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110TH CONGRESS
1ST SESSION

H. R. 2641

IN THE SENATE OF THE UNITED STATES

JULY 18 (legislative day, JULY 17), 2007

Received; read twice and placed on the calendar

AN ACT

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I—CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

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

INVESTIGATIONS

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects; restudy of authorized projects, miscellaneous investigations; and, when authorized by law, surveys and detailed studies, and plans and specifications, of proposed projects, $120,100,000, to remain available until expended: *Provided,* That of the funds provided under this heading of Public Law 106–554, $100,000 are rescinded.

CONSTRUCTION

(INCLUDING RESCISSIONS OF FUNDS)

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by

law, including a portion of the expenses for the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989; for conducting detailed studies, and plans and specifications, of such projects authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a Federal commitment to construction); $2,008,874,000, to remain available until expended, of which such sums as are necessary to cover one-half of the costs of construction, replacement, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund; and of which $8,000,000 shall be exclusively for projects and activities authorized under section 107 of the River and Harbor Act of 1960; and of which $45,000,000 shall be exclusively available for projects and activities authorized under section 205 of the Flood Control Act of 1948; and of which $10,000,000 shall be exclusively for projects and activities authorized under section 14 of the Flood Control Act of 1946; and of which $25,000,000 shall be exclusively for projects and activities authorized under section 1135 of the Water Resources Development Act of 1986; and of which $25,000,000 shall be exclusively for projects and activities authorized under section 206 of the Water Resources Development Act of 1996: *Provided,* That of the

funds provided under this heading the following amounts are rescinded: from Public Law 101–101, $435,000; from Public Law 102–377, $1,740,000; from Public Law 103–126, $797,000; from Public Law 105–245, $1,716,000.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $278,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law, including the construction of facilities, projects, or features (including islands and wetlands) to use materials dredged during Federal navigation maintenance activities; the mitigation of impacts on shorelines resulting from Federal navigation operation and maintenance activities; to address the effects of civil works projects owned or operated by the Corps on federally listed species; to provide security for infrastructure operated by the Corps, or operated on its

behalf, including administrative buildings and facilities, and laboratories; to maintain harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce where authorized by law; and to conduct surveys and chart northern and northwestern lakes and connecting waters, clear channels, and remove obstructions to commercial navigation, $2,655,241,000, to remain available until expended, of which $53,585,000 shall be for projects and activities in Region 1 New England; of which $179,814,000 shall be for projects and activities in Region 2 Mid Atlantic; of which $367,101,000 shall be for projects and activities in Region 3 South Atlantic Gulf; of which $126,907,000 shall be for projects and activities in Region 4 Great Lakes; of which $342,354,000 shall be for projects and activities in Region 5 Ohio; of which $25,721,000 shall be for projects and activities in Region 6 Tennessee; of which $251,630,000 shall be for projects and activities in Region 7 Upper Mississippi; of which $166,946,000 shall be for projects and activities in Region 8 Lower Mississippi; of which $3,159,000 shall be for projects and activities in Region 9 Souris-Red-Rainy; of which $162,352,000 shall be for projects and activities in Region 10 Missouri; of which $213,500,000 shall be for projects and activities in Region 11 Arkansas-White-Red; of which

$185,668,000 shall be for projects and activities in Region 12 Texas-Gulf; of which $30,812,000 shall be for projects and activities in Region 13 Rio Grande; of which $57,000 shall be for projects and activities in Region 14 Upper Colorado; of which $3,967,000 shall be for projects and activities in Region 15 Lower Colorado; of which $819,000 shall be for projects and activities in Region 16 Great Basin; of which $286,031,000 shall be for projects and activities in Region 17 Pacific Northwest; of which $125,998,000 shall be for projects and activities in Region 18 California; of which $26,811,000 shall be for projects and activities in Region 19 Alaska; of which $872,000 shall be for projects and activities in Region 20 Hawaii; of which such sums as are necessary to cover the Federal share of eligible operations and maintenance shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available in the special account for the Corps established by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)), shall be used for resource protection, research, interpretation, and maintenance activities under this heading related to resource projection in areas operated by the Corps at which outdoor recreation is available; and of which such sums as become available pursuant to section 217 of the Water Resources Development Act of 1996, shall be used to cover

the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected.

REGULATORY PROGRAM

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

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites resulting from work performed as part of the Nation's early atomic energy program, $130,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

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

EXPENSES

For expenses necessary for general administration and related functions of the civil works program in the headquarters of the Corps, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the Engineering Research and Development Center, and the Finance Center, $171,000,000, to remain available until expended:

Provided, That no part of any other appropriation provided in this title shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the offices of the Division Engineers.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For expenses necessary for the Office of Assistant Secretary of the Army (Civil Works), as authorized by 10 U.S.C. 3016(b)(3), $6,000,000.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) Except as provided under subsection (b), none of the funds provided under this title shall be available for obligation or expenditure through a reprogramming of funds that—

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

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

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act;

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

(5) increases or reduces funds for any program, project, or activity by more than $2,000,000 or 25 percent, whichever is less.

(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948; section 14 of the Flood Control Act of 1946; section 208 of the Flood Control Act of 1954; section 107 of the River and Harbor Act of 1960; section 103 of the River and Harbor Act of 1962; section 111 of the River and Harbor Act of 1968; section 1135 of the Water Resources Development Act of 1986; section 206 of the Water Resources Development Act of 1996; sections 204 and 207 of the Water Resources Development Act of 1992; or section 933 of the Water Resources Development Act of 1986.

SEC. 102. None of the funds made available in this title may be used to award any continuing contract or make modifications to any existing continuing contract that commits an amount for a project in excess of the

amounts appropriated for that project that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming to that project pursuant to section 101 of this Act.

SEC. 103. (a) None of the funds provided in this Act shall be available for operation and maritime maintenance of the hopper dredge McFarland.

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

SEC. 104. The Secretary of the Army, acting through the Chief of Engineers, is directed to reduce by 35 percent the full-time employees at the Sacramento District Regulatory Division office of the Corps of Engineers.

SEC. 105. None of the funds appropriated in this Act or any other Act may be used to conduct a public-private competition or direct conversion under the OMB Circular A–76 or any other administrative regulation, directive, or policy for any Corps of Engineers program, project or activity.

TITLE II—DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act (titles II through VI of Public Law 102–575), $41,380,000, to remain available until

expended, of which $976,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,620,000, to remain available until expended.

BUREAU OF RECLAMATION

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

WATER AND RELATED RESOURCES
(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $871,197,000, to remain available until expended, of which $57,615,000 shall be available for transfer to the Upper Colorado River Basin Fund and $26,825,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be ad-

vanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by section 106 of Public Law 91–378 (16 U.S.C. 1706): *Provided,* That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further,* That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by section 4(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)) shall be derived from that Fund or account: *Provided further,* That funds contributed under the Act of March 4, 1921 (43 U.S.C. 395) are available until expended for the purposes for which contributed: *Provided further,* That funds advanced under the Act of January 12, 1927 (43 U.S.C. 397a) shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575), $59,122,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections

3404(c)(3), 3405(f), and 3407(d) of the Central Valley Project Improvement Act (Public Law 102–575), to remain available until expended: *Provided,* That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of the Central Valley Project Improvement Act: *Provided further,* That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361), consistent with plans to be approved by the Secretary of the Interior, $40,750,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided,* That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further,* That the use of any funds provided to the California Bay-Delta Authority for programwide management and oversight activities shall be subject

to the approval of the Secretary of the Interior: *Provided further,* That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program: *Provided further,* That $5,000,000 shall be transferred to the Army Corps of Engineers to carry out further study and implementation of projects that contribute to the stability of the levee projects authorized under section 103(f)(3) of the Water Supply, Reliability, Environmental Improvement Act (Public Law 108–361).

POLICY AND ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $58,811,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided,* That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses: *Provided further,* That, of the funds provided under this heading, $10,000,000 shall be transferred to ''Water and Related Resources'' upon the expiration of the 60-day period following the date of enactment of this Act if, during such

period, the Secretary of the Interior has not submitted to the Committees on Appropriations of the House of Representatives and the Senate the Bureau of Reclamation's five-year budget plan.

ADMINISTRATIVE PROVISIONS

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

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

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

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

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

TITLE III—DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,873,844,000, to remain available until expended.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisi-

tion or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $134,161,000, to remain available until expended.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 20 passenger motor vehicles for replacement only, including one ambulance, $759,227,000, to remain available until expended.

CLEAN COAL TECHNOLOGY

(INCLUDING RESCISSION OF FUNDS)

Of the funds made available under this heading for obligation in prior years, $149,000,000 are rescinded.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property

or any facility or for plant or facility acquisition or expansion, and for the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $708,801,000 to remain available until expended of which $166,000,000 shall be derived by transfer from ''Clean Coal Technology'', and of which transferred amounts $108,000,000 is available to continue a multi-year project coordinated with the private sector for FutureGen, without regard to the terms and conditions applicable to clean coal technological projects, and of which the remaining $58,000,000 is available for carbon sequestration research and development: *Provided further,* That no part of the sums herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further,* That the Secretary of Energy is authorized to accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal,

State, or private agencies or concerns: *Provided further,* That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under the Fossil Energy Research and Development account may be retained by the the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, $17,301,000, to remain available until expended: *Provided,* That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), including the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Serv-

ices Administration for security guard services, $163,472,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, $5,325,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $105,095,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed three passenger motor vehicles for replacement only, $286,041,000, to remain available until expended, of which $250,937,000 is for non-defense environmental cleanup and $35,104,000 is for non-defense legacy management.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A, of the Energy Policy Act of 1992, $618,759,000, to be derived from the Fund, to remain available until expended, of which $20,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 30 passenger motor vehicles for replacement only, $4,514,082,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended (the ''Act''), including the acquisition of real property or facility construction or expan-

sion, $202,454,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: *Provided,* That of the funds made available in this Act for Nuclear Waste Disposal, $2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act: *Provided further,* That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended, not less than $1,200,000 shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of that Act: *Provided further,* That $4,000,000 shall be provided to affected units of local government, as defined in the Act, to conduct appropriate activities and participate in licensing activities: *Provided further,* That 7.5 percent of the funds provided shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada units of local government: *Provided further,* That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department of Energy shall have no monitoring, auditing or other oversight rights or re-

sponsibilities over amounts provided to affected units of local government under this heading: *Provided further,* That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: *Provided further,* That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the Act and this Act: *Provided further,* That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further,* That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further,* That all proceeds and recoveries realized by the Secretary of Energy in carrying out activities authorized by the Act,

including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: *Provided further,* That no funds provided in this Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy, or to withhold payment of any such funds.

ENVIRONMENT, SAFETY AND HEALTH

For Department of Energy expenses for Environment, Safety, and Health activities, $31,625,000, to remain available until expended.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE LOAN PROGRAM

Subject to the Federal Credit Reform Act of 1990, as amended, during fiscal year 2008 commitments to guarantee loans under title XVII of the Energy Policy Act of 2005 shall not exceed a total principal amount, any part of which is to be guaranteed, of $7,000,000,000: *Provided,* That of that amount, $2,000,000,000 shall be available for carbon sequestration optimized coal power plants, $4,000,000,000 shall be available for projects that promote biofuels and clean transportation fuels, and $1,000,000,000 shall be available for electric transmission facilities or renewable power generation systems: *Provided*

further, That pursuant to section 1702(b)(2) of the Act, no appropriations are available to pay the subsidy cost of such guarantees: *Provided further,* That the source of payments received from borrowers for the subsidy cost shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $5,000, $304,782,000, to remain available until expended, of which $2,390,000 shall be available for necessary administrative expenses to carry out the loan guarantee program under title XVII of Public Law 109–58, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided,* That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further,* That moneys received by the Department for miscellaneous revenues estimated to total $161,818,000 in fiscal year 2008

may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further,* That fees collected pursuant to section 1702(h) of Public Law 109–58 shall be credited as offsetting collections to this account: *Provided further,* That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2008, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than $142,964,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $47,732,000 (reduced by $1,000,000) (increased by $1,000,000), to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out

the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $5,879,137,000 to remain available until expended: *Provided*, That $173,250,000 of the amounts provided are available for nuclear weapons dismantlement activities at Department of Energy facilities authorized for such activities, of which $91,000,000 is for the Pit Disassembly and Conversion Facility Project at the Savannah River Site, South Carolina.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,683,646,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), includ-

ing the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $808,219,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $415,879,000, to remain available until expended.

DEFENSE ENVIRONMENTAL CLEANUP

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed three passenger motor vehicles for replacement only, $5,766,561,000, to remain available until expended, of which $463,000,000 shall be transferred to the ''Uranium Enrichment Decontamination and Decommissioning Fund''.

OTHER DEFENSE ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed twelve passenger motor vehicles for replacement only, $604,313,000, to remain available until expended: *Provided,* That of the funds provided under this heading in Public Law 109–103, $4,900,000 are transferred to ''Weapons Activities'' for planning activities associated with special nuclear material consolidation.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $292,046,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2008, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $6,463,000, to remain available until expended: *Provided,* That notwithstanding 31 U.S.C. 3302, up to $48,413,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

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

power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $30,442,000, to remain available until expended: *Provided,* That, notwithstanding 31 U.S.C. 3302, up to $35,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including the operation, maintenance, and purchase through transfer, exchange, or sale of one helicopter for replacement only, and official reception and representation expenses in an amount not to exceed $1,500; $201,030,000, to remain available until expended, of which $191,094,000 shall be derived from the Department

of the Interior Reclamation Fund: *Provided,* That of the amount herein appropriated, $7,167,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further,* That notwithstanding the provision of 31 U.S.C. 3302, up to $258,702,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

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

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the De-

partment of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $255,425,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, not to exceed $255,425,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2008 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2008 so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. CONTRACT COMPETITION.—(a) None of the funds in this or any other appropriations Act for fiscal year 2008 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract, or a contract for environmental remediation or waste management in excess of $100,000,000 in annual funding at a current or former management and operating contract site or facility, or award a significant extension or expansion to an existing management and operating

contract, or other contract covered by this section, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) Within 30 days of formally notifying an incumbent contractor that the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Subcommittees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. UNFUNDED REQUESTS FOR PROPOSALS.—None of the funds appropriated by this Act may be used to prepare or initiate requests for proposals for a program if the program has not been funded by Congress.

SEC. 303. UNEXPENDED BALANCES.—The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may

be accounted for as one fund for the same time period as originally enacted.

SEC. 304. BONNEVILLE POWER ADMINISTRATION SERVICE TERRITORY.—None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 305. USER FACILITIES.—When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term ''user facility'' includes, but

is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 306. INTELLIGENCE ACTIVITIES.—Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of the Intelligence Authorization Act for fiscal year 2008.

SEC. 307. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—Of the funds made available by the Department of Energy for activities at government-owned, contractor-operator operated laboratories funded in this Act, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory-directed research and development: *Provided,* That the Secretary may also authorize a specific amount not to exceed 3 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada

Site office for plant or site-directed research and development funding.

SEC. 308. CONTRACTOR PENSION BENEFITS.—None of the funds made available in title III of this Act shall be used for implementation of the Department of Energy Order N 351.1 modifying contractor employee pension and medical benefits policy.

SEC. 309. INTERNATIONAL NUCLEAR FUEL BANK.—Of the funds made available in the first paragraph under the heading ''Atomic Energy Defense Activities—Other Defense Activities'' in chapter 2 of title I of division B of Public Law 105–277, $100,000,000 shall be available until expended, subject to authorization, for the contribution of the United States to create a low-enriched uranium stockpile for an International Nuclear Fuel Bank supply of nuclear fuel for peaceful means under the International Atomic Energy Agency.

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, notwithstanding section 14704 of title 40, United States Code, and, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of

the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire passenger motor vehicles, $35,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, $22,499,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

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

NUCLEAR REGULATORY COMMISSION

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, including official representation expenses (not to exceed $21,000), $925,559,000, to remain available until expended: *Provided,* That of the amount appropriated herein, $37,250,000 shall be derived from the Nuclear Waste Fund: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections esti-

mated at $757,720,000 in fiscal year 2008 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2008 so as to result in a final fiscal year 2008 appropriation estimated at not more than $167,839,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $8,144,000, to remain available until expended: *Provided,* That revenues from licensing fees, inspection services, and other services and collections estimated at $7,330,000 in fiscal year 2008 shall be retained and be available for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2008 so as to result in a final fiscal year 2008 appropriation estimated at not more than $814,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,621,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, $2,322,000.

TITLE V

GENERAL PROVISIONS

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

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

SEC. 503. Of the amount made available for Energy Efficiency and Renewable Energy for the Department of Energy, $213,000,000 shall be made available for hydrogen technologies as authorized by section 974 of the Energy Policy Act of 2005 (42 U.S.C. 16314).

1 SEC. 504. None of the funds made available in this
2 Act may be used to purchase light bulbs unless the light
3 bulbs have the ''ENERGY STAR'' designation.

4 SEC. 505. None of the funds made available by this
5 Act may be used to administer the ''Yucca Mountain
6 Youth Zone'' website.

7 SEC. 506. None of the funds made available in this
8 Act may be used to send or otherwise pay for the attend-
9 ance of more than 50 employees from a Federal depart-
10 ment or agency at any single conference occurring outside
11 the United States.

12 SEC. 507. None of the funds made available in this
13 Act may be used for the Green Maintenance Building in
14 North Bergen, New Jersey.

15 This Act may be cited as the ''Energy and Water De-
16 velopment and Related Agencies Appropriations Act,
17 2008''.

Passed the House of Representatives July 17, 2007.

Attest: LORRAINE C. MILLER,

Clerk.

Calendar No. 274

110TH CONGRESS
1ST SESSION

H. R. 2641

AN ACT

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

JULY 18 (legislative day, JULY 17), 2007

Received; read twice and placed on the calendar