not
25 more than 4 small hydroelectric power plants

1 from the Sierra Pacific Power Company to im-
2 prove water allocation and fish passage in the
3 Truckee River; and

4 (F) \$6,000,000 for Lower Truckee River
5 restoration projects identified by the cities of
6 Reno and Sparks, Nevada, and Washoe County,
7 Nevada;

8 (2) shall allocate \$9,000,000 to a nonprofit con-
9 servation organization, acting in consultation with
10 the Truckee Meadows Water Authority, for—

11 (A) the acquisition of land surrounding
12 Independence Lake; and

13 (B) protection of the native fishery and
14 water quality of Independence Lake;

15 (3) shall allocate \$1,000,000 to the Summit
16 Lake Paiute Tribe to plan and complete restoration
17 efforts at the Summit Lake in Northern Washoe
18 County, Nevada, for the benefit of the Tribe because
19 of their status as Indians;

20 (4) shall allocate \$3,000,000 to the Newlands
21 Project Water Rights Fund for a Federal-State-Pyr-
22 amid Lake Paiute Tribe program, to be adminis-
23 tered by an entity identified by the 3 applicable par-
24 ties, for the retirement of water rights pursuant to
25 the Truckee-Carson-Pyramid Lake Water Rights

1 Settlement Act (Public Law 101-618: 104 Stat.
2 3311);

3 (5) shall allocate \$2,500,000 to the United
4 States Fish and Wildlife Service to analyze, in co-
5 operation and consultation with external experts, the
6 impacts of low water flows on reproduction at the
7 Walker Lake fishery, including an analysis of meth-
8 ods to prevent permanent effects on the fishery from
9 low water flows;

10 (6) shall allocate \$4,000,000 to the State of
11 Nevada to prepare watershed inventories, with a
12 particular focus on the Walker and Carson River
13 Basins;

14 (7) shall allocate \$5,000,000 for joint planning
15 and development activities for water, wastewater,
16 and sewer facilities by the city of Fernley, Nevada,
17 and the Pyramid Lake Paiute Tribe;

18 (8) shall allocate \$500,000 for the Walker
19 River Paiute Tribe for legal and professional services
20 in support of settling tribal water claims in the
21 Walker River Basin and to Walker Lake;

22 (9) shall allocate \$1,000,000 to the Walker
23 River Irrigation District—

1 (A) to plan and implement a weed control
2 program to improve conveyance efficiency of
3 water controlled by the Irrigation District; and

4 (B) to make improvements to water gauges
5 controlled by the Irrigation District to enhance
6 the water monitoring activities of the Irrigation
7 District; and

8 (10) shall allocate \$250,000 to Churchill Coun-
9 ty, Nevada, to provide testing of groundwater wells.

10 (b)(1) The Secretary shall achieve compliance with all
11 applicable Federal laws (including regulations) relating to
12 the conveyance of the Carson Lake and Pasture to the
13 State of Nevada as described in subsection (a)(1)(A) by
14 not later than June 30, 2010.

15 (2) Any amounts made available to carry out the con-
16 veyance described in subsection (a)(1)(A) but not ex-
17 pended for that purpose shall be made available to the
18 State of Nevada to supplement funds provided under sec-
19 tion 217(a)(1) of the Energy and Water Development Ap-
20 propriations Act, 2004 (Public Law 108-137; 117 Stat.
21 1852), to purchase water rights from willing sellers and
22 to make necessary improvements to benefit the Carson
23 Lake and Pasture.

24 SEC. 209. Section 10(a) of the Mni Wiconi Project
25 Act of 1988 (Public Law 100-516; 102 Stat. 2571; 116

1 Stat. 3033) is amended in the second sentence by striking
2 “2008” and inserting “2013”.

3 SEC. 210. INLAND EMPIRE AND CUCAMONGA VAL-
4 LEY RECYCLING PROJECTS. The Reclamation Wastewater
5 and Groundwater Study and Facilities Act (Public Law
6 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended
7 by adding at the end the following:

8 **“SEC. 16__ . INLAND EMPIRE REGIONAL WATER RECY-
9 CLING PROJECT.**

10 **“(a) IN GENERAL.—**The Secretary, in cooperation
11 with the Inland Empire Utilities Agency, may participate
12 in the design, planning, and construction of the Inland
13 Empire regional water recycling project described in the
14 report submitted under section 1606(c).

15 **“(b) COST SHARING.—**The Federal share of the cost
16 of the project described in subsection (a) shall not exceed
17 25 percent of the total cost of the project.

18 **“(c) LIMITATION.—**Funds provided by the Secretary
19 shall not be used for operation and maintenance of the
20 project described in subsection (a).

21 **“(a) AUTHORIZATION OF APPROPRIATIONS.—**There
22 is authorized to be appropriated to carry out this section
23 \$20,000,000.

1 "SEC. 16 ____ . CUCAMONGA VALLEY WATER RECYCLING
2 PROJECT.

3 "(a) IN GENERAL.—The Secretary, in cooperation
4 with the Cucamonga Valley Water District, may partici-
5 pate in the design, planning, and construction of the
6 Cucamonga Valley Water District satellite recycling plants
7 in Rancho Cucamonga, California, to reclaim and recycle
8 approximately 2 million gallons per day of domestic waste-
9 water.

10 "(b) COST SHARING.—The Federal share of the cost
11 of the project described in subsection (a) shall not exceed
12 25 percent of the capital cost of the project.

13 "(c) LIMITATION.—Funds provided by the Secretary
14 shall not be used for operation and maintenance of the
15 project described in subsection (a).

16 "(d) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to carry out this section,
18 \$10,000,000.

19 "(e) SUNSET OF AUTHORITY.—The authority of the
20 Secretary to carry out any provisions of this section shall
21 terminate 10 years after the date of the enactment of this
22 section."

23 (c) CONFORMING AMENDMENTS.—The table of sec-
24 tions in section 2 of Public Law 102-575 is amended by
25 inserting after the last item the following:

"16 ____ . Inland Empire Regional Water Recycling Program.
"16 ____ . Cucamonga Valley Water Recycling Project."

1 SEC. 211. Prior to the unilateral termination or re-
2 moval of cabin or trailer sites on Bureau of Reclamation
3 lands in North Dakota for the purpose of changing land
4 use, the Secretary of the Interior is directed to submit a
5 report describing the action to the Committee on Energy
6 and Natural Resources, United States Senate and the
7 Committee on Natural Resources, United States House of
8 Representatives and the House and Senate Committees on
9 Appropriations: *Provided*, That the Secretary shall not
10 move forward with the proposed action until 60 days after
11 the report is submitted to the Committee Chairmen.

12 SEC. 212. Section 3507(b) of Public Law 102-575
13 (106 Stat. 4600) is amended by striking "\$4,660,000"
14 and inserting "\$12,660,000".

15 SEC. 213. AUTHORITY TO EXTEND WATER CON-
16 TRACT. The Secretary of the Interior may extend the
17 water contract 14-06-600-3593, as amended, between
18 the United States and the East Bench Irrigation District
19 for water services, until the earlier of—

20 (1) the expiration of the 2-year period begin-
21 ning on the date on which the contract would expire
22 but for this section; or

1 (2) the date on which a new long-term water
2 contract is executed by the parties to the contract
3 listed in subsection (b).

4 SEC. 214. SOUTHERN CALIFORNIA DESERT REGION
5 INTEGRATED WATER AND ECONOMIC SUSTAINABILITY
6 PLAN. (a) IN GENERAL.—The Reclamation Wastewater
7 and Groundwater Study and Facilities Act (Public Law
8 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended
9 by adding at the end the following new section:

10 **“SEC. 16 __. SOUTHERN CALIFORNIA DESERT REGION IN-**
11 **TEGRATED WATER AND ECONOMIC SUSTAIN-**
12 **ABILITY PLAN.**

13 “(a) AUTHORIZATION.—The Secretary, in coopera-
14 tion with the Mojave Water Agency is authorized to par-
15 ticipate in the design, planning, and construction of
16 projects to implement ‘Mojave Water Agency’s Integrated
17 Regional Water Management Plan’. *the*

18 “(b) COST SHARE.—The Federal share of the costs
19 of the projects authorized by this section shall not exceed
20 25 percent of the total cost.

21 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated to carry out this section
23 \$20,000,000.”.

24 (b) CONFORMING AMENDMENT.—The table of sec-
25 tions in section 2 of Public Law 102–575 is amended by

1 inserting after the last item relating to title XVI the fol-
2 lowing:

“16 ____ Southern California desert region integrated water and economic sus-
tainability plan.”.

3 (c) LIMITATION.—The Secretary shall not provide
4 funds for the operation or maintenance of a project au-
5 thorized by this section.

6 (d) CREDITS TOWARD NON-FEDERAL SHARE.—For
7 purposes of subparagraph (b) the Secretary shall credit
8 the Mojave Water Agency with the value of all expendi-
9 tures made prior to the date of the enactment of this Act
10 that are used toward completion of projects that are com-
11 patible with this section.

12 TITLE III

13 DEPARTMENT OF ENERGY

14 ENERGY PROGRAMS

15 ENERGY EFFICIENCY AND RENEWABLE ENERGY

16 For Department of Energy expenses including the
17 purchase, construction, and acquisition of plant and cap-
18 ital equipment, and other expenses necessary for energy
19 efficiency and renewable energy activities in carrying out
20 the purposes of the Department of Energy Organization
21 Act (42 U.S.C. 7101 et seq.), including the acquisition or
22 condemnation of any real property or any facility or for
23 plant or facility acquisition, construction, or expansion,
24 \$1,739,541,000, to remain available until expended: *Pro-*

1 *vided*, That the Secretary is directed to make fiscal year
2 2008 weatherization funding available from October 1,
3 2007, through March 31, 2009, for States that submit
4 plans requesting allocations for all or part of this period:
5 *Provided further*, That the funds provided for Federal
6 technical assistance and training are intended to be used
7 exclusively to support the effective delivery of weatheriza-
8 tion services as set forth in statute and applicable regula-
9 tions: *Provided further*, That any change in program im-
10 plementation should be proposed to Congress in the De-
11 partment's budget submission and not implemented before
12 congressional approval is obtained.

13 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

14 For Department of Energy expenses including the
15 purchase, construction, and acquisition of plant and cap-
16 ital equipment, and other expenses necessary for elec-
17 tricity delivery and energy reliability activities in carrying
18 out the purposes of the Department of Energy Organiza-
19 tion Act (42 U.S.C. 7101 et seq.), including the acquisi-
20 tion or condemnation of any real property or any facility
21 or for plant or facility acquisition, construction, or expan-
22 sion, \$140,000,000, to remain available until expended.

23 NUCLEAR ENERGY

24 (INCLUDING TRANSFER OF FUNDS)

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

1 ital equipment, and other expenses necessary for nuclear
2 energy activities in carrying out the purposes of the De-
3 partment of Energy Organization Act (42 U.S.C. 7101 et
4 seq.), including the acquisition or condemnation of any
5 real property or any facility or for plant or facility acqui-
6 tion, construction, or expansion, and the purchase of not
7 to exceed 20 passenger motor vehicles for replacement
8 only, including one ambulance, \$970,525,000, to remain
9 available until expended: *Provided*, That \$233,849,000 is
10 authorized to be appropriated for Project 99-D-143
11 Mixed Oxide (MOX) Fuel Fabrication Facility, Savannah
12 River Site, South Carolina: *Provided further*, That the De-
13 partment of Energy adhere strictly to Department of En-
14 ergy Order 413.3A for Project 99-D-143.

15

LEGACY MANAGEMENT

16 For Department of Energy expenses for Legacy Man-
17 agement activities, \$34,183,000, to remain available until
18 expended.

19

CLEAN COAL TECHNOLOGY

20 (INCLUDING DEFERRAL AND TRANSFER OF FUNDS)

21 Of the funds made available under this heading for
22 obligation in prior years, \$149,000,000 shall not be avail-
23 able until October 1, 2008: *Provided*, That funds made
24 available in previous appropriations Acts shall be made
25 available for any ongoing project regardless of the sepa-

1 rate request for proposal under which the project was se-
2 lected: *Provided further*, That \$166,000,000 of uncommit-
3 ted balances are transferred to Fossil Energy Research
4 and Development to be used until expended.

5 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses in carrying out fossil energy
8 research and development activities, under the authority
9 of the Department of Energy Organization Act (Public
10 Law 95-91), including the acquisition of interest, includ-
11 ing defeasible and equitable interests in any real property
12 or any facility or for plant or facility acquisition or expan-
13 sion, and for the hire of passenger motor vehicles, the hire,
14 maintenance, and operation of aircraft, the purchase, re-
15 pair, and cleaning of uniforms, the reimbursement to the
16 General Services Administration for security guard serv-
17 ices, and for conducting inquiries, technological investiga-
18 tions and research concerning the extraction, processing,
19 use, and disposal of mineral substances without objection-
20 able social and environmental costs (30 U.S.C. 3, 1602,
21 and 1603), \$750,000,000, to remain available until ex-
22 pended, of which \$166,000,000 shall be derived by trans-
23 fer from "Clean Coal Technology": *Provided further*, That
24 funds appropriated for prior solicitations under the Clean
25 Coal Technology Program, Power Plant Improvement Ini-

1 tiative, and Clean Coal Power Initiative, but not required
2 by the Department to meet its obligations on projects se-
3 lected under such solicitations, may be utilized for the
4 Clean Coal Power Initiative Round III solicitation under
5 this Act in accordance with the requirements of this Act
6 rather than the Acts under which the funds were appro-
7 priated: *Provided further*, That no project may be selected
8 for which full funding is not available to provide for the
9 total project: *Provided further*, That financial assistance
10 for costs in excess of those estimated as of the date of
11 award of original Clean Coal Power Initiative financial as-
12 sistance may not be provided in excess of the proportion
13 of costs borne by the Government in the original agree-
14 ment and shall be limited to 25 percent of the original
15 financial assistance: *Provided further*, That at least 50
16 percent cost-sharing shall be required in each budget pe-
17 riod of a project: *Provided further*, That in accordance
18 with section 988(e) of Public Law 109-58, repayment of
19 the DOE contribution to a project shall not be a condition
20 of making an award under this solicitation: *Provided fur-*
21 *ther*, That no part of the sum herein made available shall
22 be used for the field testing of nuclear explosives in the
23 recovery of oil and gas: *Provided further*, That in this Act
24 and future Acts, up to 4 percent of program direction
25 funds available to the National Energy Technology Lab-

1 oratory may be used to support Department of Energy
2 activities not included in this Fossil Energy account: *Pro-*
3 *vided further*, That in this Act and future Acts, the sala-
4 ries for Federal employees performing research and devel-
5 opment activities at the National Energy Technology Lab-
6 oratory can continue to be funded from any appropriate
7 DOE program accounts: *Provided further*, That revenues
8 and other moneys received by or for the account of the
9 Department of Energy or otherwise generated by sale of
10 products in connection with projects of the Department
11 appropriated under the Fossil Energy Research and De-
12 velopment account may be retained by the Secretary of
13 Energy, to be available until expended, and used only for
14 plant construction, operation, costs, and payments to cost-
15 sharing entities as provided in appropriate cost-sharing
16 contracts or agreements.

17 NAVAL PETROLEUM AND OIL SHALE RESERVES

18 For expenses necessary to carry out naval petroleum
19 and oil shale reserve activities, including the hire of pas-
20 senger motor vehicles, \$20,472,000, to remain available
21 until expended: *Provided*, That, notwithstanding any other
22 provision of law, unobligated funds remaining from prior
23 years shall be available for all naval petroleum and oil
24 shale reserve activities.

1 STRATEGIC PETROLEUM RESERVE

2 For necessary expenses for Strategic Petroleum Re-
3 serve facility development and operations and program
4 management activities pursuant to the Energy Policy and
5 Conservation Act of 1975, as amended (42 U.S.C. 6201
6 et seq.), including the hire of passenger motor vehicles,
7 the hire, maintenance, and operation of aircraft, the pur-
8 chase, repair, and cleaning of uniforms, and the reim-
9 bursement to the General Services Administration for se-
10 curity guard services, \$188,472,000, to remain available
11 until expended, of which \$25,000,000 shall be provided to
12 carry out new site land acquisition activities consistent
13 with the budget request.

14 NORTHEAST HOME HEATING OIL RESERVE

15 For necessary expenses for Northeast Home Heating
16 Oil Reserve storage, operation, and management activities
17 pursuant to the Energy Policy and Conservation Act,
18 \$12,448,000, to remain available until expended.

19 ENERGY INFORMATION ADMINISTRATION

20 For necessary expenses in carrying out the activities
21 of the Energy Information Administration, \$96,337,000,
22 to remain available until expended.

23 NON-DEFENSE ENVIRONMENTAL CLEANUP

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

1 ital equipment and other expenses necessary for non-de-
2 fense environmental cleanup activities in carrying out the
3 purposes of the Department of Energy Organization Act
4 (42 U.S.C. 7101 et seq.), including the acquisition or con-
5 demnation of any real property or any facility or for plant
6 or facility acquisition, construction, or expansion, and the
7 purchase of not to exceed three passenger motor vehicles
8 for replacement only, \$183,937,000, to remain available
9 until expended: *Provided*, That \$13,000,000 is appro-
10 priated for environmental remediation activities associated
11 with the Energy Technology and Engineering Center
12 (ETEC) at the Santa Susana Field Laboratory (SSFL),
13 subject to the following: (1) the Department shall use a
14 portion of this funding to enter into an interagency agree-
15 ment with the Environmental Protection Agency to con-
16 duct a joint comprehensive radioactive site characteriza-
17 tion of Area IV of the SSFL; (2) the Department shall
18 ensure that all aspects of the cleanup of radioactive con-
19 tamination at Area IV of the SSFL comply fully with the
20 Comprehensive Environmental Response, Compensation
21 and Liability Act, if applicable; and (3) the Department
22 shall retain Federal control of ETEC and it shall not be
23 released for other use until such time as the Department
24 has complied with actions directed in subsections (1) and
25 (2).

1 URANIUM ENRICHMENT DECONTAMINATION AND
2 DECOMMISSIONING FUND

3 For necessary expenses in carrying out uranium en-
4 richment facility decontamination and decommissioning,
5 remedial actions, and other activities of title II of the
6 Atomic Energy Act of 1954, as amended, and title X, sub-
7 title A, of the Energy Policy Act of 1992, \$627,876,000,
8 to be derived from the Fund, to remain available until ex-
9 pended, of which \$20,000,000 shall be available in accord-
10 ance with title X, subtitle A, of the Energy Policy Act
11 of 1992.

12 SCIENCE
13 (INCLUDING RESCISSION OF FUNDS)

14 For Department of Energy expenses including the
15 purchase, construction and acquisition of plant and capital
16 equipment, and other expenses necessary for science ac-
17 tivities in carrying out the purposes of the Department
18 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
19 cluding the acquisition or condemnation of any real prop-
20 erty or facility or for plant or facility acquisition, construc-
21 tion, or expansion, and purchase of not to exceed 30 pas-
22 senger motor vehicles for replacement only,
23 \$4,055,483,000, to remain available until expended: *Pro-*
24 *vided*, That of the funds made available in section 130
25 of division H (Miscellaneous Appropriations and Offsets)

1 of the Consolidated Appropriations Act, 2004, Public Law
2 108-199, as amended by section 315 of Public Law 109-
3 103, for the Coralville, Iowa, project, \$44,569,000 is re-
4 scinded.

5 NUCLEAR WASTE DISPOSAL

6 For nuclear waste disposal activities to carry out the
7 purposes of the Nuclear Waste Policy Act of 1982, Public
8 Law 97-425, as amended (the "Act"), including the ac-
9 quisition of real property or facility construction or expan-
10 sion, \$189,000,000, to remain available until expended,
11 and to be derived from the Nuclear Waste Fund: *Provided*,
12 That of the funds made available in this Act for Nuclear
13 Waste Disposal, \$5,000,000 shall be provided to the State
14 of Nevada solely for expenditures, other than salaries and
15 expenses of State employees, to conduct scientific over-
16 sight responsibilities and participate in licensing activities
17 pursuant to the Act: *Provided further*, That notwith-
18 standing the lack of a written agreement with the State
19 of Nevada under section 117(c) of the Nuclear Waste Pol-
20 icy Act of 1982, Public Law 97-425, as amended, not less
21 than \$1,000,000 shall be provided to Nye County, Nevada,
22 for on-site oversight activities under section 117(d) of that
23 Act: *Provided further*, That \$9,000,000 shall be provided
24 to affected units of local government, as defined in the
25 Act, to conduct appropriate activities and participate in

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

1 ment: *Provided further*, That within 90 days of the comple-
2 tion of each Federal fiscal year, the Nevada Division of
3 Emergency Management and the Governor of the State
4 of Nevada and each of the affected units of local govern-
5 ment shall provide certification to the Department of En-
6 ergy that all funds expended from such payments have
7 been expended for activities authorized by the Act and this
8 Act: *Provided further*, That failure to provide such certifi-
9 cation shall cause such entity to be prohibited from any
10 further funding provided for similar activities: *Provided*
11 *further*, That none of the funds herein appropriated may
12 be: (1) used directly or indirectly to influence legislative
13 action, except for normal and recognized executive-legisla-
14 tive communications, on any matter pending before Con-
15 gress or a State legislature or for lobbying activity as pro-
16 vided in 18 U.S.C. 1913; (2) used for litigation expenses;
17 or (3) used to support multi-State efforts or other coali-
18 tion building activities inconsistent with the restrictions
19 contained in this Act: *Provided further*, That all proceeds
20 and recoveries realized by the Secretary in carrying out
21 activities authorized by the Act, including but not limited
22 to, any proceeds from the sale of assets, shall be available
23 without further appropriation and shall remain available
24 until expended: *Provided further*, That no funds provided
25 in this Act or any previous Act may be used to pursue

1 repayment or collection of funds provided in any fiscal
2 year to affected units of local government for oversight
3 activities that had been previously approved by the De-
4 partment of Energy, or to withhold payment of any such
5 funds.

6 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE

7 LOAN PROGRAM

8 For the cost of the guaranteed loans as authorized
9 by section 1702(b)(2) of the Energy Policy Act of 2005,
10 such sums as are hereafter derived from amounts received
11 from borrowers pursuant to section 1702(b)(2) of that
12 Act, to remain available until September 30, 2009: *Pro-*
13 *vided*, That the source of such payment received from bor-
14 rowers is not a loan or other debt obligation that is guar-
15 anteed by the Federal Government: *Provided further*, That
16 none of the funds made available in this or prior Acts shall
17 be available for the execution of a new solicitation with
18 respect to such guaranteed loans until 45 days after the
19 Department of Energy has submitted to the Committees
20 on Appropriations a loan guarantee implementation plan
21 that defines the proposed award levels and eligible tech-
22 nologies: *Provided further*, That the Department shall not
23 deviate from such plan without 45 days prior notice to the
24 Committees: *Provided further*, That for necessary adminis-
25 trative expenses to carry out this Loan Guarantee pro-
26 gram, \$5,500,000 is appropriated, to remain available

1 until expended: *Provided further*, That fees collected pur-
2 suant to section 1702(h) of the Energy Policy Act of 2005
3 shall be credited as offsetting collections to this account,
4 so as to result in a final fiscal year 2008 appropriation
5 from the general fund estimated at not more than \$0.

6 DEPARTMENTAL ADMINISTRATION

7 (INCLUDING TRANSFER OF FUNDS)

8 For salaries and expenses of the Department of En-
9 ergy necessary for departmental administration in car-
10 rying out the purposes of the Department of Energy Orga-
11 nization Act (42 U.S.C. 7101 et seq.), including the hire
12 of passenger motor vehicles and official reception and rep-
13 resentation expenses not to exceed \$30,000,
14 \$311,596,000, to remain available until expended, plus
15 such additional amounts as necessary to cover increases
16 in the estimated amount of cost of work for others not-
17 withstanding the provisions of the Anti-Deficiency Act (31
18 U.S.C. 1511 et seq.): *Provided*, That such increases in cost
19 of work are offset by revenue increases of the same or
20 greater amount, to remain available until expended: *Pro-*
21 *vided further*, That moneys received by the Department
22 for miscellaneous revenues estimated to total
23 \$161,818,000 in fiscal year 2008 may be retained and
24 used for operating expenses within this account, and may
25 remain available until expended, as authorized by section

1 201 of Public Law 95-238, notwithstanding the provisions
2 of 31 U.S.C. 3302: *Provided further*, That the sum herein
3 appropriated shall be reduced by the amount of miscella-
4 neous revenues received during 2008, and any related ap-
5 propriated receipt account balances remaining from prior
6 years' miscellaneous revenues, so as to result in a final
7 fiscal year 2008 appropriation from the general fund esti-
8 mated at not more than \$149,778,000.

9 OFFICE OF THE INSPECTOR GENERAL

10 For necessary expenses of the Office of the Inspector
11 General in carrying out the provisions of the Inspector
12 General Act of 1978, as amended, \$46,480,000, to remain
13 available until expended.

14 ATOMIC ENERGY DEFENSE ACTIVITIES

15 NATIONAL NUCLEAR SECURITY ADMINISTRATION

16 WEAPONS ACTIVITIES

17 (INCLUDING TRANSFER OF FUNDS)

18 For Department of Energy expenses, including the
19 purchase, construction, and acquisition of plant and cap-
20 ital equipment and other incidental expenses necessary for
21 atomic energy defense weapons activities in carrying out
22 the purposes of the Department of Energy Organization
23 Act (42 U.S.C. 7101 et seq.), including the acquisition or
24 condemnation of any real property or any facility or for
25 plant or facility acquisition, construction, or expansion;

1 \$6,355,633,000, to remain available until expended: *Pro-*
2 *vided*, That \$38,957,000 is authorized to be appropriated
3 for Project 06-D-140-05 (PED) Uranium Processing
4 Facility, Y-12 Plant, Oak Ridge, Tennessee: *Provided fur-*
5 *ther*, That \$69,330,000 is authorized to be appropriated
6 for Project 99-D-141 Pit Disassembly and Conversion
7 Facility (PDCF), Savannah River Site, South Carolina:
8 *Provided further*, That \$74,809,000 is authorized to be ap-
9 propriated for 04-D-125 Chemistry and Metallurgy facil-
10 ity replacement project, Los Alamos, New Mexico: *Pro-*
11 *vided further*, That \$10,000,000 is authorized to be appro-
12 priated for Ion Beam Laboratory refurbishment, Sandia
13 National Laboratory, Albuquerque, New Mexico: *Provided*
14 *further*, That \$14,846,000 is authorized to be appro-
15 priated for Material Security and Consolidation project,
16 Idaho National Laboratory, Idaho.

17 DEFENSE NUCLEAR NONPROLIFERATION

18 (INCLUDING RESCISSIONS OF FUNDS)

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

1 erty or any facility or for plant or facility acquisition, con-
2 struction, or expansion, \$1,673,275,000, to remain avail-
3 able until expended: *Provided*, That \$50,000,000 of such
4 funds shall be available until expended for the contribution
5 of the United States to create a low-enriched uranium
6 stockpile for an International Nuclear Fuel Bank supply
7 of nuclear fuel for peaceful means under the International
8 Atomic Energy Agency: *Provided further*, That
9 \$25,000,000 is authorized to be appropriated for Project
10 06-D-180 National Security Laboratory at the Pacific
11 Northwest National Laboratory, Richland, Washington:
12 *Provided further*, That of the funds made available under
13 this heading in appropriation Acts for fiscal year 2007 and
14 prior fiscal years for Project 99-D-143 Mixed Oxide
15 (MOX) Fuel Fabrication Facility, Savannah River Site,
16 South Carolina, \$115,000,000 are rescinded: *Provided fur-*
17 *ther*, That of the funds made available under this heading
18 in appropriation Acts for fiscal year 2007 and prior fiscal
19 years for Russian Surplus Fissile Materials Disposition,
20 \$57,000,000 are rescinded: *Provided further*, That of the
21 funds made available in the first paragraph under the
22 heading "Atomic Energy Defense Activities—Other De-
23 fense Activities" in chapter 2 of title I of division B of
24 Public Law 105-277 and subsequently transferred by the

1 Department of Energy to the Defense Nuclear Non-
2 proliferation program, \$150,000,000 are rescinded.

3 **NAVAL REACTORS**

4 For Department of Energy expenses necessary for
5 naval reactors activities to carry out the Department of
6 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
7 ing the acquisition (by purchase, condemnation, construc-
8 tion, or otherwise) of real property, plant, and capital
9 equipment, facilities, and facility expansion,
10 \$781,800,000, to remain available until expended.

11 **OFFICE OF THE ADMINISTRATOR**

12 For necessary expenses of the Office of the Adminis-
13 trator in the National Nuclear Security Administration,
14 including official reception and representation expenses
15 not to exceed \$12,000, ~~\$403,987,000~~, to remain available
16 until expended.

405,987,000

17 **ENVIRONMENTAL AND OTHER DEFENSE**
18 **ACTIVITIES**

19 **DEFENSE ENVIRONMENTAL CLEANUP**
20 **(INCLUDING TRANSFER OF FUNDS)**

21 For Department of Energy expenses, including the
22 purchase, construction, and acquisition of plant and cap-
23 ital equipment and other expenses necessary for atomic
24 energy defense environmental cleanup activities in car-
25 rying out the purposes of the Department of Energy Orga-

1 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
2 sition or condemnation of any real property or any facility
3 or for plant or facility acquisition, construction, or expan-
4 sion, and the purchase of not to exceed three passenger
5 motor vehicles for replacement only, \$5,398,573,000, to
6 remain available until expended, of which \$463,000,000
7 shall be transferred to and deposited in the "Uranium En-
8 richment Decontamination and Decommissioning Fund".

9 OTHER DEFENSE ACTIVITIES

10 (INCLUDING TRANSFER OF FUNDS)

11 For Department of Energy expenses, including the
12 purchase, construction, and acquisition of plant and cap-
13 ital equipment and other expenses, necessary for atomic
14 energy defense, other defense activities, and classified ac-
15 tivities, in carrying out the purposes of the Department
16 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
17 cluding the acquisition or condemnation of any real prop-
18 erty or any facility or for plant or facility acquisition, con-
19 struction, or expansion, and the purchase of not to exceed
20 twelve passenger motor vehicles for replacement only,
21 \$761,290,000, to remain available until expended: *Pro-*
22 *vided*, That of the funds provided under this heading in
23 Public Law 109-103, \$4,900,000 are transferred to
24 "Weapons Activities" for special nuclear material consoli-
25 dation activities associated with safeguards and security.

1 DEFENSE NUCLEAR WASTE DISPOSAL

2 For nuclear waste disposal activities to carry out the
3 purposes of Public Law 97-425, as amended, including
4 the acquisition of real property or facility construction or
5 expansion, \$201,000,000, to remain available until ex-
6 pended.

7 POWER MARKETING ADMINISTRATIONS

8 BONNEVILLE POWER ADMINISTRATION FUND

9 Expenditures from the Bonneville Power Administra-
10 tion Fund, established pursuant to Public Law 93-454,
11 are approved for the Lower Granite Dam fish trap, the
12 Kootenai River White Sturgeon Hatchery, the Nez Perce
13 Tribal Hatchery, Redfish Lake Sockeye Captive Brood ex-
14 pansion, hatchery production facilities to supplement Chi-
15 nook salmon below Chief Joseph Dam in Washington,
16 Hood River Production Facility, Klickitat production ex-
17 pansion, Mid-Columbia Coho restoration, and Yakama
18 Coho restoration, and in addition, for official reception
19 and representation expenses in an amount not to exceed
20 \$1,500. During fiscal year 2008, no new direct loan obli-
21 gations may be made.

22 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
23 ADMINISTRATION

24 For necessary expenses of operation and maintenance
25 of power transmission facilities and of marketing electric

1 power and energy, including transmission wheeling and
2 ancillary services pursuant to section 5 of the Flood Con-
3 trol Act of 1944 (16 U.S.C. 825s), as applied to the south-
4 eastern power area, \$6,463,000, to remain available until
5 expended: *Provided*, That, notwithstanding the provisions
6 of 31 U.S.C. 3302, beginning in fiscal year 2008 and
7 thereafter, such funds as are received by the Southeastern
8 Power Administration from any State, municipality, cor-
9 poration, association, firm, district, or individual as ad-
10 vance payment for work that is associated with
11 Southeastern's Operations and Maintenance, consistent
12 with that authorized in section 5 of the Flood Control Act
13 of 1944, shall be credited to this account and be available
14 until expended: *Provided further*, That, notwithstanding
15 31 U.S.C. 3302, up to \$48,413,000 collected by the
16 Southeastern Power Administration pursuant to the Flood
17 Control Act of 1944 to recover purchase power and wheel-
18 ing expenses shall be credited to this account as offsetting
19 collections, to remain available until expended for the sole
20 purpose of making purchase power and wheeling expendi-
21 tures.

22 OPERATION AND MAINTENANCE, SOUTHWESTERN
23 POWER ADMINISTRATION

24 For necessary expenses of operation and maintenance
25 of power transmission facilities and of marketing electric

1 power and energy, for construction and acquisition of
2 transmission lines, substations and appurtenant facilities,
3 and for administrative expenses, including official recep-
4 tion and representation expenses in an amount not to ex-
5 ceed \$1,500 in carrying out section 5 of the Flood Control
6 Act of 1944 (16 U.S.C. 825s), as applied to the south-
7 western power administration, \$30,442,000, to remain
8 available until expended: *Provided*, That, notwithstanding
9 31 U.S.C. 3302, up to \$35,000,000 collected by the
10 Southwestern Power Administration pursuant to the
11 Flood Control Act to recover purchase power and wheeling
12 expenses shall be credited to this account as offsetting col-
13 lections, to remain available until expended for the sole
14 purpose of making purchase power and wheeling expendi-
15 tures.

16 CONSTRUCTION, REHABILITATION, OPERATION AND
17 MAINTENANCE, WESTERN AREA POWER ADMINIS-
18 TRATION

19 For carrying out the functions authorized by title III,
20 section 302(a)(1)(E) of the Act of August 4, 1977 (42
21 U.S.C. 7152), and other related activities including con-
22 servation and renewable resources programs as author-
23 ized, including the operation, maintenance, and purchase
24 through transfer, exchange, or sale of one helicopter for
25 replacement only, and official reception and representation

1 expenses in an amount not to exceed \$1,500;
2 \$231,030,000, to remain available until expended, of
3 which \$221,094,000 shall be derived from the Department
4 of the Interior Reclamation Fund: *Provided*, That of the
5 amount herein appropriated, \$7,167,000 is for deposit
6 into the Utah Reclamation Mitigation and Conservation
7 Account pursuant to title IV of the Reclamation Projects
8 Authorization and Adjustment Act of 1992: *Provided fur-*
9 *ther*, That notwithstanding the provision of 31 U.S.C.
10 3302, up to \$308,702,000 collected by the Western Area
11 Power Administration pursuant to the Flood Control Act
12 of 1944 and the Reclamation Project Act of 1939 to re-
13 cover purchase power and wheeling expenses shall be cred-
14 ited to this account as offsetting collections, to remain
15 available until expended for the sole purpose of making
16 purchase power and wheeling expenditures.

17 FALCON AND AMISTAD OPERATING AND MAINTENANCE
18 FUND

19 For operation, maintenance, and emergency costs for
20 the hydroelectric facilities at the Falcon and Amistad
21 Dams, \$2,500,000, to remain available until expended,
22 and to be derived from the Falcon and Amistad Operating
23 and Maintenance Fund of the Western Area Power Ad-
24 ministration, as provided in section 423 of the Foreign
25 Relations Authorization Act, Fiscal Years 1994 and 1995.

1 FEDERAL ENERGY REGULATORY COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Energy Regu-
4 latory Commission to carry out the provisions of the De-
5 partment of Energy Organization Act (42 U.S.C. 7101 et
6 seq.), including services as authorized by 5 U.S.C. 3109,
7 the hire of passenger motor vehicles, and official reception
8 and representation expenses not to exceed \$3,000,
9 \$260,425,000, to remain available until expended: *Pro-*
10 *vided*, That notwithstanding any other provision of law,
11 not to exceed \$260,425,000 of revenues from fees and an-
12 nual charges, and other services and collections in fiscal
13 year 2008 shall be retained and used for necessary ex-
14 penses in this account, and shall remain available until
15 expended: *Provided further*, That the sum herein appro-
16 priated from the general fund shall be reduced as revenues
17 are received during fiscal year 2008 so as to result in a
18 final fiscal year 2008 appropriation from the general fund
19 estimated at not more than \$0.

20 GENERAL PROVISIONS, DEPARTMENT OF

21 ENERGY

22 SEC. 301. CONTRACT COMPETITION. (a) None of the
23 funds in this or any other appropriations Act for fiscal
24 year 2008 or any previous fiscal year may be used to make
25 payments for a noncompetitive management and operating

1 contract, or a contract for environmental remediation or
2 waste management in excess of \$100,000,000 in annual
3 funding at a current or former management and operating
4 contract site or facility, or award a significant extension
5 or expansion to an existing management and operating
6 contract, or other contract covered by this section, unless
7 such contract is awarded using competitive procedures or
8 the Secretary of Energy grants, on a case-by-case basis,
9 a waiver to allow for such a deviation. The Secretary may
10 not delegate the authority to grant such a waiver.

11 (b) The term "competitive procedures" has the mean-
12 ing provided in section 4 of the Office of Federal Procure-
13 ment Policy Act (41 U.S.C. 403) and includes procedures
14 described in section 303 of the Federal Property and Ad-
15 ministrative Services Act of 1949 (41 U.S.C. 253) other
16 than a procedure that solicits a proposal from only one
17 source.

18 (c) Within 30 days of formally notifying an incum-
19 bent contractor that the Secretary intends to grant such
20 a waiver, the Secretary shall submit to the Subcommittees
21 on Energy and Water Development of the Committees on
22 Appropriations of the House of Representatives and the
23 Senate a report notifying the Subcommittees of the waiver
24 and setting forth, in specificity, the substantive reasons

1 why the Secretary believes the requirement for competition
2 should be waived for this particular award.

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

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

10 (1) develop or implement a workforce restruc-
11 turing plan that covers employees of the Department
12 of Energy; or

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

18 SEC. 304. SECTION 3161 ASSISTANCE. None of the
19 funds appropriated by this Act may be used to augment
20 the funds made available for obligation by this Act for sev-
21 erance payments and other benefits and community assist-
22 ance grants under section 3161 of the National Defense
23 Authorization Act for Fiscal Year 1993 (Public Law 102-
24 484; 42 U.S.C. 7274h) unless the Department of Energy

1 submits a reprogramming request to the appropriate con-
2 gressional committees.

3 SEC. 305. UNEXPENDED BALANCES. The unex-
4 pended balances of prior appropriations provided for ac-
5 tivities in this Act may be available to the same appropria-
6 tion accounts for such activities established pursuant to
7 this title. Available balances may be merged with funds
8 in the applicable established accounts and thereafter may
9 be accounted for as one fund for the same time period
10 as originally enacted.

11 SEC. 306. BONNEVILLE POWER AUTHORITY SERV-
12 ICE TERRITORY. None of the funds in this or any other
13 Act for the Administrator of the Bonneville Power Admin-
14 istration may be used to enter into any agreement to per-
15 form energy efficiency services outside the legally defined
16 Bonneville service territory, with the exception of services
17 provided internationally, including services provided on a
18 reimbursable basis, unless the Administrator certifies in
19 advance that such services are not available from private
20 sector businesses.

21 SEC. 307. USER FACILITIES. When the Department
22 of Energy makes a user facility available to universities
23 or other potential users, or seeks input from universities
24 or other potential users regarding significant characteris-
25 ties or equipment in a user facility or a proposed user fa-

1 cility, the Department shall ensure broad public notice of
2 such availability or such need for input to universities and
3 other potential users. When the Department of Energy
4 considers the participation of a university or other poten-
5 tial user as a formal partner in the establishment or oper-
6 ation of a user facility, the Department shall employ full
7 and open competition in selecting such a partner. For pur-
8 poses of this section, the term "user facility" includes, but
9 is not limited to: (1) a user facility as described in section
10 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C.
11 13503(a)(2)); (2) a National Nuclear Security Adminis-
12 tration Defense Programs Technology Deployment Cen-
13 ter/User Facility; and (3) any other Departmental facility
14 designated by the Department as a user facility.

15 SEC. 308. INTELLIGENCE ACTIVITIES. Funds appro-
16 priated by this or any other Act, or made available by the
17 transfer of funds in this Act, for intelligence activities are
18 deemed to be specifically authorized by the Congress for
19 purposes of section 504 of the National Security Act of
20 1947 (50 U.S.C. 414) during fiscal year 2008 until the
21 enactment of the Intelligence Authorization Act for fiscal
22 year 2008.

23 SEC. 309. LABORATORY DIRECTED RESEARCH AND
24 DEVELOPMENT. Of the funds made available by the De-
25 partment of Energy for activities at government-owned,

1 contractor-operator operated laboratories funded in this
2 Act or subsequent Energy and Water Development Appro-
3 priations Acts, the Secretary may authorize a specific
4 amount, not to exceed 8 percent of such funds, to be used
5 by such laboratories for laboratory-directed research and
6 development: *Provided*, That the Secretary may also au-
7 thorize a specific amount not to exceed 4 percent of such
8 funds, to be used by the plant manager of a covered nu-
9 clear weapons production plant or the manager of the Ne-
10 vada Site Office for plant or site-directed research and de-
11 velopment: *Provided further*, That notwithstanding De-
12 partment of Energy order 413.2A, dated January 8, 2001,
13 beginning in fiscal year 2006 and thereafter, all DOE lab-
14 oratories may be eligible for laboratory directed research
15 and development funding.

16 SEC. 310. YIELD RATE. For fiscal year 2008, except
17 as otherwise provided by law in effect as of the date of
18 this Act or unless a rate is specifically set by an Act of
19 Congress thereafter, the Administrators of the South-
20 eastern Power Administration, the Southwestern Power
21 Administration, and the Western Area Power Administra-
22 tion, shall use the "yield" rate in computing interest dur-
23 ing construction and interest on the unpaid balance of the
24 costs of Federal power facilities. The yield rate shall be
25 defined as the average yield during the preceding fiscal

1 year on interest-bearing marketable securities of the
2 United States which, at the time the computation is made,
3 have terms of 15 years or more remaining to maturity.

4 SEC. 311. USE PERMIT. The Use Permit granted to
5 the contractor for activities conducted at the Pacific
6 Northwest National Laboratory by Agreement DE-
7 GM05-00RL01831 between the Department of Energy
8 and the contractor shall continue in effect during the term
9 of the existing Operating Contract and the extensions or
10 renewals thereof and shall be incorporated into any future
11 management and operating contract for the Pacific North-
12 west National Laboratory and such Use Permit may not
13 be waived, modified or terminated unless agreed to by both
14 contractor and the Department of Energy.

15 SEC. 312. (a) ACROSS-THE-BOARD RESCISSIONS.—
16 There is hereby rescinded—

17 (1) from discretionary accounts in this title that
18 contain congressionally directed projects, an amount
19 equal to 1.6 percent of the budget authority pro-
20 vided for fiscal year 2008 for such projects; and

21 (2) from all discretionary accounts in this title,
22 an amount equal to 0.91 percent of the other budget
23 authority provided for fiscal year 2008.

24 (b) DEFINITIONS.—For purposes of this section:

1 (1) The term "congressionally directed project"
2 means a congressional earmark or congressionally
3 directed spending item specified in the list of such
4 earmarks and items for this division that is included
5 in the explanatory statement described in section 4
6 (in the matter preceding division A of this consoli-
7 dated Act).

8 (2) The term "other budget authority" means
9 an amount equal to all discretionary budget author-
10 ity, less the amount provided for congressionally di-
11 rected projects.

12 (c) PROPORTIONATE APPLICATION TO OTHER PRO-
13 GRAMS, PROJECTS, AND ACTIVITIES.—Any rescission
14 made by subsection (a)(2) shall be applied proportion-
15 ately—

16 (1) to each discretionary account; and

17 (2) within each such account, to each program,
18 project, and activity (with programs, projects, and
19 activities as delineated in the appropriation Act or
20 accompanying reports for the relevant fiscal year
21 covering such account).

22 (d) ~~OMB REPORT.~~—Within 30 days after the date
23 of the enactment of this section, the ~~Director of the Office~~
24 ~~of Management and Budget~~ shall submit to the Commit-
25 tees on Appropriations of the House of Representatives

Secretary of Energy

1 and the Senate a report specifying the account and
2 amount of each rescission made pursuant to this section.

3 TITLE IV

4 INDEPENDENT AGENCIES

5 APPALACHIAN REGIONAL COMMISSION

6 For expenses necessary to carry out the programs au-
7 thorized by the Appalachian Regional Development Act of
8 1965, as amended, notwithstanding 40 U.S.C. 14704,
9 and, for necessary expenses for the Federal Co-Chairman
10 and the alternate on the Appalachian Regional Commis-
11 sion, for payment of the Federal share of the administra-
12 tive expenses of the Commission, including services as au-
13 thorized by 5 U.S.C. 3109, and hire of passenger motor
14 vehicles, \$73,032,000, to remain available until expended:
15 *Provided*, That any congressionally directed spending shall
16 be taken from within that State's allocation in the fiscal
17 year in which it is provided.

18 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

19 SALARIES AND EXPENSES

20 For necessary expenses of the Defense Nuclear Fa-
21 cilities Safety Board in carrying out activities authorized
22 by the Atomic Energy Act of 1954, as amended by Public
23 Law 100-456, section 1441, \$21,909,000, to remain
24 available until expended.

1 DELTA REGIONAL AUTHORITY

2 SALARIES AND EXPENSES

3 For necessary expenses of the Delta Regional Author-
4 ity and to carry out its activities, as authorized by the
5 Delta Regional Authority Act of 2000, as amended, not-
6 withstanding sections 382C(b)(2), 382F(d), 382M, and
7 382N of said Act, \$11,685,000, to remain available until
8 expended.

9 DENALI COMMISSION

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

16 NUCLEAR REGULATORY COMMISSION

17 SALARIES AND EXPENSES

18 For necessary expenses of the Commission in car-
19 rying out the purposes of the Energy Reorganization Act
20 of 1974 and the Atomic Energy Act of 1954, including
21 official representation expenses (not to exceed \$25,000),
22 \$917,334,000, to remain available until expended: *Pro-*
23 *vided*, That of the amount appropriated herein,
24 \$29,025,000 shall be derived from the Nuclear Waste
25 Fund: *Provided further*, That revenues from licensing fees,

1 inspection services, and other services and collections esti-
2 mated at \$771,220,000 in fiscal year 2008 shall be re-
3 tained and used for necessary salaries and expenses in this
4 account, notwithstanding 31 U.S.C. 3302, and shall re-
5 main available until expended: *Provided further*, That the
6 sum herein appropriated shall be reduced by the amount
7 of revenues received during fiscal year 2008 so as to result
8 in a final fiscal year 2008 appropriation estimated at not
9 more than \$146,114,000: *Provided further*, That such
10 funds as are made available for necessary expenses of the
11 Commission by this Act or any other Act may be used
12 for lease payments for additional office space provided by
13 the General Services Administration for personnel of the
14 U.S. Nuclear Regulatory Commission as close as reason-
15 ably possible to the Commission's headquarters location
16 in Rockville, Maryland, and of such square footage and
17 for such lease term, as are determined by the Commission
18 to be necessary to maintain the agency's regulatory effec-
19 tiveness, efficiency, and emergency response capability:
20 *Provided further*, That notwithstanding any other provi-
21 sion of law or any prevailing practice, the rental square
22 foot rate paid for the lease of space for such purpose shall,
23 to the extent necessary to obtain the space, be based on
24 the prevailing lease rates in the immediate vicinity of the
25 Commission's headquarters.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978, as amended, \$8,744,000, to remain
5 available until expended: *Provided*, That revenues from li-
6 censing fees, inspection services, and other services and
7 collections estimated at \$7,870,000 in fiscal year 2008
8 shall be retained and be available until expended, for nec-
9 essary salaries and expenses in this account, notwith-
10 standing 31 U.S.C. 3302: *Provided further*, That the sum
11 herein appropriated shall be reduced by the amount of rev-
12 enues received during fiscal year 2008 so as to result in
13 a final fiscal year 2008 appropriation estimated at not
14 more than \$874,000.

15 NUCLEAR WASTE TECHNICAL REVIEW BOARD

16 SALARIES AND EXPENSES

17 For necessary expenses of the Nuclear Waste Tech-
18 nical Review Board, as authorized by Public Law 100-
19 203, section 5051, \$3,621,000, to be derived from the Nu-
20 clear Waste Fund, and to remain available until expended.

21 OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA

22 NATURAL GAS TRANSPORTATION PROJECTS

23 For necessary expenses for the Office of the Federal
24 Coordinator for Alaska Natural Gas Transportation

1 Projects pursuant to the Alaska Natural Gas Pipeline Act
2 of 2004, \$2,261,000.

3 GENERAL PROVISION, INDEPENDENT AGENCIES

4 SEC. 401. Section 2(f)(2) of the Tennessee Valley Au-
5 thority Act of 1933 (16 U.S.C. 831a(f)(2)) is amended
6 by striking the phrase “stipend under paragraph
7 (1)(A)(i)” and inserting in lieu thereof “stipends under
8 paragraph (1)(A)”.

9 TITLE V

10 GENERAL PROVISIONS

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

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

22 This division may be cited as the “Energy and Water
23 Development and Related Agencies Appropriations Act,
24 2008”.