

Calendar No. 876

110TH CONGRESS
2D SESSION**S. 3258****[Report No. 110–416]**

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

IN THE SENATE OF THE UNITED STATES

JULY 14, 2008

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2009, for energy and
6 water development and for other purposes, namely:

1 shall use \$4,000,000 for Silver Lake water transmission
2 improvements.

3 TITLE III

4 DEPARTMENT OF ENERGY

5 ENERGY PROGRAMS

6 ENERGY EFFICIENCY AND RENEWABLE ENERGY

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 energy
10 efficiency and renewable energy activities in carrying out
11 the purposes of the Department of Energy Organization
12 Act (42 U.S.C. 7101 et seq.), including the acquisition or
13 condemnation of any real property or any facility or for
14 plant or facility acquisition, construction, or expansion,
15 and the purchase of not to exceed two passenger vehicles
16 for replacement, \$1,928,259,000, to remain available until
17 expended: *Provided*, That of the amount appropriated in
18 this paragraph, \$124,150,000 shall be used for projects
19 specified in the table that appears under the heading
20 “Congressionally Directed Energy Efficiency and Renew-
21 able Energy Projects” in the report of the Committee on
22 Appropriations of the United States Senate to accompany
23 this Act.

1 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

2 For Department of Energy expenses including the
3 purchase, construction, and acquisition of plant and cap-
4 ital equipment, and other expenses necessary for elec-
5 tricity delivery and energy reliability activities in carrying
6 out the purposes of the Department of Energy Organiza-
7 tion Act (42 U.S.C. 7101 et seq.), including the acquisi-
8 tion or condemnation of any real property or any facility
9 or for plant or facility acquisition, construction, or expan-
10 sion, \$166,900,000, to remain available until expended:
11 *Provided*, That of the amount appropriated in this para-
12 graph, \$12,900,000 shall be used for projects specified in
13 the table that appears under the heading “Congressionally
14 Directed Electricity Delivery and Energy Reliability
15 Projects” in the report of the Committee on Appropria-
16 tions of the United States Senate to accompany this Act.

17 NUCLEAR ENERGY

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 nuclear
22 energy activities in carrying out the purposes of the De-
23 partment of Energy Organization Act (42 U.S.C. 7101 et
24 seq.), including the acquisition or condemnation of any
25 real property or any facility or for plant or facility acquisi-

1 tion, construction, or expansion, and the purchase of not
2 to exceed 29 passenger motor vehicles, including three new
3 buses and 26 replacement vehicles, including one ambu-
4 lance, \$803,000,000, to remain available until expended:
5 *Provided*, That of the amount appropriated in this para-
6 graph, \$3,000,000 shall be used for projects specified in
7 the table that appears under the heading “Congressionally
8 Directed Nuclear Energy Projects” in the report of the
9 Committee on Appropriations of the United States Senate
10 to accompany this Act.

11 CLEAN COAL TECHNOLOGY

12 (TRANSFER OF FUNDS)

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

21 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses in carrying out fossil energy
24 research and development activities, under the authority
25 of the Department of Energy Organization Act (Public
26 Law 95–91), including the acquisition of interest, includ-

1 ing defeasible and equitable interests in any real property
2 or any facility or for plant or facility acquisition or expan-
3 sion, and for conducting inquiries, technological investiga-
4 tions and research concerning the extraction, processing,
5 use, and disposal of mineral substances without objection-
6 able social and environmental costs (30 U.S.C. 3, 1602,
7 and 1603), \$876,730,000, to remain available until ex-
8 pended, of which \$149,000,000 shall be derived by trans-
9 fer from “Clean Coal Technology”: *Provided*, That of the
10 amounts provided, \$232,300,000 is available for the Clean
11 Coal Power Initiative Round III solicitation, pursuant to
12 title IV of the Public Law 109–58: *Provided further*, That
13 funds appropriated for prior solicitations under the Clean
14 Coal Technology Program, Power Plant Improvement Ini-
15 tiative, Clean Coal Power Initiative, *and FutureGen*, but
16 not required by the Department to meet its obligations
17 on projects selected under such solicitations, may be uti-
18 lized for the Clean Coal Power Initiative Round III solici-
19 tation under this Act in accordance with the requirements
20 of this Act rather than the Acts under which the funds
21 were appropriated: *Provided further*, That no Clean Coal
22 Power Initiative project may be selected for which full
23 funding is not available to provide for the total project:
24 *Provided further*, That if a Clean Coal Power Initiative
25 project selected after enactment of this legislation for ne-

1 negotiation under this or any other Act in any fiscal year,
2 is not awarded within 2 years from the date the applica-
3 tion was selected, negotiations shall cease and the Federal
4 funds committed to the application shall be retained by
5 the Department for future coal-related research, develop-
6 ment and demonstration projects, except that the time
7 limit may be extended at the Secretary's discretion for
8 matters outside the control of the applicant, or if the Sec-
9 retary determines that extension of the time limit is in
10 the public interest: *Provided further*, That the Secretary
11 may not delegate this responsibility for applications great-
12 er than \$10,000,000: *Provided further*, That financial as-
13 sistance for costs in excess of those estimated as of the
14 date of award of original Clean Coal Power Initiative fi-
15 nancial assistance may not be provided in excess of the
16 proportion of costs borne by the Government in the origi-
17 nal agreement and shall be limited to 25 percent of the
18 original financial assistance: *Provided further*, That at
19 least 50 percent cost-sharing shall be required in each
20 budget period of a project: *Provided further*, That in ac-
21 cordance with section 988(e) of Public Law 109-58, re-
22 payment of the DOE contribution to a project shall not
23 be a condition of making an award under this solicitation:
24 *Provided further*, That funds shall be expended in accord-
25 ance with the provisions governing the use of funds con-

1 tained under the heading “Clean Coal Technology” in 42
2 U.S.C. 5903d as well as those contained under the head-
3 ing “Clean Coal Technology” in prior appropriations: *Pro-*
4 *vided further*, That any technology selected under these
5 programs shall be considered a Clean Coal Technology,
6 and any project selected under these programs shall be
7 considered a Clean Coal Technology Project, for the pur-
8 poses of 42 U.S.C. 7651n, and chapters 51, 52, and 60
9 of title 40 of the Code of Federal Regulations: *Provided*
10 *further*, That no part of the sum herein made available
11 shall be used for the field testing of nuclear explosives in
12 the recovery of oil and gas: *Provided further*, That in this
13 Act and future Acts, up to 4 percent of program direction
14 funds available to the National Energy Technology Lab-
15 oratory may be used to support Department of Energy
16 activities not included in this Fossil Energy account: *Pro-*
17 *vided further*, That in this Act and future Acts, the sala-
18 ries for Federal employees performing research and devel-
19 opment activities at the National Energy Technology Lab-
20 oratory can continue to be funded from any appropriate
21 DOE program accounts: *Provided further*, That revenues
22 and other moneys received by or for the account of the
23 Department of Energy or otherwise generated by sale of
24 products in connection with projects of the Department
25 appropriated under the Fossil Energy Research and De-

1 velopment account may be retained by the Secretary of
2 Energy, to be available until expended, and used only for
3 plant construction, operation, costs, and payments to cost-
4 sharing entities as provided in appropriate cost-sharing
5 contracts or agreements: *Provided further*, That no funds
6 appropriated for FutureGen under prior Acts shall be
7 available to support projects under the Department of En-
8 ergy's competitive, restructured FutureGen solicitation:
9 *Provided further*, That of the amount appropriated in this
10 paragraph, \$32,700,000 shall be used for projects speci-
11 fied in the table that appears under the heading "Congres-
12 sionally Directed Fossil Energy Projects" in the report of
13 the Committee on Appropriations of the United States
14 Senate to accompany this Act.

15 NAVAL PETROLEUM AND OIL SHALE RESERVES

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

23 STRATEGIC PETROLEUM RESERVE

24 For necessary expenses for Strategic Petroleum Re-
25 serve facility development and operations and program

1 management activities pursuant to the Energy Policy and
2 Conservation Act of 1975, as amended (42 U.S.C. 6201
3 et seq.), \$205,000,000, to remain available until expended,
4 of which \$31,507,000 shall be provided to initiate new site
5 expansion activities, beyond land acquisition, consistent
6 with the budget request.

7 NORTHEAST HOME HEATING OIL RESERVE

8 For necessary expenses for Northeast Home Heating
9 Oil Reserve storage, operation, and management activities
10 pursuant to the Energy Policy and Conservation Act,
11 \$9,800,000, to remain available until expended.

12 ENERGY INFORMATION ADMINISTRATION

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

16 NON-DEFENSE ENVIRONMENTAL CLEANUP

17 For Department of Energy expenses, including the
18 purchase, construction, and acquisition of plant and cap-
19 ital equipment and other expenses necessary for non-de-
20 fense environmental cleanup activities in carrying out the
21 purposes of the Department of Energy Organization Act
22 (42 U.S.C. 7101 et seq.), including the acquisition or con-
23 demnation of any real property or any facility or for plant
24 or facility acquisition, construction, or expansion,
25 \$269,411,000, to remain available until expended: *Pro-*

1 *vided*, That \$12,500,000 is appropriated for environ-
2 mental remediation activities associated with the Energy
3 Technology and Engineering Center (ETEC) at the Santa
4 Susana Field Laboratory (SSFL), subject to the following:
5 (1) the Department shall use a portion of this funding
6 to enter into an interagency agreement with the Environ-
7 mental Protection Agency (EPA) regarding a comprehen-
8 sive radioactive site characterization of Area IV of the
9 SSFL and (2) the Department shall provide the amount
10 required by EPA for the radioactive site characterization
11 in fiscal year 2009 from within the available funds: *Pro-*
12 *vided further*, That of the amount appropriated in this
13 paragraph, \$3,000,000 shall be used for projects specified
14 in the table that appears under the heading “Congression-
15 ally Directed Non-Defense Environmental Cleanup
16 Projects” in the report of the Committee on Appropria-
17 tions of the United States Senate to accompany this Act.

18 URANIUM ENRICHMENT DECONTAMINATION AND

19 DECOMMISSIONING FUND

20 For necessary expenses in carrying out uranium en-
21 richment facility decontamination and decommissioning,
22 remedial actions, and other activities of title II of the
23 Atomic Energy Act of 1954, as amended, and title X, sub-
24 title A, of the Energy Policy Act of 1992, \$515,333,000,

1 to be derived from the Fund, to remain available until ex-
2 pended.

3 SCIENCE

4 For Department of Energy expenses including the
5 purchase, construction and acquisition of plant and capital
6 equipment, and other expenses necessary for science ac-
7 tivities in carrying out the purposes of the Department
8 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
9 cluding the acquisition or condemnation of any real prop-
10 erty or facility or for plant or facility acquisition, construc-
11 tion, or expansion, and purchase of not to exceed 49 pas-
12 senger motor vehicles for replacement only, including one
13 law enforcement vehicle, one ambulance, and three buses,
14 \$4,640,469,000, to remain available until expended: *Pro-*
15 *vided*, That of the amount appropriated in this paragraph,
16 \$58,500,000 shall be used for projects specified in the
17 table that appears under the heading “Congressionally Di-
18 rected Science Projects” in the report of the Committee
19 on Appropriations of the United States Senate to accom-
20 pany this Act.

21 NUCLEAR WASTE DISPOSAL

22 For nuclear waste disposal activities to carry out the
23 purposes of the Nuclear Waste Policy Act of 1982, Public
24 Law 97–425, as amended (the “NWPA”), including the
25 acquisition of real property or facility construction or ex-

1 pansion, \$195,390,000, to remain available until ex-
2 pended, and to be derived from the Nuclear Waste Fund:
3 *Provided*, That of the funds made available in this Act
4 for Nuclear Waste Disposal, \$5,000,000 shall be provided
5 to the State of Nevada solely for expenditures, other than
6 salaries and expenses of State employees, to conduct sci-
7 entific oversight responsibilities and participate in licens-
8 ing activities pursuant to the Act: *Provided further*, That
9 notwithstanding the lack of a written agreement with the
10 State of Nevada under section 117(c) of the NWPA,
11 \$1,000,000 shall be provided to Nye County, Nevada, for
12 on-site oversight activities under section 117(d) of that
13 Act: *Provided further*, That \$9,000,000 shall be provided
14 to affected units of local government, as defined in the
15 NWPA, to conduct appropriate activities and participate
16 in licensing activities: *Provided further*, That of the
17 \$9,000,000 provided 7.5 percent of the funds provided
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 This funding shall be provided to affected units of local
23 government, as defined in the Act: *Provided further*, That
24 \$500,000 shall be provided to the Timbisha-Shoshone
25 Tribe solely for expenditures, other than salaries and ex-

1 penses of tribal employees, to conduct appropriate activi-
2 ties and participate in licensing activities under section
3 118(b) of the NWPA. The Committee requires the entities
4 to certify that within 90 days of the completion of each
5 Federal fiscal year, the Nevada Division of Emergency
6 Management and the Governor of the State of Nevada and
7 each of the affected units of local government shall provide
8 certification to the Department of Energy that all funds
9 expended from such payments have been expended for the
10 activities authorized by the Act and this Act: *Provided fur-*
11 *ther*, That notwithstanding the provisions of chapters 65
12 and 75 of title 31, United States Code, the Department
13 shall have no monitoring, auditing or other oversight
14 rights or responsibilities over amounts provided to affected
15 units of local government: *Provided further*, That the
16 funds for the State of Nevada shall be made available sole-
17 ly to the Nevada Division of Emergency Management by
18 direct payment and to units of local government by direct
19 payment: *Provided further*, That within 90 days of the
20 completion of each Federal fiscal year, the Nevada Divi-
21 sion of Emergency Management and the Governor of the
22 State of Nevada and each of the affected units of local
23 government shall provide certification to the Department
24 of Energy that all funds expended from such payments
25 have been expended for activities authorized by the NWPA

1 and this Act: *Provided further*, That failure to provide
2 such certification shall cause such entity to be prohibited
3 from any further funding provided for similar activities:
4 *Provided further*, That none of the funds herein appro-
5 priated may be: (1) used directly or indirectly to influence
6 legislative action, except for normal and recognized execu-
7 tive-legislative communications, on any matter pending be-
8 fore Congress or a State legislature or for lobbying activity
9 as provided in 18 U.S.C. 1913; (2) used for litigation ex-
10 penses; or (3) used to support multi-State efforts or other
11 coalition building activities inconsistent with the restric-
12 tions contained in this Act: *Provided further*, That all pro-
13 ceeds and recoveries realized by the Secretary in carrying
14 out activities authorized by the NWPA, including but not
15 limited to, any proceeds from the sale of assets, shall be
16 available without further appropriation and shall remain
17 available until expended: *Provided further*, That no funds
18 provided in this Act or any previous Act may be used to
19 pursue repayment or collection of funds provided in any
20 fiscal year to affected units of local government for over-
21 sight activities that had been previously approved by the
22 Department of Energy, or to withhold payment of any
23 such funds: *Provided further*, That of the amount appro-
24 priated in this paragraph, \$1,950,000 shall be used for
25 projects specified in the table that appears under the head-

1 ing “Congressionally Directed Nuclear Waste Disposal
2 Projects” in the report of the Committee on Appropria-
3 tions of the United States Senate to accompany this Act.

4 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
5 PROGRAM

6 Subject to section 502 of the Congressional Budget
7 Act of 1974, commitments to guarantee loans under title
8 XVII of the Energy Policy Act of 2005 shall not exceed
9 a total principal amount, any part of which is to be guar-
10 anteed, of \$20,000,000,000 for eligible projects (other
11 than nuclear power facilities), and commitments to guar-
12 antee loans under title XVII shall not exceed a total prin-
13 cipal amount, any part of which is to be guaranteed, of
14 \$18,500,000,000 for eligible nuclear power facilities: *Pro-*
15 *vided*, That these amounts are in addition to the authority
16 provided under section 20320 of division B of Public Law
17 109–289, as amended by Public Law 110–5: *Provided fur-*
18 *ther*, That such sums as are derived from amounts re-
19 ceived from borrowers pursuant to section 1702(b)(2) of
20 the Energy Policy Act of 2005 under this heading in this
21 and prior Acts, shall be collected in accordance with sec-
22 tion 502(7) of the Congressional Budget Act of 1974: *Pro-*
23 *vided further*, That the source of such payment received
24 from borrowers is not a loan or other debt obligation that
25 is guaranteed by the Federal Government: *Provided fur-*

1 *ther*, That pursuant to section 1702(b)(2) of the Energy
2 Policy Act of 2005, no appropriations are available to pay
3 the subsidy cost of such guarantees: *Provided further*,
4 That for necessary administrative expenses to carry out
5 this Loan Guarantee program, \$19,880,000 is appro-
6 priated, to remain available until expended: *Provided fur-*
7 *ther*, That \$19,880,000 of the fees collected pursuant to
8 section 1702(h) of the Energy Policy Act of 2005 shall
9 be credited as offsetting collections to this account to cover
10 administrative expenses and shall remain available until
11 expended, so as to result in a final fiscal year 2009 appro-
12 priation from the general fund estimated at not more than
13 \$0.

14 DEPARTMENTAL ADMINISTRATION

15 (INCLUDING TRANSFER OF FUNDS)

16 For salaries and expenses of the Department of En-
17 ergy necessary for departmental administration in car-
18 rying out the purposes of the Department of Energy Orga-
19 nization Act (42 U.S.C. 7101 et seq.), including the hire
20 of passenger motor vehicles and official reception and rep-
21 resentation expenses not to exceed \$30,000,
22 \$272,144,000, to remain available until expended, plus
23 such additional amounts as necessary to cover increases
24 in the estimated amount of cost of work for others not-
25 withstanding the provisions of the Anti-Deficiency Act (31

1 U.S.C. 1511 et seq.): *Provided*, That such increases in
2 cost of work are offset by revenue increases of the same
3 or greater amount, to remain available until expended:
4 *Provided further*, That moneys received by the Department
5 for miscellaneous revenues estimated to total
6 \$117,317,000 in fiscal year 2009 may be retained and
7 used for operating expenses within this account, and may
8 remain available until expended, as authorized by section
9 201 of Public Law 95–238, notwithstanding the provisions
10 of 31 U.S.C. 3302: *Provided further*, That the sum herein
11 appropriated shall be reduced by the amount of miscella-
12 neous revenues received during 2009, and any related ap-
13 propriated receipt account balances remaining from prior
14 years' miscellaneous revenues, so as to result in a final
15 fiscal year 2009 appropriation from the general fund esti-
16 mated at not more than \$154,827,000.

17 OFFICE OF THE INSPECTOR GENERAL

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

1 ATOMIC ENERGY DEFENSE ACTIVITIES
2 NATIONAL NUCLEAR SECURITY ADMINISTRATION
3 WEAPONS ACTIVITIES

4 For Department of Energy expenses, including the
5 purchase, construction, and acquisition of plant and cap-
6 ital equipment and other incidental expenses necessary for
7 atomic energy defense weapons activities in carrying out
8 the purposes of the Department of Energy Organization
9 Act (42 U.S.C. 7101 et seq.), including the acquisition or
10 condemnation of any real property or any facility or for
11 plant or facility acquisition, construction, or expansion,
12 the purchase of not to exceed two passenger motor vehi-
13 cles, and one ambulance; \$6,524,579,000, to remain avail-
14 able until expended: *Provided*, That \$38,583,000 is au-
15 thorized to be appropriated for Project 06-D-140-05
16 (PED) Uranium Processing Facility, Y-12 Plant, Oak
17 Ridge, Tennessee: *Provided further*, That \$125,000,000 is
18 authorized to be appropriated for 04-D-125 Chemistry
19 and Metallurgy facility replacement project, Los Alamos,
20 New Mexico: *Provided further*, That \$35,000,000 is au-
21 thorized to be appropriated for the 09-D-007 LANSCE
22 Refurbishment, PED, Los Alamos National Laboratory,
23 Los Alamos, New Mexico: *Provided further*, That of the
24 amount appropriated in this paragraph, \$3,500,000 shall
25 be used for projects specified in the table that appears

1 under the heading “Congressionally Directed Weapons Ac-
2 tivities Projects” in the report of the Committee on Appro-
3 priations of the United States Senate to accompany this
4 Act.

5 DEFENSE NUCLEAR NONPROLIFERATION

6 For Department of Energy expenses, including the
7 purchase, construction, and acquisition of plant and cap-
8 ital equipment and other incidental expenses necessary for
9 atomic energy defense, defense nuclear nonproliferation
10 activities, in carrying out the purposes of the Department
11 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
12 cluding the acquisition or condemnation of any real prop-
13 erty or any facility or for plant or facility acquisition, con-
14 struction, or expansion, and the purchase of not to exceed
15 one passenger motor vehicle for replacement only;
16 \$1,909,056,000, to remain available until expended: *Pro-*
17 *vided*, That of the funds provided herein, \$487,008,000
18 is for Project 99–D–143 Mixed Oxide (MOX) Fuel Fab-
19 rication Facility, Savannah River Site, South Carolina:
20 *Provided further*, That the Department of Energy adhere
21 strictly to Department of Energy Order 413.3A for
22 Project 99–D–143.

23 NAVAL REACTORS

24 For Department of Energy expenses necessary for
25 naval reactors activities to carry out the Department of

1 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
2 ing the acquisition (by purchase, condemnation, construc-
3 tion, or otherwise) of real property, plant, and capital
4 equipment, facilities, and facility expansion,
5 \$828,054,000, to remain available until expended.

6 OFFICE OF THE ADMINISTRATOR

7 For necessary expenses of the Office of the Adminis-
8 trator in the National Nuclear Security Administration,
9 including official reception and representation expenses
10 not to exceed \$12,000, \$404,081,000, to remain available
11 until expended.

12 ENVIRONMENTAL AND OTHER DEFENSE

13 ACTIVITIES

14 DEFENSE ENVIRONMENTAL CLEANUP

15 (INCLUDING TRANSFER OF FUNDS)

16 For Department of Energy expenses, including the
17 purchase, construction, and acquisition of plant and cap-
18 ital equipment and other expenses necessary for atomic
19 energy defense environmental cleanup activities in car-
20 rying out the purposes of the Department of Energy Orga-
21 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
22 sition or condemnation of any real property or any facility
23 or for plant or facility acquisition, construction, or expan-
24 sion, and the purchase of not to exceed four ambulances
25 and three passenger motor vehicles for replacement only,

1 \$5,771,506,000, to remain available until expended, of
2 which \$463,000,000 shall be transferred to the “Uranium
3 Enrichment Decontamination and Decommissioning
4 Fund”: *Provided*, That of the amount appropriated in this
5 paragraph, \$9,000,000 shall be used for projects specified
6 in the table that appears under the heading “Congression-
7 ally Directed Defense Environmental Cleanup Projects” in
8 the report of the Committee on Appropriations of the
9 United States Senate to accompany this Act.

10 OTHER DEFENSE ACTIVITIES

11 For Department of Energy expenses, including the
12 purchase, construction, and acquisition of plant and cap-
13 ital equipment and other expenses, necessary for atomic
14 energy defense, other defense activities, and classified ac-
15 tivities, in carrying out the purposes of the Department
16 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
17 cluding the acquisition or condemnation of any real prop-
18 erty or any facility or for plant or facility acquisition, con-
19 struction, or expansion, and the purchase of not to exceed
20 10 passenger motor vehicles for replacement only,
21 \$827,503,000, to remain available until expended: *Pro-*
22 *vided*, That of the amount appropriated in this paragraph,
23 \$1,050,000 shall be used for projects specified in the table
24 that appears under the heading “Congressionally Directed
25 Other Defense Activities Projects” in the report of the

1 Committee on Appropriations of the United States Senate
2 to accompany this Act.

3 DEFENSE NUCLEAR WASTE DISPOSAL

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

9 POWER MARKETING ADMINISTRATIONS

10 BONNEVILLE POWER ADMINISTRATION FUND

11 Expenditures from the Bonneville Power Administra-
12 tion Fund, established pursuant to Public Law 93-454,
13 are approved for official reception and representation ex-
14 penses in an amount not to exceed \$1,500. During fiscal
15 year 2009, no new direct 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 title III,
5 section 302(a)(1)(E) 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; \$218,346,000,
10 to remain available until expended, of which \$208,642,000
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 the provision of 31 U.S.C. 3302, up to
18 \$403,118,000 collected by the Western Area Power Ad-
19 ministration pursuant to the Flood Control Act of 1944
20 and the Reclamation Project Act of 1939 to recover pur-
21 chase power and wheeling expenses shall be credited to
22 this account as offsetting collections, to remain available
23 until expended for the sole purpose of making purchase
24 power and wheeling expenditures.

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 FEDERAL ENERGY REGULATORY COMMISSION
11 SALARIES AND EXPENSES

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

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

4 **GENERAL PROVISIONS—DEPARTMENT OF**
5 **ENERGY**

6 **SEC. 301. DOWNBLENDING HIGHLY ENRICHED URA-**
7 **NIUM.** The USEC Privatization Act (42 U.S.C. 2297h et
8 seq.) is amended—

9 (1) in section 3102, by striking “For purposes”
10 and inserting “Except as provided in section 3112A,
11 for purposes”; and

12 (2) by inserting after section 3112 the fol-
13 lowing:

14 **“SEC. 3112A. INCENTIVES FOR ADDITIONAL**
15 **DOWNBLENDING OF HIGHLY ENRICHED URA-**
16 **NIUM BY THE RUSSIAN FEDERATION.**

17 **“(a) DEFINITIONS.—**In this section:

18 **“(1) COMPLETION OF THE RUSSIAN HEU**
19 **AGREEMENT.—**The term ‘completion of the Russian
20 HEU Agreement’ means the importation into the
21 United States from the Russian Federation pursu-
22 ant to the Russian HEU Agreement of uranium de-
23 rived from the downblending of not less than 500
24 metric tons of highly enriched uranium of weapons
25 origin.

1 “(2) DOWNBLENDING.—The term
2 ‘downblending’ means processing highly enriched
3 uranium into a uranium product in any form in
4 which the uranium contains less than 20 percent
5 uranium-235.

6 “(3) HIGHLY ENRICHED URANIUM.—The term
7 ‘highly enriched uranium’ has the meaning given
8 that term in section 3102(4).

9 “(4) HIGHLY ENRICHED URANIUM OF WEAPONS
10 ORIGIN.—The term ‘highly enriched uranium of
11 weapons origin’ means highly enriched uranium
12 that—

13 “(A) contains 90 percent or more uranium-
14 235; and

15 “(B) is verified by the Secretary of Energy
16 to be of weapons origin.

17 “(5) LOW-ENRICHED URANIUM.—The term
18 ‘low-enriched uranium’ means a uranium product in
19 any form, including uranium hexafluoride (UF₆) and
20 uranium oxide (UO₂), in which the uranium contains
21 less than 20 percent uranium-235, including natural
22 uranium, without regard to whether the uranium is
23 incorporated into fuel rods or complete fuel assem-
24 blies.

1 “(6) RUSSIAN HEU AGREEMENT.—The term
2 ‘Russian HEU Agreement’ has the meaning given
3 that term in section 3102(11).

4 “(7) URANIUM-235.—The term ‘uranium-235’
5 means the isotope ^{235}U .

6 “(b) STATEMENT OF POLICY.—It is the policy of the
7 United States to support the continued downblending of
8 highly enriched uranium of weapons origin in the Russian
9 Federation in order to protect the essential security inter-
10 ests of the United States with respect to the nonprolifera-
11 tion of nuclear weapons.

12 “(c) PROMOTION OF DOWNBLENDING OF RUSSIAN
13 HIGHLY ENRICHED URANIUM.—

14 “(1) COMPLETION OF THE RUSSIAN HEU
15 AGREEMENT.—Prior to the completion of the Rus-
16 sian HEU Agreement, the importation into the
17 United States of low-enriched uranium, including
18 low-enriched uranium obtained under contracts for
19 separative work units, that is produced in the Rus-
20 sian Federation and is not imported pursuant to the
21 Russian HEU Agreement, may not exceed the fol-
22 lowing amounts:

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

1 “(B) In calendar year 2012, 24,839 kilo-
2 grams.

3 “(C) In calendar year 2013 and each cal-
4 endar year thereafter through the calendar year
5 of the completion of the Russian HEU Agree-
6 ment, 41,398 kilograms.

7 “(2) INCENTIVES TO CONTINUE
8 DOWNBLENDING RUSSIAN HIGHLY ENRICHED URA-
9 NIUM AFTER THE COMPLETION OF THE RUSSIAN
10 HEU AGREEMENT.—

11 “(A) IN GENERAL.—After the completion
12 of the Russian HEU Agreement, the importa-
13 tion into the United States of low-enriched ura-
14 nium, including low-enriched uranium obtained
15 under contracts for separative work units, that
16 is produced in the Russian Federation, whether
17 or not such low-enriched uranium is derived
18 from highly enriched uranium of weapons ori-
19 gin, may not exceed—

20 “(i) in calendar year 2014, 485,279
21 kilograms;

22 “(ii) in calendar year 2015, 455,142
23 kilograms;

24 “(iii) in calendar year 2016, 480,146
25 kilograms;

1 “(iv) in calendar year 2017, 490,710
2 kilograms;

3 “(v) in calendar year 2018, 492,731
4 kilograms;

5 “(vi) in calendar year 2019, 509,058
6 kilograms; and

7 “(vii) in calendar year 2020, 514,754
8 kilograms.

9 “(B) ADDITIONAL IMPORTS IN EXCHANGE
10 FOR A COMMITMENT TO DOWNBLEND AN ADDI-
11 TIONAL 300 METRIC TONS OF HIGHLY EN-
12 RICHED URANIUM.—

13 “(i) IN GENERAL.—In addition to the
14 amount authorized to be imported under
15 subparagraph (A) and except as provided
16 in clause (ii), if the Russian Federation en-
17 ters into a bilateral agreement with the
18 United States under which the Russian
19 Federation agrees to downblend an addi-
20 tional 300 metric tons of highly enriched
21 uranium after the completion of the Rus-
22 sian HEU Agreement, 4 kilograms of low-
23 enriched uranium, whether or not such
24 low-enriched uranium is derived from high-
25 ly enriched uranium of weapons origin and

1 including low-enriched uranium obtained
2 under contracts for separative work units,
3 may be imported in a calendar year for
4 every 1 kilogram of Russian highly en-
5 riched uranium of weapons origin that was
6 downblended in the preceding calendar
7 year, subject to the verification of the Sec-
8 retary of Energy under paragraph (9).

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

13 “(3) EXCEPTIONS.—The import limitations de-
14 scribed in paragraphs (1) and (2) shall not apply to
15 low-enriched uranium produced in the Russian Fed-
16 eration that is imported into the United States—

17 “(A) for use in the initial core of a new
18 nuclear reactor;

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

22 “(C) to be added to the inventory of the
23 Department of Energy.

24 “(4) ADJUSTMENTS TO IMPORT LIMITATIONS.—

1 “(A) IN GENERAL.—The import limita-
2 tions described in paragraph (2)(A) are based
3 on the reference data in the 2005 Market Re-
4 port on the Global Nuclear Fuel Market Supply
5 and Demand 2005–2030 of the World Nuclear
6 Association. In each of calendar years 2016 and
7 2019, the Secretary of Commerce shall review
8 the projected demand for uranium for nuclear
9 reactors in the United States and adjust the
10 import limitations described in paragraph
11 (2)(A) to account for changes in such demand
12 in years after the year in which that report or
13 a subsequent report is published.

14 “(B) INCENTIVE ADJUSTMENT.—Begin-
15 ning in the second calendar year after the cal-
16 endar year of the completion of the Russian
17 HEU Agreement, the Secretary of Energy shall
18 increase or decrease the amount of low-enriched
19 uranium that may be imported in a calendar
20 year under paragraph (2)(B) (including the
21 amount of low-enriched uranium that may be
22 imported for each kilogram of highly enriched
23 uranium downblended under paragraph
24 (2)(B)(i)) by a percentage equal to the percent-
25 age increase or decrease, as the case may be, in

1 the average amount of uranium loaded into nu-
2 clear power reactors in the United States in the
3 most recent 3-calendar-year period for which
4 data are available, as reported by the Energy
5 Information Administration of the Department
6 of Energy, compared to the average amount of
7 uranium loaded into such reactors during the 3-
8 calendar-year period beginning on January 1,
9 2011, as reported by the Energy Information
10 Administration.

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

18 “(5) AUTHORITY FOR ADDITIONAL ADJUST-
19 MENT.—In addition to the adjustment under para-
20 graph (4)(A), the Secretary of Commerce may ad-
21 just the import limitations under paragraph (2)(A)
22 for a calendar year if the Secretary—

23 “(A) in consultation with the Secretary of
24 Energy, determines that the available supply of
25 low-enriched uranium and the available stock-

1 piles of uranium of the Department of Energy
2 are insufficient to meet demand in the United
3 States in the following calendar year; and

4 “(B) notifies Congress of the adjustment
5 not less than 45 days before making the adjust-
6 ment.

7 “(6) EQUIVALENT QUANTITIES OF LOW-EN-
8 RICHERD URANIUM IMPORTS.—

9 “(A) IN GENERAL.—The import limita-
10 tions described in paragraphs (1) and (2) are
11 expressed in terms of uranium containing 4.4
12 percent uranium-235 and a tails assay of 0.3
13 percent.

14 “(B) ADJUSTMENT FOR OTHER URA-
15 NIUM.—Imports of low-enriched uranium under
16 paragraphs (1) and (2), including low-enriched
17 uranium obtained under contracts for separa-
18 tive work units, shall count against the import
19 limitations described in such paragraphs in
20 amounts calculated as the quantity of low-en-
21 riched uranium containing 4.4 percent ura-
22 nium-235 necessary to equal the total amount
23 of uranium-235 contained in such imports.

24 “(7) DOWNBLENDING OF OTHER HIGHLY EN-
25 RICHERD URANIUM.—

1 “(A) IN GENERAL.—The downblending of
2 highly enriched uranium not of weapons origin
3 may be counted for purposes of paragraph
4 (2)(B), subject to verification under paragraph
5 (9), if the Secretary of Energy determines that
6 the highly enriched uranium to be downblended
7 poses a risk to the national security of the
8 United States.

9 “(B) EQUIVALENT QUANTITIES OF HIGHLY
10 ENRICHED URANIUM.—For purposes of deter-
11 mining the additional low-enriched uranium im-
12 ports allowed under paragraph (2)(B), highly
13 enriched uranium not of weapons origin
14 downblended pursuant to subparagraph (A)
15 shall count as downblended highly enriched ura-
16 nium of weapons origin in amounts calculated
17 as the quantity of highly enriched uranium con-
18 taining 90 percent uranium-235 necessary to
19 equal the total amount of uranium-235 con-
20 tained in the highly enriched uranium not of
21 weapons origin downblended pursuant to sub-
22 paragraph (A).

23 “(8) TERMINATION OF IMPORT RESTRIC-
24 TIONS.—The provisions of this subsection shall ter-
25minate on December 31, 2020.

1 “(9) TECHNICAL VERIFICATIONS BY SEC-
2 RETARY OF ENERGY.—

3 “(A) IN GENERAL.—The Secretary of En-
4 ergy shall verify the origin, quantity, and ura-
5 nium-235 content of the highly enriched ura-
6 nium downblended for purposes of paragraphs
7 (2)(B) and (7).

8 “(B) METHODS OF VERIFICATION.—In
9 conducting the verification required under sub-
10 paragraph (A), the Secretary of Energy shall
11 employ the transparency measures and access
12 provisions agreed to under the Russian HEU
13 Agreement for monitoring the downblending of
14 Russian highly enriched uranium of weapons
15 origin and such other methods as the Secretary
16 determines appropriate.

17 “(10) ENFORCEMENT OF IMPORT LIMITA-
18 TIONS.—The Secretary of Commerce shall be re-
19 sponsible for enforcing the import limitations im-
20 posed under this subsection and shall enforce such
21 import limitations in a manner that imposes a mini-
22 mal burden on the commercial nuclear industry.

23 “(11) EFFECT ON OTHER AGREEMENTS.—

24 “(A) RUSSIAN HEU AGREEMENT.—Noth-
25 ing in this section shall be construed to modify

1 the terms of the Russian HEU Agreement, in-
2 cluding the provisions of the Agreement relating
3 to the amount of low-enriched uranium that
4 may be imported into the United States.

5 “(B) OTHER AGREEMENTS.—If a provision
6 of any agreement between the United States
7 and the Russian Federation, other than the
8 Russian HEU Agreement, relating to the im-
9 portation of low-enriched uranium, including
10 low-enriched uranium obtained under contracts
11 for separative work units, into the United
12 States conflicts with a provision of this section,
13 the provision of this section shall supersede the
14 provision of the agreement to the extent of the
15 conflict.”.

16 **SEC. 302. UNFUNDED REQUESTS FOR PROPOSALS.**

17 None of the funds appropriated by this Act may be used
18 to prepare or initiate Requests For Proposals (RFPs) for
19 a program if the program has not been funded by Con-
20 gress.

21 **SEC. 303. WORKFORCE RESTRUCTURING.** None of
22 the funds appropriated by this Act may be used to—

23 (1) develop or implement a workforce restruc-
24 turing plan that covers employees of the Department
25 of Energy; or

1 (2) provide enhanced severance payments or
2 other benefits for employees of the Department of
3 Energy, under section 3161 of the National Defense
4 Authorization Act for Fiscal Year 1993 (Public Law
5 102–484; 42 U.S.C. 7274h).

6 SEC. 304. SECTION 3161 ASSISTANCE. None of the
7 funds appropriated by this Act may be used to augment
8 the funds made available for obligation by this Act for sev-
9 erance payments and other benefits and community assist-
10 ance grants under section 3161 of the National Defense
11 Authorization Act for Fiscal Year 1993 (Public Law 102–
12 484; 42 U.S.C. 7274h) unless the Department of Energy
13 submits a reprogramming request to the appropriate con-
14 gressional committees.

15 SEC. 305. UNEXPENDED BALANCES. The unex-
16 pended balances of prior appropriations provided for ac-
17 tivities in this Act may be available to the same appropria-
18 tion accounts for such activities established pursuant to
19 this title. Available balances may be merged with funds
20 in the applicable established accounts and thereafter may
21 be accounted for as one fund for the same time period
22 as originally enacted.

23 SEC. 306. BONNEVILLE POWER AUTHORITY SERV-
24 ICE TERRITORY. None of the funds in this or any other
25 Act for the Administrator of the Bonneville Power Admin-

1 istration may be used to enter into any agreement to per-
2 form energy efficiency services outside the legally defined
3 Bonneville service territory, with the exception of services
4 provided internationally, including services provided on a
5 reimbursable basis, unless the Administrator certifies in
6 advance that such services are not available from private
7 sector businesses.

8 **SEC. 307. USER FACILITIES.** When the Department
9 of Energy makes a user facility available to universities
10 or other potential users, or seeks input from universities
11 or other potential users regarding significant characteris-
12 ties or equipment in a user facility or a proposed user fa-
13 cility, the Department shall ensure broad public notice of
14 such availability or such need for input to universities and
15 other potential users. When the Department of Energy
16 considers the participation of a university or other poten-
17 tial user as a formal partner in the establishment or oper-
18 ation of a user facility, the Department shall employ full
19 and open competition in selecting such a partner. For pur-
20 poses of this section, the term “user facility” includes, but
21 is not limited to: (1) a user facility as described in section
22 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C.
23 13503(a)(2)); (2) a National Nuclear Security Adminis-
24 tration Defense Programs Technology Deployment Cen-

1 ter/User Facility; and (3) any other Departmental facility
2 designated by the Department as a user facility.

3 SEC. 308. INTELLIGENCE ACTIVITIES. Funds appro-
4 priated by this or any other Act, or made available by the
5 transfer of funds in this Act, for intelligence activities are
6 deemed to be specifically authorized by the Congress for
7 purposes of section 504 of the National Security Act of
8 1947 (50 U.S.C. 414) during fiscal year 2009 until the
9 enactment of the Intelligence Authorization Act for fiscal
10 year 2009.

11 SEC. 309. LABORATORY DIRECTED RESEARCH AND
12 DEVELOPMENT. Of the funds made available by the De-
13 partment of Energy for activities at government-owned,
14 contractor-operator operated laboratories funded in this
15 Act or subsequent Energy and Water Development Appro-
16 priations Acts, the Secretary may authorize a specific
17 amount, not to exceed 10 percent of such funds, to be used
18 by such laboratories for laboratory-directed research and
19 development: *Provided*, That the Secretary may also au-
20 thorize a specific amount not to exceed 6 percent of such
21 funds, to be used by the plant manager of a covered nu-
22 clear weapons production plant or the manager of the Ne-
23 vada Site Office for plant or site-directed research and de-
24 velopment: *Provided further*, That notwithstanding De-
25 partment of Energy order 413.2A, dated January 8, 2001,

1 beginning in fiscal year 2006 and thereafter, all DOE lab-
2 oratories may be eligible for laboratory directed research
3 and development funding.

4 SEC. 310. Not to exceed 5 percent of any appropria-
5 tion made available for Department of Energy activities
6 funded in this Act or subsequent Energy and Water Devel-
7 opment Appropriations Acts may be transferred between
8 such appropriations, but no such appropriation, except as
9 otherwise provided, shall be increased or decreased by
10 more than 5 percent by any such transfers, and notifica-
11 tion of such transfers shall be submitted promptly to the
12 Committees on Appropriations of the House and Senate.

13 SEC. 311. GENERAL PLANT PROJECTS. Plant or con-
14 struction projects for which amounts are made available
15 under this and subsequent appropriation Acts with a cur-
16 rent estimated cost of less than \$10,000,000 are consid-
17 ered for purposes of section 4703 of Public Law 107–314
18 as a plant project for which the approved total estimated
19 cost does not exceed the minor construction threshold and
20 for purposes of section 4704 of Public Law 107–314 as
21 a construction project with a current estimated cost of less
22 than a minor construction threshold.

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

1 (b) The cost of project vehicles, related facilities, and
2 other activities funded from the Federal Transit Adminis-
3 tration sections 5307, 5308, 5309, and 5314 program, in-
4 cluding the non-Federal share for the FTA funds, is an
5 eligible component of the non-Federal share for this
6 project.

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

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

13 (e) This section applies to project appropriations be-
14 ginning in fiscal year 2004.

15 SEC. 313. INTEGRATED UNIVERSITY PROGRAM. (a)
16 The Secretary of Energy, along with the Administrator
17 of the National Nuclear Security Administration and the
18 Chairman of the Nuclear Regulatory Commission, shall es-
19 tablish an Integrated University Program.

20 (b) For the purposes of carrying out this section,
21 \$45,000,000 is authorized to be appropriated in each of
22 fiscal years 2009 to 2019 as follows:

23 (1) \$15,000,000 for the Department of Energy;

24 (2) \$15,000,000 for the Nuclear Regulatory
25 Commission; and

1 (3) \$15,000,000 for the National Nuclear Secu-
2 rity Administration.

3 (c) Of the amounts authorized to carry out this sec-
4 tion, \$10,000,000 shall be used by each organization to
5 support university research and development in areas rel-
6 evant to their respective organization's mission, and
7 \$5,000,000 shall be used by each organization to support
8 a jointly implemented Nuclear Science and Engineering
9 Grant Program that will support multiyear research
10 projects that do not align with programmatic missions but
11 are critical to maintaining the discipline of nuclear science
12 and engineering.

13 SEC. 314. NAMING LABORATORY FACILITIES. Facili-
14 ties at Sandia National Laboratories and Los Alamos Na-
15 tional Laboratory, New Mexico, shall be named in honor
16 of Senator Pete V. Domenici in recognition of his excep-
17 tional service in the national interest and his steadfast
18 support of scientific excellence at our national labora-
19 tories.

20 TITLE IV

21 INDEPENDENT AGENCIES

22 APPALACHIAN REGIONAL COMMISSION

23 For expenses necessary to carry out the programs au-
24 thorized by the Appalachian Regional Development Act of
25 1965, as amended, not withstanding 40 U.S.C. 14704,

1 standing 31 U.S.C. 3302: *Provided further*, That the sum
2 herein appropriated shall be reduced by the amount of rev-
3 enues received during fiscal year 2009 so as to result in
4 a final fiscal year 2009 appropriation estimated at not
5 more than \$934,000.

6 NUCLEAR WASTE TECHNICAL REVIEW BOARD

7 SALARIES AND EXPENSES

8 For necessary expenses of the Nuclear Waste Tech-
9 nical Review Board, as authorized by Public Law 100-
10 203, section 5051, \$3,811,000, to be derived from the Nu-
11 clear Waste Fund, and to remain available until expended.

12 OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA

13 NATURAL GAS TRANSPORTATION PROJECTS

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

22 TITLE V

23 GENERAL PROVISIONS

24 SEC. 501. None of the funds appropriated by this Act
25 may be used in any way, directly or indirectly, to influence

1 congressional action on any legislation or appropriation
2 matters pending before Congress, other than to commu-
3 nicate to Members of Congress as described in 18 U.S.C.
4 1913.

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

10 This Act may be cited as the “Energy and Water De-
11 velopment and Related Agencies Appropriations Act,
12 2009”.

Calendar No. 876

110TH CONGRESS
2^D SESSION

S. 3258

[Report No. 110-416]

A BILL

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

JULY 14, 2008

Read twice and placed on the calendar