

## [Full Committee Print]

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## Union Calendar No.

110TH CONGRESS  
2D SESSION

# H. R.

[Report No. 110-\_\_]

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

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## IN THE HOUSE OF REPRESENTATIVES

\_\_\_\_, 2008

Mr. VISCLOSKY, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

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

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

1 That the following sums are appropriated, out of any  
2 money in the Treasury not otherwise appropriated, for en-  
3 ergy and water development and related agencies for the  
4 fiscal year ending September 30, 2009, and for other pur-  
5 poses, namely:

6 TITLE I—CORPS OF ENGINEERS—CIVIL

7 DEPARTMENT OF THE ARMY

8 CORPS OF ENGINEERS—CIVIL

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

16 INVESTIGATIONS

17 (INCLUDING RESCISSION OF FUNDS)

18 For expenses necessary for the collection and study  
19 of basic information pertaining to river and harbor, flood  
20 and storm damage reduction, shore protection, aquatic  
21 ecosystem restoration, and related needs; for surveys and  
22 detailed studies, and plans and specifications of proposed  
23 river and harbor, flood and storm damage reduction, shore  
24 protection, and aquatic ecosystem restoration projects and  
25 related efforts prior to construction; for restudy of author-

1 ized projects; and for miscellaneous investigations and,  
2 when authorized by law, surveys and detailed studies, and  
3 plans and specifications of projects, \$142,900,000, to re-  
4 main available until expended: *Provided*, That of the funds  
5 provided under this heading of Public Law 110-161,  
6 \$1,900,000 are rescinded: *Provided further*, That the  
7 amounts made available under this paragraph shall be ex-  
8 pended as authorized in law for the projects specified in  
9 the table and activities specified in the text that appear  
10 under the heading "Investigations" in the report of the  
11 Committee on Appropriations of the House of Representa-  
12 tives to accompany this Act.

13 CONSTRUCTION

14 For expenses necessary for the construction of river  
15 and harbor, flood and storm damage reduction, shore pro-  
16 tection, aquatic ecosystem restoration, and related  
17 projects; for conducting detailed studies, and plans and  
18 specifications, of such projects (including those involving  
19 participation by States, local governments, or private  
20 groups) authorized or made eligible for selection by law  
21 (but such detailed studies, and plans and specifications,  
22 shall not constitute a commitment of the Government to  
23 construction), \$2,070,000,000, to remain available until  
24 expended, of which such sums as are necessary to cover  
25 the Federal share of construction costs for facilities under

1 the Dredged Material Disposal Facilities program shall be  
2 derived from the Harbor Maintenance Trust Fund as au-  
3 thorized by Public Law 104-303; and of which such sums  
4 as are necessary pursuant to Public Law 99-662 to cover  
5 one-half of the costs of construction of inland waterways  
6 projects shall be derived from the Inland Waterways Trust  
7 Fund: *Provided*, That the amounts made available under  
8 this paragraph shall be expended as authorized in law for  
9 the projects specified in the tables and activities specified  
10 in the text that appear under the heading "Construction"  
11 of the report of the Committee on Appropriations of the  
12 House of Representatives to accompany this Act.

13 MISSISSIPPI RIVER AND TRIBUTARIES

14 For expenses necessary for flood damage reduction  
15 projects and related efforts in the Mississippi River allu-  
16 vial valley below Cape Girardeau, Missouri, as authorized  
17 by law, \$278,000,000, to remain available until expended,  
18 of which such sums as are necessary to cover the Federal  
19 share of eligible operation and maintenance costs for in-  
20 land harbors shall be derived from the Harbor Mainte-  
21 nance Trust Fund: *Provided*, That the amounts made  
22 available under this paragraph shall be expended as au-  
23 thorized in law for the projects specified in the table and  
24 the activities specified in the text that appear under the  
25 heading "Mississippi River and Tributaries" in the report

1 of the Committee on Appropriations of the House of Rep-  
2 resentatives to accompany this Act.

3 OPERATION AND MAINTENANCE

4 For expenses necessary for the operation, mainte-  
5 nance, and care of existing river and harbor, flood and  
6 storm damage reduction, aquatic ecosystem restoration,  
7 and related projects authorized by law; providing security  
8 for infrastructure owned or operated by the Corps, includ-  
9 ing administrative buildings and laboratories; maintaining  
10 harbor channels provided by a State, municipality, or  
11 other public agency that serve essential navigation needs  
12 of general commerce, where authorized by law; surveying  
13 and charting northern and northwestern lakes and con-  
14 necting waters; clearing and straightening channels; and  
15 removing obstructions to navigation, \$2,300,000,000, to  
16 remain available until expended, of which such sums as  
17 are necessary to cover the Federal share of eligible oper-  
18 ation and maintenance costs for coastal harbors and chan-  
19 nels, and for inland harbors shall be derived from the Har-  
20 bor Maintenance Trust Fund; of which such sums as be-  
21 come available from the special account for the Corps es-  
22 tablished by the Land and Water Conservation Act of  
23 1965, as amended (16 U.S.C. 4601-6a(i)), shall be derived  
24 from that account for resource protection, research, inter-  
25 pretation, and maintenance activities related to resource

1 protection in the areas at which outdoor recreation is  
2 available; and of which such sums as become available  
3 from fees collected under section 217 of the Water Re-  
4 sources Development Act of 1996 (Public Law 104–303),  
5 shall be used to cover the cost of operation and mainte-  
6 nance of the dredged material disposal facilities for which  
7 such fees have been collected: *Provided*, That the amounts  
8 made available under this paragraph shall be expended as  
9 authorized in law for the projects specified in the table  
10 and activities specified in the text that appear under the  
11 heading “Operation and Maintenance” in the report of the  
12 Committee on Appropriations of the House of Representa-  
13 tives to accompany this Act.

14 REGULATORY PROGRAM

15 For expenses necessary for administration of laws  
16 pertaining to regulation of navigable waters and wetlands,  
17 \$180,000,000, to remain available until expended.

18 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

19 For expenses necessary to clean up contamination  
20 from sites in the United States resulting from work per-  
21 formed as part of the Nation’s early atomic energy pro-  
22 gram, \$140,000,000, to remain available until expended.

23 FLOOD CONTROL AND COASTAL EMERGENCIES

24 For expenses necessary to prepare for flood, hurri-  
25 cane, and other natural disasters and support emergency



1 (not to exceed 100 for replacement only) and hire of pas-  
2 senger motor vehicles for the civil works program.

3                   GENERAL PROVISIONS, CORPS OF  
4                   ENGINEERS—CIVIL

5       SEC. 101. None of the funds made available in this  
6 title may be used to award or modify any contract that  
7 commits an amount for a project in excess of the amounts  
8 appropriated for that project that remain unobligated.

9       SEC. 102. None of the funds made available in this  
10 title shall be used to award a continuing contract for any  
11 project for which funds are derived from the Inland Wa-  
12 terways Trust Fund.

13       SEC. 103. None of the funds in this Act shall be used  
14 to implement any pending or future competitive sourcing  
15 actions under OMB Circular A-76 or High Performing  
16 Organizations for the U.S. Army Corps of Engineers.

17                   TITLE II—DEPARTMENT OF THE INTERIOR  
18                   CENTRAL UTAH PROJECT

19                   CENTRAL UTAH PROJECT COMPLETION ACCOUNT

20       For carrying out activities authorized by the Central  
21 Utah Project Completion Act, \$40,360,000, to remain  
22 available until expended, of which \$987,000 shall be de-  
23 posited into the Utah Reclamation Mitigation and Con-  
24 servation Account for use by the Utah Reclamation Miti-  
25 gation and Conservation Commission.



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

4 For fiscal year 2009, the Commission may use an  
5 amount not to exceed \$1,500,000 for administrative ex-  
6 penses.

7 BUREAU OF RECLAMATION

8 The following appropriations shall be expended to  
9 execute authorized functions of the Bureau of Reclama-  
10 tion:

11 WATER AND RELATED RESOURCES

12 (INCLUDING RESCISSION AND TRANSFERS OF FUNDS)

13 For management, development, and restoration of  
14 water and related natural resources and for related activi-  
15 ties, including the operation, maintenance, and rehabilita-  
16 tion of reclamation and other facilities, participation in  
17 fulfilling related Federal responsibilities to Native Ameri-  
18 cans, and related grants to, and cooperative and other  
19 agreements with, State and local governments, federally  
20 recognized Indian tribes, and others, \$888,000,000, to re-  
21 main available until expended, of which \$46,655,000 shall  
22 be available for transfer to the Upper Colorado River  
23 Basin Fund and \$26,451,000 shall be available for trans-  
24 fer to the Lower Colorado River Basin Development Fund;  
25 of which such amounts as may be necessary may be ad-

1 vanced to the Colorado River Dam Fund; of which not  
2 more than \$500,000 is for high priority projects which  
3 shall be carried out by the Youth Conservation Corps, as  
4 authorized by section 106 of Public Law 91-378 (16  
5 U.S.C. 1706): *Provided*, That of the total appropriated,  
6 the amount for program activities that can be financed  
7 by the Reclamation Fund or the Bureau of Reclamation  
8 special fee account established by 16 U.S.C. 4601-6a(i)  
9 shall be derived from that Fund or account: *Provided fur-*  
10 *ther*, That funds contributed under section 1 of the Act  
11 of March 4, 1921 (43 U.S.C. 395) are available until ex-  
12 pended for the purposes for which contributed: *Provided*  
13 *further*, That funds advanced under the Act of January  
14 12, 1927 (43 U.S.C. 397a) shall be credited to this ac-  
15 count and are available until expended for the same pur-  
16 poses as the sums appropriated under this heading: *Pro-*  
17 *vided further*, That \$3,000,000 of the funds appropriated  
18 under this heading shall be deposited in the San Gabriel  
19 Basin Restoration Fund established by section 110 of title  
20 I of appendix D of Public Law 106-554: *Provided further*,  
21 That \$120,000,000 of the unobligated balances made  
22 available under section 2507 of the Farm Security and  
23 Rural Investment Act of 2002 (43 U.S.C. 2211 note), as  
24 amended by section 2807 of the Food, Conservation, and  
25 Energy Act of 2008 (Public Law 110-234), for Desert

1 Terminal Lakes, is rescinded: *Provided further*, That the  
2 amounts made available under this paragraph shall be ex-  
3 pended as authorized in law for the projects specified in  
4 the tables and activities specified in the text that appear  
5 under the heading “Water and Related Resources” of the  
6 report of the Committee on Appropriations of the House  
7 of Representatives to accompany this Act.

8       CENTRAL VALLEY PROJECT RESTORATION FUND

9       For carrying out the programs, projects, plans, and  
10 habitat restoration, improvement, and acquisition provi-  
11 sions of the Central Valley Project Improvement Act,  
12 \$56,079,000, to be derived from such sums as may be col-  
13 lected in the Central Valley Project Restoration Fund pur-  
14 suant to sections 3407(d), 3404(c)(3), and 3405(f) of  
15 Public Law 102–575, to remain available until expended:  
16 *Provided*, That the Bureau of Reclamation is directed to  
17 assess and collect the full amount of the additional mitiga-  
18 tion and restoration payments authorized by section  
19 3407(d) of Public Law 102–575: *Provided further*, That  
20 none of the funds made available under this heading may  
21 be used for the acquisition or leasing of water for in-  
22 stream purposes if the water is already committed to in-  
23 stream purposes by a court adopted decree or order: *Pro-*  
24 *vided further*, That the amounts made available under this  
25 paragraph shall be expended as authorized in law for the

1 projects specified in the tables and activities specified in  
2 the text that appear under the heading “Central Valley  
3 Project Restoration Fund” of the report of the Committee  
4 on Appropriations of the House of Representatives to ac-  
5 company this Act.

6 CALIFORNIA BAY-DELTA RESTORATION

7 (INCLUDING TRANSFER OF FUNDS)

8 For carrying out activities authorized by the Water  
9 Supply, Reliability, and Environmental Improvement Act,  
10 consistent with plans to be approved by the Secretary of  
11 the Interior, \$37,000,000, to remain available until ex-  
12 pended, of which such amounts as may be necessary to  
13 carry out such activities may be transferred to appropriate  
14 accounts of other participating Federal agencies to carry  
15 out authorized purposes: *Provided*, That funds appro-  
16 priated herein may be used for the Federal share of the  
17 costs of CALFED Program management: *Provided fur-*  
18 *ther*, That the use of any funds provided to the California  
19 Bay-Delta Authority for program-wide management and  
20 oversight activities shall be subject to the approval of the  
21 Secretary of the Interior: *Provided further*, That CALFED  
22 implementation shall be carried out in a balanced manner  
23 with clear performance measures demonstrating concur-  
24 rent progress in achieving the goals and objectives of the  
25 Program: *Provided further*, That the amounts made avail-

1 able under this paragraph shall be expended as authorized  
2 in law for the projects specified in the tables and activities  
3 specified in the text that appear under the heading “Calif-  
4 ornia Bay-Delta Restoration” of the report of the Com-  
5 mittee on Appropriations of the House of Representatives  
6 to accompany this Act.

7 POLICY AND ADMINISTRATION

8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary expenses of policy, administration, and  
10 related functions in the Office of the Commissioner, the  
11 Denver office, and offices in the five regions of the Bureau  
12 of Reclamation, to remain available until expended,  
13 \$54,400,000, to be derived from the Reclamation Fund  
14 and be nonreimbursable as provided in section 4 of the  
15 Act of December 5, 1924 (43 U.S.C. 377): *Provided*, That  
16 no part of any other appropriation in this Act shall be  
17 available for activities or functions budgeted as policy and  
18 administration expenses: *Provided further*, That, of the  
19 funds provided under this heading, \$10,000,000 shall be  
20 transferred to “Water and Related Resources” upon the  
21 expiration of the 90-day period following the date of enact-  
22 ment of this Act if during such period, the Secretary of  
23 the Interior has not submitted to the Committees on Ap-  
24 propriations of the House of Representatives and the Sen-  
25 ate the Bureau of Reclamation’s five-year budget plan.

## 1 ADMINISTRATIVE PROVISION

2 Appropriations for the Bureau of Reclamation shall  
3 be available for purchase of not to exceed 7 passenger  
4 motor vehicles, which are for replacement only.

5 GENERAL PROVISIONS, DEPARTMENT OF THE  
6 INTERIOR

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

16 (b) The costs of the Kesterson Reservoir Cleanup  
17 Program and the costs of the San Joaquin Valley Drain-  
18 age Program shall be classified by the Secretary of the  
19 Interior as reimbursable or nonreimbursable and collected  
20 until fully repaid pursuant to the "Cleanup Program-Al-  
21 ternative Repayment Plan" and the "SJVDP-Alternative  
22 Repayment Plan" described in the report entitled "Repay-  
23 ment Report, Kesterson Reservoir Cleanup Program and  
24 San Joaquin Valley Drainage Program, February 1995",  
25 prepared by the Department of the Interior, Bureau of

1 Reclamation. Any future obligations of funds by the  
2 United States relating to, or providing for, drainage serv-  
3 ice or drainage studies for the San Luis Unit shall be fully  
4 reimbursable by San Luis Unit beneficiaries of such serv-  
5 ice or studies pursuant to Federal reclamation law.

6 TITLE III—DEPARTMENT OF ENERGY

7 ENERGY PROGRAMS

8 ENERGY EFFICIENCY AND RENEWABLE ENERGY

9 For Department of Energy expenses including the  
10 purchase, construction, and acquisition of plant and cap-  
11 ital equipment, and other expenses necessary for energy  
12 efficiency and renewable energy activities in carrying out  
13 the purposes of the Department of Energy Organization  
14 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
15 condemnation of any real property or any facility or for  
16 plant or facility acquisition, construction, or expansion,  
17 and the purchase of not to exceed two passenger vehicles  
18 for replacement, \$2,518,552,000, to remain available until  
19 expended, of which \$150,000,000 is for the cost of direct  
20 loans, as authorized by subsection (d) of section 136 of  
21 the Energy Independence and Security Act of 2007 (42  
22 U.S.C. 17013): *Provided*, That commitments for direct  
23 loans shall not exceed \$1,000,000,000 in total loan prin-  
24 cipal: *Provided further*, That of the amount appropriated  
25 in this paragraph, \$134,670,000 shall be used for the

1 projects specified in the table that appears under the head-  
2 ing “Congressionally Directed Energy Efficiency and Re-  
3 newable Energy Projects” in the report of the Committee  
4 on Appropriations of the House of Representatives to ac-  
5 company this Act.

#### 6 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

7 For Department of Energy expenses including the  
8 purchase, construction, and acquisition of plant and cap-  
9 ital equipment, and other expenses necessary for elec-  
10 tricity delivery and energy reliability activities in carrying  
11 out the purposes of the Department of Energy Organiza-  
12 tion Act (42 U.S.C. 7101 et seq.), including the acquisi-  
13 tion or condemnation of any real property or any facility  
14 or for plant or facility acquisition, construction, or expan-  
15 sion, \$149,250,000, to remain available until expended:  
16 *Provided*, That of the amount appropriated in this para-  
17 graph, \$5,250,000 shall be used for the projects specified  
18 in the table that appears under the heading “Congression-  
19 ally Directed Electricity Delivery and Energy Reliability  
20 Projects” in the report of the Committee on Appropria-  
21 tions of the House of Representatives to accompany this  
22 Act.

#### 23 NUCLEAR ENERGY

24 For Department of Energy expenses for nuclear en-  
25 ergy activities managed and executed by the Office of Nu-



1 clear Energy, including the purchase, construction, and  
2 acquisition of plant and capital equipment, and other ex-  
3 penses necessary for nuclear energy activities in carrying  
4 out the purposes of the Department of Energy Organiza-  
5 tion Act (42 U.S.C. 7101 et seq.), including the acquisi-  
6 tion or condemnation of any real property or any facility  
7 or for plant or facility acquisition, construction, or expan-  
8 sion, and the purchase of not to exceed 29 passenger  
9 motor vehicles, including three new buses and 26 replace-  
10 ment vehicles, including one ambulance, \$1,238,852,000,  
11 to remain available until expended: *Provided*, That  
12 \$487,008,000 is authorized to be appropriated for Project  
13 99-D-143 Mixed Oxide (MOX) Fuel Fabrication Facility,  
14 Savannah River Site, South Carolina: *Provided further*,  
15 That the Department of Energy adhere strictly to Depart-  
16 ment of Energy Order 413.3A for Project 99-D-143: *Pro-*  
17 *vided further*, That the management and execution of  
18 Project 99-D-143 Mixed Oxide (MOX) Fuel Fabrica-  
19 tion Facility, Savannah River Site, South Carolina, with  
20 amounts made available under this heading shall be car-  
21 ried out by the Office of Nuclear Energy, and not by the  
22 National Nuclear Security Administration.

## 1       FOSSIL ENERGY RESEARCH AND DEVELOPMENT

2                   (INCLUDING TRANSFER OF FUNDS)

3       For necessary expenses in carrying out fossil energy  
4 research and development activities, under the authority  
5 of the Department of Energy Organization Act (Public  
6 Law 95-91), including the acquisition of interest, includ-  
7 ing defeasible and equitable interests, in any real property  
8 or any facility or for plant or facility acquisition or expan-  
9 sion, and for conducting inquiries, technological investiga-  
10 tions, and research concerning the extraction, processing,  
11 use, and disposal of mineral substances without objection-  
12 able social and environmental costs in accordance with the  
13 principles set forth in section 2 of the Act of May 16, 1910  
14 (30 U.S.C. 3), \$853,578,000, to remain available until ex-  
15 pended, of which \$149,000,000 shall be derived by trans-  
16 fer from "Clean Coal Technology": *Provided*, That of the  
17 amounts provided, \$241,000,000 is available for the car-  
18 bon capture demonstration solicitation, pursuant to title  
19 VII of the Energy Independence and Security Act of 2007:  
20 *Provided further*, That funds appropriated for prior solici-  
21 tations under the Clean Coal Technology Program, the  
22 Power Plant Improvement Initiative, the Clean Coal  
23 Power Initiative, and FutureGen, but not required by the  
24 Department to meet its obligations on projects selected  
25 under such solicitations, may be utilized for the carbon

1 capture demonstration solicitation under this Act in ac-  
2 cordance with the requirements of this Act rather than  
3 the Acts under which the funds were appropriated: *Pro-*  
4 *vided further*, That no carbon capture demonstration  
5 project may be selected for which full funding is not avail-  
6 able to provide for the total project: *Provided further*, That  
7 if a carbon capture demonstration application, selected  
8 after the date of enactment of this Act for negotiation  
9 under this or any other Act in any fiscal year, is not  
10 awarded within two years from the date the application  
11 was selected, negotiations shall cease and the Federal  
12 funds committed to the application shall be retained by  
13 the Department for future coal related research, develop-  
14 ment, and demonstration projects, except that the time  
15 limit may be extended at the Secretary's discretion for  
16 matters outside the control of the applicant, or if the Sec-  
17 retary determines that extension of the time limit is in  
18 the public interest: *Provided further*, That the Secretary  
19 may not delegate this responsibility for carbon capture  
20 demonstration applications greater than \$10,000,000:  
21 *Provided further*, That financial assistance for costs in ex-  
22 cess of those estimated as of the date of award of original  
23 carbon capture demonstration financial assistance may  
24 not be provided in excess of the proportion of costs borne  
25 by the Government in the original agreement and shall

1 be limited to 25 percent of the original financial assist-  
2 ance: *Provided further*, That funds shall be expended in  
3 accordance with the provisions governing the use of funds  
4 contained under the heading “Clean Coal Technology” in  
5 section 5903d of title 42, United States Code, as well as  
6 those contained under the heading “Clean Coal Tech-  
7 nology” in prior appropriations Acts: *Provided further*,  
8 That any technology selected under the carbon capture  
9 demonstration solicitation shall be considered a Clean Coal  
10 Technology, and any carbon capture demonstration  
11 project selected under this program shall be considered a  
12 Clean Coal Technology Project, for the purposes of section  
13 7651n of title 42, United States Code, and chapters 51,  
14 52, and 60 of title 40 of the Code of Federal Regulations:  
15 *Provided further*, That, notwithstanding any other provi-  
16 sion of law, at least 50 percent non-Federal cost-sharing  
17 shall be required in each budget period of a carbon capture  
18 demonstration project: *Provided further*, That no part of  
19 the sum herein made available shall be used for the field  
20 testing of nuclear explosives in the recovery of oil and gas:  
21 *Provided further*, That in this Act and future Acts, pro-  
22 gram direction funds available to the National Energy  
23 Technology Laboratory shall only be used to support De-  
24 partment of Energy activities included in this Fossil En-  
25 ergy account: *Provided further*, That of the amount appro-

1 priated in this paragraph \$13,680,000 shall be used for  
2 the projects specified in the table that appears under the  
3 heading “Congressionally Directed Fossil Energy Re-  
4 search and Development Projects” in the report of the  
5 Committee on Appropriations of the House of Representa-  
6 tives to accompany this Act.

7       NAVAL PETROLEUM AND OIL SHALE RESERVES

8       For expenses necessary to carry out naval petroleum  
9 and oil shale reserve activities, including the hire of pas-  
10 senger motor vehicles, \$19,099,000, to remain available  
11 until expended: *Provided*, That, notwithstanding any other  
12 provisions of law, unobligated funds remaining from prior  
13 years shall be available for all naval petroleum and oil  
14 shale reserve activities.

15               STRATEGIC PETROLEUM RESERVE

16       For necessary expenses for Strategic Petroleum Re-  
17 serve facility development and operations and program  
18 management activities pursuant to the Energy Policy and  
19 Conservation Act (42 U.S.C. 6201 et seq.), \$172,600,000,  
20 to remain available until expended.

21               NORTHEAST HOME HEATING OIL RESERVE

22       For necessary expenses for Northeast Home Heating  
23 Oil Reserve storage, operation, and management activities  
24 pursuant to the Energy Policy and Conservation Act,  
25 \$9,800,000, to remain available until expended.

## 1 ENERGY INFORMATION ADMINISTRATION

2 For necessary expenses in carrying out the activities  
3 of the Energy Information Administration, \$120,595,000,  
4 to remain available until expended.

## 5 NON-DEFENSE ENVIRONMENTAL CLEANUP

6 For Department of Energy expenses, including the  
7 purchase, construction, and acquisition of plant and cap-  
8 ital equipment and other expenses necessary for non-de-  
9 fense environmental cleanup activities in carrying out the  
10 purposes of the Department of Energy Organization Act  
11 (42 U.S.C. 7101 et seq.), including the acquisition or con-  
12 demnation of any real property or any facility or for plant  
13 or facility acquisition, construction, or expansion,  
14 \$257,019,000, to remain available until expended: *Pro-*  
15 *vided*, That of the amounts provided, \$5,000,000 is avail-  
16 able for necessary expenses for the purpose of carrying  
17 out remedial actions under this title at real property in  
18 the vicinity of the Tuba City processing site designated  
19 in section 102(a)(1), of the Uranium Mill Tailings Radi-  
20 ation Control Act of 1978 (Public Law 95-604; 42 U.S.C.  
21 7901 et seq.), notwithstanding section 112 of that Act,  
22 at a dump site immediately adjacent to the north-north-  
23 west section of the Tuba City processing site, and on the  
24 north side of Highway 160: *Provided further*, That of the  
25 amount appropriated in this paragraph, \$2,000,000 shall

1 be used for the projects specified in the table that appears  
2 under the heading “Congressionally Directed Non-Defense  
3 Environmental Cleanup Projects” in the report of the  
4 Committee on Appropriations of the House of Representa-  
5 tives to accompany this Act.

6 URANIUM ENRICHMENT DECONTAMINATION AND  
7 DECOMMISSIONING FUND

8 For necessary expenses in carrying out uranium en-  
9 richment facility decontamination and decommissioning,  
10 remedial actions, and other activities of title II of the  
11 Atomic Energy Act of 1954, and title X, subtitle A, of  
12 the Energy Policy Act of 1992, \$529,273,000, to be de-  
13 rived from the Uranium Enrichment Decontamination and  
14 Decommissioning Fund, to remain available until ex-  
15 pended, of which \$15,000,000 shall be available in accord-  
16 ance with title X, subtitle A, of the Energy Policy Act  
17 of 1992.

18 SCIENCE

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

1 tion, or expansion, and purchase of not to exceed 49 pas-  
2 senger motor vehicles for replacement only, including one  
3 law enforcement vehicle, one ambulance, and three buses,  
4 \$4,861,669,000, to remain available until expended: *Pro-*  
5 *vided*, That notwithstanding the provisions of section 3220  
6 of the NNSA Act (Public Law 106-65), as amended, the  
7 employees and contractors working on the Los Alamos  
8 Neutron Science Center (LANSCE) shall be subject to the  
9 authority, direction, and control of the Director of the Of-  
10 fice of Science and his designees with respect to research  
11 and operations involving isotope production for Office of  
12 Science applications and customers: *Provided further*,  
13 That of the amount appropriated in this paragraph,  
14 \$39,700,000 shall be used for the projects specified in the  
15 table that appears under the heading “Congressionally Di-  
16 rected Science Projects” in the report of the Committee  
17 on Appropriations of the House of Representatives to ac-  
18 company this Act.

19 NUCLEAR WASTE DISPOSAL

20 For nuclear waste disposal activities to carry out the  
21 purposes of the Nuclear Waste Policy Act of 1982, Public  
22 Law 97-425 (the “NWPA” ), including the acquisition  
23 of real property or facility construction or expansion,  
24 \$247,371,000, to remain available until expended, and to  
25 be derived from the Nuclear Waste Fund: *Provided*, That



1 of the funds made available in this Act for Nuclear Waste  
2 Disposal, 2.02 percent, but not to exceed \$5,000,000, shall  
3 be provided to the State of Nevada solely for expenditures,  
4 other than salaries and expenses of State employees, to  
5 conduct scientific oversight responsibilities and participate  
6 in licensing activities pursuant to the NWPA: *Provided*  
7 *further*, That notwithstanding the lack of a written agree-  
8 ment with the State of Nevada under section 117(c) of  
9 the NWPA, 0.4 percent, but not to exceed \$1,000,000,  
10 of the amounts provided shall be provided to Nye County,  
11 Nevada, for on-site oversight activities under section  
12 117(d) of that Act: *Provided further*, That 3.64 percent,  
13 but not to exceed \$9,000,000, shall be provided for af-  
14 fected units of local government, as defined in the NWPA,  
15 to conduct appropriate activities and participate in licens-  
16 ing activities: *Provided further*, That of the amounts pro-  
17 vided for affected units of local government, 7.5 percent  
18 shall be made available to affected units of local govern-  
19 ment in California with the balance made available to af-  
20 fected units of local government in Nevada for distribution  
21 as determined by the Nevada units of local government:  
22 *Provided further*, That 0.2 percent, but not to exceed  
23 \$500,000, shall be provided to the Timbisha-Shoshone  
24 Tribe solely for expenditures, other than salaries and ex-  
25 penses of tribal employees, to conduct appropriate activi-

1 ties and participate in licensing activities under section  
2 118(b) of the NWPA: *Provided further*, That notwith-  
3 standing section 116(c)(3) of the NWPA, 4.6 percent, but  
4 not to exceed \$11,500,000, shall be provided to Nye Coun-  
5 ty, Nevada, as payment equal to taxes under section  
6 116(c)(3) of that Act: *Provided further*, That the funds  
7 for the State of Nevada shall be made available solely to  
8 the Nevada Division of Emergency Management by direct  
9 payment and to units of local government by direct pay-  
10 ment: *Provided further*, That within 90 days of the comple-  
11 tion of each Federal fiscal year, the Nevada Division of  
12 Emergency Management and the Governor of the State  
13 of Nevada and each of the affected units of local govern-  
14 ment shall provide certification to the Department of En-  
15 ergy that all funds expended from such payments have  
16 been expended for activities authorized by the NWPA and  
17 this Act: *Provided further*, That failure to provide such  
18 certification shall cause such entity to be prohibited from  
19 any further funding provided for similar activities: *Pro-*  
20 *vided further*, That none of the funds herein appropriated  
21 may be: (1) used directly or indirectly to influence legisla-  
22 tive action, except for normal and recognized executive-  
23 legislative communications, on any matter pending before  
24 Congress or a State legislature or for lobbying activity as  
25 provided in 18 U.S.C. 1913; (2) used for litigation ex-

1 penses; or (3) used to support multi-State efforts or other  
2 coalition building activities inconsistent with the restric-  
3 tions contained in this Act: *Provided further*, That all pro-  
4 ceeds and recoveries realized by the Secretary in carrying  
5 out activities authorized by the NWPA, including but not  
6 limited to, any proceeds from the sale of assets, shall be  
7 available without further appropriation and shall remain  
8 available until expended.

9 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE  
10 LOAN PROGRAM

11 Subject to section 502 of the Congressional Budget  
12 Act of 1974, during fiscal years 2008 through 2011 com-  
13 mitments to guarantee loans under title XVII of the En-  
14 ergy Policy Act of 2005 shall not exceed a total principal  
15 amount, any part of which is to be guaranteed, of  
16 \$28,500,000,000 for eligible projects (other than nuclear  
17 power facilities) and \$18,500,000,000 for eligible nuclear  
18 power facilities: *Provided*, That these amounts are in addi-  
19 tion to the authority provided under section 20320 of Divi-  
20 sion B of Public Law 109-289, as amended by Public Law  
21 110-5: *Provided further*, That such sums as are derived  
22 from amounts received from borrowers pursuant to section  
23 1702(b)(2) of the Energy Policy Act of 2005 under this  
24 heading in this Act, shall be collected in accordance with  
25 section 502(7) of the Congressional Budget Act of 1974:

1 *Provided further*, That the source of such payment re-  
2 ceived from borrowers is not a loan or other debt obliga-  
3 tion that is guaranteed by the Federal Government: *Pro-*  
4 *vided further*, That none of the funds made available in  
5 this Act shall be available for the execution of a new solici-  
6 tation with respect to such guaranteed loans until 45 days  
7 after the Department of Energy has submitted to the  
8 Committees on Appropriations of the House of Represent-  
9 atives and the Senate a loan guarantee implementation  
10 plan that defines the proposed award levels and eligible  
11 technologies: *Provided further*, That the Department shall  
12 not deviate from such plan without 45 days prior notice  
13 to the Committees: *Provided further*, That pursuant to sec-  
14 tion 1702(b)(2) of the Energy Policy Act of 2005, no ap-  
15 propriations are available to pay the subsidy cost of such  
16 guarantees: *Provided further*, That for necessary adminis-  
17 trative expenses to carry out this Loan Guarantee pro-  
18 gram, \$19,880,000 is appropriated, to remain available  
19 until expended: *Provided further*, That \$19,880,000 of the  
20 fees collected pursuant to section 1702(h) of the Energy  
21 Policy Act of 2005 shall be credited as offsetting collec-  
22 tions to this account to cover administrative expenses and  
23 shall remain available until expended, so as to result in  
24 a final fiscal year 2009 appropriation from the general  
25 fund estimated at not more than \$0: *Provided further*,

1 That fees collected under section 1702(h) in excess of the  
2 amount appropriated for administrative expenses shall not  
3 be available until appropriated.

4 DEPARTMENTAL ADMINISTRATION  
5 (INCLUDING TRANSFER OF FUNDS)

6 For salaries and expenses of the Department of En-  
7 ergy necessary for departmental administration in car-  
8 rying out the purposes of the Department of Energy Orga-  
9 nization Act (42 U.S.C. 7101 et seq.), including the hire  
10 of passenger motor vehicles and official reception and rep-  
11 resentation expenses not to exceed \$30,000,  
12 \$272,144,000, to remain available until expended: *Pro-*  
13 *vided*, That moneys received by the Department for mis-  
14 cellaneous revenues estimated to total \$117,317,000 in  
15 fiscal year 2009 may be retained and used for operating  
16 expenses within this account, and may remain available  
17 until expended, as authorized by section 201 of Public  
18 Law 95-238, notwithstanding the provisions of 31 U.S.C.  
19 3302: *Provided further*, That the sum herein appropriated  
20 shall be reduced by the amount of miscellaneous revenues  
21 received during 2009, and any related appropriated re-  
22 ceipt account balances remaining from prior years' mis-  
23 cellaneous revenues, so as to result in a final fiscal year  
24 2009 appropriation from the general fund estimated at  
25 not more than \$154,827,000.

## 1 OFFICE OF THE INSPECTOR GENERAL

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

## 6 ATOMIC ENERGY DEFENSE ACTIVITIES

## 7 NATIONAL NUCLEAR SECURITY

## 8 ADMINISTRATION

## 9 WEAPONS ACTIVITIES

10 (INCLUDING RESCISSIONS OF FUNDS)

11 For Department of Energy expenses, including the  
12 purchase, construction, and acquisition of plant and cap-  
13 ital equipment and other incidental expenses necessary for  
14 atomic energy defense weapons activities, in carrying out  
15 the purposes of the Department of Energy Organization  
16 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
17 condemnation of any real property or any facility or for  
18 plant or facility acquisition, construction, or expansion,  
19 the purchase of not to exceed two passenger motor vehi-  
20 cles, and one ambulance, \$6,201,860,000 to remain avail-  
21 able until expended: *Provided*, That of the funds appro-  
22 priated in prior years for Weapons Activities,  
23 \$165,300,000 are rescinded: *Provided further*, That of the  
24 amount appropriated in this paragraph, \$20,500,000 shall  
25 be used for the projects specified under the heading "Con-

1 gressionally Directed Weapons Activities Projects” in the  
2 report of the Committee on Appropriations of the House  
3 of Representatives to accompany this Act.

4           DEFENSE NUCLEAR NONPROLIFERATION

5           For Department of Energy expenses, including the  
6 purchase, construction, and acquisition of plant and cap-  
7 ital equipment and other incidental expenses necessary for  
8 defense nuclear nonproliferation activities, in carrying out  
9 the purposes of the Department of Energy Organization  
10 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
11 condemnation of any real property or any facility or for  
12 plant or facility acquisition, construction, or expansion,  
13 and the purchase of not to exceed one passenger motor  
14 vehicle for replacement only, \$1,530,048,000 to remain  
15 available until expended: *Provided*, That of the amount ap-  
16 propriated in this paragraph, \$1,000,000 shall be used for  
17 projects specified under the heading “Congressionally Di-  
18 rected Defense Nuclear Nonproliferation Projects” in the  
19 report of the Committee on Appropriations of the House  
20 of Representatives to accompany this Act.

21                           NAVAL REACTORS

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

1 tion, or otherwise) of real property, plant and capital  
2 equipment, facilities, and facility expansion,  
3 \$828,054,000, to remain available until expended.

4 OFFICE OF THE ADMINISTRATOR

5 For necessary expenses of the Office of the Adminis-  
6 trator in the National Nuclear Security Administration,  
7 including official reception and representation expenses  
8 not to exceed \$12,000, \$428,581,000, to remain available  
9 until expended: *Provided*, That of the amount appro-  
10 priated in this paragraph, \$24,500,000 shall be used for  
11 the projects specified in the table that appears under the  
12 heading "Office of the Administrator" in the report of the  
13 Committee on Appropriations of the House of Representa-  
14 tives to accompany this Act.

15 ENVIRONMENTAL AND OTHER DEFENSE

16 ACTIVITIES

17 DEFENSE ENVIRONMENTAL CLEANUP

18 (INCLUDING TRANSFER OF FUNDS)

19 For Department of Energy expenses, including the  
20 purchase, construction, and acquisition of plant and cap-  
21 ital equipment and other expenses necessary for atomic  
22 energy defense environmental cleanup activities in car-  
23 rying out the purposes of the Department of Energy Orga-  
24 nization Act (42 U.S.C. 7101 et seq.), including the acqui-  
25 sition or condemnation of any real property or any facility



1 or for plant or facility acquisition, construction, or expan-  
2 sion, and the purchase of not to exceed four ambulances  
3 and three passenger motor vehicles for replacement only,  
4 \$5,426,202,000, to remain available until expended, of  
5 which \$463,000,000 shall be transferred to the "Uranium  
6 Enrichment Decontamination and Decommissioning  
7 Fund": *Provided*, That of the amount appropriated in this  
8 paragraph, \$8,700,000 shall be used for the projects speci-  
9 fied in the table that appears under the heading "Congres-  
10 sionally Directed Defense Environmental Cleanup  
11 Projects" in the report of the Committee on Appropria-  
12 tions of the House of Representatives to accompany this  
13 Act.

14                   OTHER DEFENSE ACTIVITIES

15       For Department of Energy expenses, including the  
16 purchase, construction, and acquisition of plant and cap-  
17 ital equipment and other expenses, necessary for atomic  
18 energy defense, other defense activities, and classified ac-  
19 tivities, in carrying out the purposes of the Department  
20 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
21 cluding the acquisition or condemnation of any real prop-  
22 erty or any facility or for plant or facility acquisition, con-  
23 struction, or expansion, and the purchase of not to exceed  
24 ten passenger motor vehicles for replacement only,  
25 \$826,453,000, to remain available until expended.

## 1 DEFENSE NUCLEAR WASTE DISPOSAL

2 For nuclear waste disposal activities to carry out the  
3 purposes of the Nuclear Waste Policy Act of 1982, as  
4 amended, including the acquisition of real property or fa-  
5 cility construction or expansion, \$247,371,000, to remain  
6 available until expended.

## 7 POWER MARKETING ADMINISTRATIONS

## 8 BONNEVILLE POWER ADMINISTRATION FUND

9 Expenditures from the Bonneville Power Administra-  
10 tion Fund, established pursuant to section 11 of the Fed-  
11 eral Columbia River Transmission System Act (Public  
12 Law 93-445; 16 U.S.C. 838i), are approved for official  
13 reception and representation expenses in an amount not  
14 to exceed \$1,500. During fiscal year 2009, no new direct  
15 loan obligations may be made.

16 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER  
17 ADMINISTRATION

18 For necessary expenses of operation and maintenance  
19 of power transmission facilities and of marketing electric  
20 power and energy, including transmission wheeling and  
21 ancillary services pursuant to section 5 of the Flood Con-  
22 trol Act of 1944 (16 U.S.C. 825s), as applied to the south-  
23 eastern power area, \$7,420,000, to remain available until  
24 expended: *Provided*, That, notwithstanding 31 U.S.C.  
25 3302, up to \$49,520,000 collected by the Southeastern

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

6 OPERATION AND MAINTENANCE, SOUTHWESTERN

7 POWER ADMINISTRATION

8 For necessary expenses of operation and maintenance  
9 of power transmission facilities and of marketing electric  
10 power and energy, for construction and acquisition of  
11 transmission lines, substations and appurtenant facilities,  
12 and for administrative expenses, including official recep-  
13 tion and representation expenses in an amount not to ex-  
14 ceed \$1,500 in carrying out section 5 of the Flood Control  
15 Act of 1944 (16 U.S.C. 825s), as applied to the South-  
16 western Power Administration, \$28,414,000, to remain  
17 available until expended: *Provided*, That, notwithstanding  
18 31 U.S.C. 3302, up to \$35,000,000 collected by the  
19 Southwestern Power Administration pursuant to the  
20 Flood Control Act of 1944 to recover purchase power and  
21 wheeling expenses shall be credited to this account as off-  
22 setting collections, to remain available until expended for  
23 the sole purpose of making purchase power and wheeling  
24 expenditures.

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

4 For carrying out the functions authorized by section  
5 302(a)(1)(E) of title III of the Act of August 4, 1977 (42  
6 U.S.C. 7152), and other related activities including con-  
7 servation and renewable resources programs as author-  
8 ized, including official reception and representation ex-  
9 penses in an amount not to exceed \$1,500, \$193,346,000,  
10 to remain available until expended, of which \$183,642,000  
11 shall be derived from the Department of the Interior Rec-  
12 lamation Fund: *Provided*, That of the amount herein ap-  
13 propriated, \$7,342,000 is for deposit into the Utah Rec-  
14 lamation Mitigation and Conservation Account pursuant  
15 to title IV of the Reclamation Projects Authorization and  
16 Adjustment Act of 1992: *Provided further*, That notwith-  
17 standing 31 U.S.C. 3302, up to \$328,118,000 collected  
18 by the Western Area Power Administration pursuant to  
19 the Flood Control Act of 1944 and the Reclamation  
20 Project Act of 1939 to recover purchase power and wheel-  
21 ing expenses shall be credited to this account as offsetting  
22 collections, to remain available until expended for the sole  
23 purpose of making purchase power and wheeling expendi-  
24 tures.

1 FALCON AND AMISTAD OPERATING AND MAINTENANCE  
2 FUND

3 For operation, maintenance, and emergency costs for  
4 the hydroelectric facilities at the Falcon and Amistad  
5 Dams, \$2,959,000, to remain available until expended,  
6 and to be derived from the Falcon and Amistad Operating  
7 and Maintenance Fund of the Western Area Power Ad-  
8 ministration, as provided in section 423 of the Foreign  
9 Relations Authorization Act, Fiscal Years 1994 and 1995  
10 (22 U.S.C. 2651 note).

11 FEDERAL ENERGY REGULATORY COMMISSION  
12 SALARIES AND EXPENSES

13 For necessary expenses of the Federal Energy Regu-  
14 latory Commission to carry out the provisions of the De-  
15 partment of Energy Organization Act (42 U.S.C. 7101 et  
16 seq.), including services as authorized by 5 U.S.C. 3109,  
17 the hire of passenger motor vehicles, and official reception  
18 and representation expenses not to exceed \$3,000,  
19 \$273,400,000, to remain available until expended: *Pro-*  
20 *vided*, That notwithstanding any other provision of law,  
21 not to exceed \$273,400,000 of revenues from fees and an-  
22 nual charges, and other services and collections in fiscal  
23 year 2009 shall be retained and used for necessary ex-  
24 penses in this account, and shall remain available until  
25 expended: *Provided further*, That the sum herein appro-

1 priated from the general fund shall be reduced as revenues  
2 are received during fiscal year 2009 so as to result in a  
3 final fiscal year 2009 appropriation from the general fund  
4 estimated at not more than \$0.

5 GENERAL PROVISIONS, DEPARTMENT OF  
6 ENERGY

7 SEC. 301. CONTRACT COMPETITION.— (a) None of  
8 the funds in this or any other appropriations Act for fiscal  
9 year 2009 or any previous fiscal year may be used to make  
10 payments for a noncompetitive management and operating  
11 contract, or a contract for environmental remediation or  
12 waste management in excess of \$100,000,000 in annual  
13 funding at a current or former management and operating  
14 contract site or facility, or to award a significant extension  
15 or expansion to an existing management and operating  
16 contract, or other contract covered by this section, unless  
17 such contract is awarded using competitive procedures or  
18 the Secretary of Energy grants, on a case-by-case basis,  
19 a waiver to allow for such a deviation. The Secretary may  
20 not delegate the authority to grant such a waiver.

21 (b) Within 30 days of formally notifying an incum-  
22 bent contractor that the Secretary intends to grant such  
23 a waiver, the Secretary shall submit to the Subcommittees  
24 on Energy and Water Development of the Committees on  
25 Appropriations of the House of Representatives and the

1 Senate a report notifying the Subcommittees of the waiver  
2 and setting forth, in specificity, the substantive reasons  
3 why the Secretary believes the requirement for competition  
4 should be waived for this particular award.

5 (e) In this section the term “competitive procedures”  
6 has the meaning provided in section 4 of the Office of Fed-  
7 eral Procurement Policy Act (41 U.S.C. 403) and includes  
8 procedures described in section 303 of the Federal Prop-  
9 erty and Administrative Services Act of 1949 (41 U.S.C.  
10 253) other than a procedure that solicits a proposal from  
11 only one source.

12 SEC. 302. UNFUNDED REQUESTS FOR PRO-  
13 POSALS.— None of the funds appropriated by this Act  
14 may be used to prepare or initiate Requests For Proposals  
15 (RFPs) for a program if the program has not been funded  
16 by Congress.

17 SEC. 303. DEPARTMENT OF ENERGY DEFENSE NU-  
18 CLEAR FACILITIES WORKFORCE RESTRUCTURING.—

19 None of the funds appropriated by this Act may be used—

20 (1) to augment the funds made available for ob-  
21 ligation by this Act for severance payments and  
22 other benefits and community assistance grants  
23 under section 4604 of the Atomic Energy Defense  
24 Act (50 U.S.C. 2704) unless the Department of En-

1       ergy submits a reprogramming request to the appro-  
2       priate congressional committees; or

3               (2) to provide enhanced severance payments or  
4       other benefits for employees of the Department of  
5       Energy under such section.

6       SEC. 304. UNEXPENDED BALANCES.— The unex-  
7       pended balances of prior appropriations provided for ac-  
8       tivities for which amounts are appropriated in this title  
9       may be available to the same appropriation accounts for  
10      such activities established pursuant to this title. Available  
11      balances may be merged with funds in the applicable es-  
12      tablished accounts and thereafter may be accounted for  
13      as one fund for the same time period as originally enacted.

14      SEC. 305. BONNEVILLE POWER AUTHORITY SERV-  
15      ICE TERRITORY.— None of the funds in this or any other  
16      Act for the Administrator of the Bonneville Power Admin-  
17      istration may be used to enter into any agreement to per-  
18      form energy efficiency services outside the legally defined  
19      Bonneville service territory, with the exception of services  
20      provided internationally, including services provided on a  
21      reimbursable basis, unless the Administrator certifies in  
22      advance that such services are not available from private  
23      sector businesses.

24      SEC. 306. USER FACILITIES.— When the Depart-  
25      ment of Energy makes a user facility available to univer-



1 sities or other potential users, or seeks input from univer-  
2 sities or other potential users regarding significant charac-  
3 teristics or equipment in a user facility or a proposed user  
4 facility, the Department shall ensure broad public notice  
5 of such availability or such need for input to universities  
6 and other potential users. When the Department of En-  
7 ergy considers the participation of a university or other  
8 potential user as a formal partner in the establishment  
9 or operation of a user facility, the Department shall em-  
10 ploy full and open competition in selecting such a partner.  
11 For purposes of this section, the term “user facility” in-  
12 cludes, but is not limited to: (1) a user facility as described  
13 in section 2203(a)(2) of the Energy Policy Act of 1992  
14 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security  
15 Administration Defense Programs Technology Deploy-  
16 ment Center/User Facility; and (3) any other Depart-  
17 mental facility designated by the Department as a user  
18 facility.

19       SEC. 307. INTELLIGENCE ACTIVITIES.— Funds ap-  
20 propriated by this or any other Act, or made available by  
21 the transfer of funds in this Act, for intelligence activities  
22 are deemed to be specifically authorized by the Congress  
23 for purposes of section 504 of the National Security Act  
24 of 1947 (50 U.S.C. 414) during fiscal year 2009.

1           SEC. 308. LABORATORY DIRECTED RESEARCH AND  
2 DEVELOPMENT.— Of the funds made available by the De-  
3 partment of Energy for activities at government-owned,  
4 contractor operated laboratories funded in this Act or sub-  
5 sequent Energy and Water Development Appropriations  
6 Acts, the Secretary may authorize a specific amount, not  
7 to exceed 4 percent of such funds, to be used by such lab-  
8 oratories for laboratory-directed research and develop-  
9 ment: *Provided*, That the Secretary may also authorize a  
10 specific amount, not to exceed 2 percent of such funds,  
11 to be used by the plant manager of a nuclear weapons  
12 production plant or the manager of the Nevada Site Of-  
13 fice, for plant or site-directed research and development.

14           SEC. 309. REIMBURSABLE WORK.— All obligations  
15 and payments for reimbursable work shall be accounted  
16 for in the account that owns the assets being used for the  
17 reimbursable work.

18           SEC. 310. RELIABLE REPLACEMENT WARHEAD.—  
19 None of the funds provided in this Act shall be available  
20 for the Reliable Replacement Warhead (RRW).

21           SEC. 311. GLOBAL NUCLEAR ENERGY PARTNER-  
22 SHIP.— None of the funds provided in this Act shall be  
23 available for the Global Nuclear Energy Partnership  
24 (GNEP).

1        SEC. 312. GENERAL PLANT PROJECTS.— Plant or  
2 construction projects for which amounts are made avail-  
3 able under this and subsequent appropriation Acts with  
4 a current estimated cost of less than \$10,000,000 are con-  
5 sidered for purposes of section 4703 of Public Law 107-  
6 314 as a plant project for which the approved total esti-  
7 mated cost does not exceed the minor construction thresh-  
8 old and for purposes of section 4704 of Public Law 107-  
9 314 as a construction project with a current estimated  
10 cost of less than a minor construction threshold.

11            TITLE IV—INDEPENDENT AGENCIES

12                    APPALACHIAN REGIONAL COMMISSION

13        For expenses necessary to carry out the programs au-  
14 thorized by the Appalachian Regional Development Act of  
15 1965, notwithstanding 40 U.S.C. 14704, and, for nec-  
16 essary expenses for the Federal Co-Chairman and the Al-  
17 ternate on the Appalachian Regional Commission, for pay-  
18 ment of the Federal share of the administrative expenses  
19 of the Commission, including services as authorized by 5  
20 U.S.C. 3109, and hire of passenger motor vehicles,  
21 \$65,000,000, to remain available until expended: *Pro-*  
22 *vided*, That any congressionally directed spending shall be  
23 taken from within that State's allocation in the fiscal year  
24 in which it is provided.

## 1 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

## 2 SALARIES AND EXPENSES

3 For necessary expenses of the Defense Nuclear Fa-  
4 cilities Safety Board in carrying out activities authorized  
5 by chapter 21 of the Atomic Energy Act of 1954 (42  
6 U.S.C. 2286 et seq.), \$25,499,000, to remain available  
7 until expended.

## 8 DELTA REGIONAL AUTHORITY

## 9 SALARIES AND EXPENSES

10 For necessary expenses of the Delta Regional Author-  
11 ity and to carry out its activities, as authorized by the  
12 Delta Regional Authority Act of 2000, notwithstanding  
13 sections 382C(b)(2), 382F(d), 382M, and 382N of said  
14 Act, \$6,000,000, to remain available until expended.

## 15 DENALI COMMISSION

16 For expenses of the Denali Commission including the  
17 purchase, construction, and acquisition of plant and cap-  
18 ital equipment as necessary and other expenses,  
19 \$1,800,000, to remain available until expended, notwith-  
20 standing the limitations contained in section 306(g) of the  
21 Denali Commission Act of 1998.

## 22 NUCLEAR REGULATORY COMMISSION

## 23 SALARIES AND EXPENSES

24 For necessary expenses of the Commission in car-  
25 rying out the purposes of the Energy Reorganization Act

1 of 1974 and the Atomic Energy Act of 1954, including  
2 official representation expenses (not to exceed \$25,000),  
3 \$1,058,956,000, to remain available until expended: *Pro-*  
4 *vided*, That of the amount appropriated herein,  
5 \$73,300,000 shall be derived from the Nuclear Waste  
6 Fund: *Provided further*, That revenues from licensing fees,  
7 inspection services, and other services and collections esti-  
8 mated at \$860,857,000 in fiscal year 2009 shall be re-  
9 tained and used for necessary salaries and expenses in this  
10 account, notwithstanding 31 U.S.C. 3302, and shall re-  
11 main available until expended: *Provided further*, That the  
12 sum herein appropriated shall be reduced by the amount  
13 of revenues received during fiscal year 2009 so as to result  
14 in a final fiscal year 2009 appropriation estimated at not  
15 more than \$198,099,000.

16 OFFICE OF INSPECTOR GENERAL

17 For necessary expenses of the Office of Inspector  
18 General in carrying out the provisions of the Inspector  
19 General Act of 1978, \$10,860,000, to remain available  
20 until expended: *Provided*, That revenues from licensing  
21 fees, inspection services, and other services and collections  
22 estimated at \$9,774,000 in fiscal year 2009 shall be re-  
23 tained and be available until expended, for necessary sala-  
24 ries and expenses in this account, notwithstanding 31  
25 U.S.C. 3302: *Provided further*, That the sum herein ap-

1   appropriated shall be reduced by the amount of revenues re-  
2   ceived during fiscal year 2009 so as to result in a final  
3   fiscal year 2009 appropriation estimated at not more than  
4   \$1,086,000.

5           NUCLEAR WASTE TECHNICAL REVIEW BOARD

6                           SALARIES AND EXPENSES

7           For necessary expenses of the Nuclear Waste Tech-  
8   nical Review Board, as authorized by Public Law 100-  
9   203, section 5051, \$3,817,000, to be derived from the Nu-  
10   clear Waste Fund, and to remain available until expended.

11          OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA

12                           NATURAL GAS TRANSPORTATION PROJECTS

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

21                           TITLE V—GENERAL PROVISIONS

22          SEC. 501. None of the funds appropriated by this Act  
23   may be used in any way, directly or indirectly, to influence  
24   congressional action on any legislation or appropriation  
25   matters pending before Congress, other than to commu-

1 nicate to Members of Congress as described in 18 U.S.C.  
2 1913.

3 SEC. 502. None of the funds made available in this  
4 Act may be transferred to any department, agency, or in-  
5 strumentality of the United States Government, except  
6 pursuant to a transfer made by, or transfer authority pro-  
7 vided in, this Act or any other appropriation Act.

8 This Act may be cited as the “Energy and Water De-  
9 velopment and Related Agencies Appropriations Act,  
10 2009”.

[Full Committee Print]

Union Calendar No.

110TH CONGRESS  
2D SESSION

**H. R.**

[Report No. 110- ]

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**A BILL**

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

MARCH --, 2008

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed