

1 *specifying the amount of each rescission made pursuant to*
2 *this section.*

3 *This Act may be cited as the “Commerce, Justice,*
4 *Science, and Related Agencies Appropriations Act, 2008”.*

5 *DIVISION C—ENERGY AND WATER DEVELOP-*
6 *MENT AND RELATED AGENCIES APPROPRIA-*
7 *TIONS ACT, 2008*

8 *TITLE I*

9 *CORPS OF ENGINEERS—CIVIL*

10 *DEPARTMENT OF THE ARMY*

11 *CORPS OF ENGINEERS—CIVIL*

12 *The following appropriations shall be expended under*
13 *the direction of the Secretary of the Army and the super-*
14 *vision of the Chief of Engineers for authorized civil func-*
15 *tions of the Department of the Army pertaining to rivers*
16 *and harbors, flood and storm damage reduction, shore pro-*
17 *tection, aquatic ecosystem restoration, and related purposes.*

18 *INVESTIGATIONS*

19 *(INCLUDING RESCISSION OF FUNDS)*

20 *For expenses necessary for the collection and study of*
21 *basic information pertaining to river and harbor, flood and*
22 *storm damage reduction, shore protection, aquatic eco-*
23 *system restoration, and related projects; restudy of author-*
24 *ized projects, miscellaneous investigations; and, when au-*
25 *thorized by law, surveys and detailed studies, and plans*
26 *and specifications of projects prior to construction,*

1 \$167,261,000, to remain available until expended: Pro-
2 vided, That of the funds provided under this heading of
3 Public Law 106-554, \$100,000 are rescinded: Provided fur-
4 ther, That using \$2,952,000 of the funds provided herein,
5 the Secretary of the Army acting through the Chief of Engi-
6 neers shall continue the Louisiana Coastal Protection and
7 Restoration study at full Federal expense: Provided further,
8 That using \$1,968,000 of the funds provided herein, the Sec-
9 retary of the Army acting through the Chief of Engineers
10 shall continue the Coastal Mississippi Hurricane and
11 Storm Damage Reduction study at full Federal expense:
12 Provided further, That funds in the amount of \$461,000
13 are provided to continue environmental studies for the Pine
14 Mountain Dam, Arkansas, project: Provided further, That
15 cost sharing of preconstruction engineering and design shall
16 be as previously applied to this activity.

17 CONSTRUCTION

18 (INCLUDING RESCISSIONS OF FUNDS)

19 For expenses necessary for the construction of river
20 and harbor, flood and storm damage reduction, shore pro-
21 tection, aquatic ecosystem restoration, and related projects
22 authorized by law, including a portion of the expenses for
23 the modifications authorized by section 104 of the Ever-
24 glades National Park Protection and Expansion Act of
25 1989; for conducting detailed studies, and plans and speci-
26 fications, of such projects (including those involving par-

1 *ticipation by States, local governments, or private groups)*
2 *authorized or made eligible for selection by law (but such*
3 *detailed studies, and plans and specifications, shall not con-*
4 *stitute a commitment of the Government to construction);*
5 *\$2,294,029,000, to remain available until expended; of*
6 *which such sums as are necessary to cover the Federal share*
7 *of construction costs for facilities under the Dredged Mate-*
8 *rial Disposal Facilities program shall be derived from the*
9 *Harbor Maintenance Trust Fund as authorized by Public*
10 *Law 104–303; and of which such sums as are necessary*
11 *pursuant to Public Law 99–662 shall be derived from the*
12 *Inland Waterways Trust Fund, to cover one-half of the costs*
13 *of construction and rehabilitation of inland waterways*
14 *projects (including the rehabilitation costs for Lock and*
15 *Dam 11, Mississippi River, Iowa; Lock and Dam 19, Mis-*
16 *issippi River, Iowa; Lock and Dam 24, Mississippi River,*
17 *Illinois and Missouri; Lock 27, Mississippi River, Illinois;*
18 *Markland Locks and Dam, Kentucky and Indiana;*
19 *Emsworth Locks and Dam, Ohio River, Pennsylvania; and*
20 *Lock and Dam 3, Mississippi River, Minnesota) shall be*
21 *derived from the Inland Waterways Trust Fund; and of*
22 *which \$7,380,000 shall be exclusively for projects and ac-*
23 *tivities authorized under section 107 of the River and Har-*
24 *bor Act of 1960; and of which \$4,796,000 shall be exclu-*
25 *sively for projects and activities authorized under section*

1 111 of the River and Harbor Act of 1968; and of which
2 \$4,428,000 shall be exclusively for projects and activities
3 authorized under section 103 of the River and Harbor Act
4 of 1962; and of which \$42,312,000 shall be exclusively for
5 projects and activities authorized under section 205 of the
6 Flood Control Act of 1948; and of which \$9,840,000 shall
7 be exclusively for projects and activities authorized under
8 section 14 of the Flood Control Act of 1946; and of which
9 \$0 shall be exclusively for projects and activities authorized
10 under section 208 of the Flood Control Act of 1954; and
11 of which \$29,520,000 shall be exclusively for projects and
12 activities authorized under section 1135 of the Water Re-
13 sources Development Act of 1986; and of which \$29,520,000
14 shall be exclusively for projects and activities authorized
15 under section 206 of the Water Resources Development Act
16 of 1996; and of which \$5,292,000 shall be exclusively for
17 projects and activities authorized under sections 204 and
18 207 of the Water Resources Development Act of 1992 and
19 section 933 of the Water Resources Development Act of
20 1986: Provided, That the Chief of Engineers is directed to
21 use \$12,792,000 of the funds appropriated herein for the
22 Dallas Floodway Extension, Texas, project, including the
23 Cadillac Heights feature, generally in accordance with the
24 Chief of Engineers report dated December 7, 1999: Provided
25 further, That the Chief of Engineers is directed to use

1 \$1,968,000 of the funds provided herein for the Hawaii
2 Water Management Project: Provided further, That the
3 Chief of Engineers is directed to use \$5,166,000 of the funds
4 appropriated herein for planning, engineering, design or
5 construction of the Grundy, Buchanan County, and
6 Dickenson County, Virginia, elements of the Levisa and
7 Tug Forks of the Big Sandy River and Upper Cumberland
8 River Project: Provided further, That the Chief of Engineers
9 is directed to use \$18,204,000 of the funds appropriated
10 herein to continue planning, engineering, design or con-
11 struction of the Lower Mingo County, Upper Mingo County,
12 Wayne County, McDowell County, West Virginia, elements
13 of the Levisa and Tug Forks of the Big Sandy River and
14 Upper Cumberland River Project: Provided further, That
15 the Secretary of the Army, acting through the Chief of Engi-
16 neers, is directed to use \$4,920,000 of the funds appro-
17 priated herein for the Clover Fork, City of Cumberland,
18 Town of Martin, Pike County (including Levisa Fork and
19 Tug Fork Tributaries), Bell County, Harlan County in ac-
20 cordance with the Draft Detailed Project Report dated Jan-
21 uary 2002, Floyd County, Martin County, Johnson County,
22 and Knox County, Kentucky, detailed project report, ele-
23 ments of the Levisa and Tug Forks of the Big Sandy River
24 and Upper Cumberland River: Provided further, That the
25 Secretary of the Army is directed to use any remaining

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

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

9 *MISSISSIPPI RIVER AND TRIBUTARIES*

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

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

20 *REGULATORY PROGRAM*

21 *For expenses necessary for administration of laws per-*
22 *taining to regulation of navigable waters and wetlands,*
23 *\$180,000,000, to remain available until expended.*

24 *FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM*

25 *For expenses necessary to clean up contamination*
26 *from sites in the United States resulting from work per-*

1 *formed as part of the Nation's early atomic energy pro-*
2 *gram, \$140,000,000, to remain available until expended.*

3 *EXPENSES*

4 *For expenses necessary for general administration and*
5 *related civil works functions in the headquarters of the*
6 *United States Army Corps of Engineers, the offices of the*
7 *Division Engineers, the Humphreys Engineer Center Sup-*
8 *port Activity, the Institute for Water Resources, the United*
9 *States Army Engineer Research and Development Center,*
10 *and the United States Army Corps of Engineers Finance*
11 *Center, \$175,046,000, to remain available until expended:*
12 *Provided, That no part of any other appropriation pro-*
13 *vided in title I of this Act shall be available to fund the*
14 *civil works activities of the Office of the Chief of Engineers*
15 *or the civil works executive direction and management ac-*
16 *tivities of the division offices.*

17 *OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL*
18 *WORKS)*

19 *For the Office of the Assistant Secretary of the Army*
20 *(Civil Works) as authorized by 10 U.S.C. 3016(b)(3),*
21 *\$4,500,000 is provided.*

22 *ADMINISTRATIVE PROVISION*

23 *Appropriations in this title shall be available for offi-*
24 *cial reception and representation expenses (not to exceed*
25 *\$5,000); and during the current fiscal year the Revolving*
26 *Fund, Corps of Engineers, shall be available for purchase*

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

3 *GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL*

4 *SEC. 101. (a) None of the funds provided in title I*
5 *of this Act, or provided by previous appropriations Acts*
6 *to the agencies or entities funded in title I of this Act that*
7 *remain available for obligation or expenditure in fiscal year*
8 *2008, shall be available for obligation or expenditure*
9 *through a reprogramming of funds that:*

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

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

13 *(3) increases funds or personnel for any pro-*
14 *gram, project or activity for which funds have been*
15 *denied or restricted by this Act, unless prior approval*
16 *is received from the House and Senate Committees on*
17 *Appropriations;*

18 *(4) proposes to use funds directed for a specific*
19 *activity by either the House or the Senate Committees*
20 *on Appropriations for a different purpose, unless*
21 *prior approval is received from the House and Senate*
22 *Committees on Appropriations;*

23 *(5) augments or reduces existing programs,*
24 *projects or activities in excess of the amounts con-*
25 *tained in subsections 6 through 10, unless prior ap-*

1 *proval is received from the House and Senate Com-*
2 *mittees on Appropriations;*

3 (6) *INVESTIGATIONS.—For a base level over*
4 *\$100,000, reprogramming of 25 percent of the base*
5 *amount up to a limit of \$150,000 per project, study*
6 *or activity is allowed: Provided, That for a base level*
7 *less than \$100,000, the reprogramming limit is*
8 *\$25,000; Provided further, That up to \$25,000 may be*
9 *reprogrammed into any continuing study or activity*
10 *that did not receive an appropriation for existing ob-*
11 *ligations and concomitant administrative expenses;*

12 (7) *CONSTRUCTION.—For a base level over*
13 *\$2,000,000, reprogramming of 15 percent of the base*
14 *amount up to a limit of \$3,000,000 per project, study*
15 *or activity is allowed: Provided, That for a base level*
16 *less than \$2,000,000, the reprogramming limit is*
17 *\$300,000: Provided further, That up to \$3,000,000*
18 *may be reprogrammed for settled contractor claims,*
19 *changed conditions, or real estate deficiency judg-*
20 *ments; Provided further, That up to \$300,000 may be*
21 *reprogrammed into any continuing study or activity*
22 *that did not receive an appropriation for existing ob-*
23 *ligations and concomitant administrative expenses;*

24 (8) *OPERATION AND MAINTENANCE.—Unlimited*
25 *reprogramming authority is granted in order for the*

1 *Corps to be able to respond to emergencies: Provided,*
2 *That the Chief of Engineers must notify the House*
3 *and Senate Committees on Appropriations of these*
4 *emergency actions as soon thereafter as practicable:*
5 *Provided further, That for a base level over*
6 *\$1,000,000, reprogramming of 15 percent of the base*
7 *amount up to a limit of \$5,000,000 per project, study*
8 *or activity is allowed: Provided further, That for a*
9 *base level less than \$1,000,000, the reprogramming*
10 *limit is \$150,000: Provided further, That \$150,000*
11 *may be reprogrammed into any continuing study or*
12 *activity that did not receive an appropriation;*

13 (9) *MISSISSIPPI RIVER AND TRIBUTARIES.—The*
14 *same reprogramming guidelines for the Investiga-*
15 *tions, Construction, and Operation and Maintenance*
16 *portions of the Mississippi River and Tributaries Ac-*
17 *count as listed above; and*

18 (10) *FORMERLY UTILIZED SITES REMEDIAL AC-*
19 *TION PROGRAM.—Reprogramming of up to 15 percent*
20 *of the base of the receiving project is permitted.*

21 (b) *CONTINUING AUTHORITIES PROGRAM.—Subsection*
22 *(a)(1) shall not apply to any project or activity funded*
23 *under the continuing authorities program.*

24 (c) *Not later than 60 days after the date of enactment*
25 *of this Act, the Corps of the Engineers shall submit a report*

1 *to the House and Senate Committees on Appropriations to*
2 *establish the baseline for application of reprogramming and*
3 *transfer authorities for the current fiscal year: Provided,*
4 *That the report shall include:*

5 (1) *A table for each appropriation with a sepa-*
6 *rate column to display the President's budget request,*
7 *adjustments made by Congress, adjustments due to*
8 *enacted rescissions, if appropriate, and the fiscal year*
9 *enacted level;*

10 (2) *A delineation in the table for each appro-*
11 *priation both by object class and program, project*
12 *and activity as detailed in the budget appendix for*
13 *the respective appropriations; and*

14 (3) *An identification of items of special congres-*
15 *sional interest: Provided further, That the amount ap-*
16 *propriated for salaries and expenses of the Corps of*
17 *Engineers shall be reduced by \$100,000 per day for*
18 *each day after the required date that the report has*
19 *not been submitted to the Congress.*

20 *SEC. 102. None of the funds made available in this*
21 *title may be used to award any continuing contract or make*
22 *modifications to any existing continuing contract that com-*
23 *mits an amount for a project in excess of the amounts ap-*
24 *propriated for that project that remain unobligated, except*
25 *that such amounts may include any funds that have been*

1 *made available through reprogramming to that project pur-*
2 *suant to section 101 of this Act.*

3 *SEC. 103. None of the funds in this Act, or previous*
4 *Acts, making funds available for Energy and Water Devel-*
5 *opment, shall be used to implement any pending or future*
6 *competitive sourcing actions under OMB Circular A-76 or*
7 *High Performing Organizations for the U.S. Army Corps*
8 *of Engineers.*

9 *SEC. 104. None of the funds appropriated in this or*
10 *any other Act shall be used to demonstrate or implement*
11 *any plans divesting or transferring any Civil Works mis-*
12 *sions, functions, or responsibilities of the United States*
13 *Army Corps of Engineers to other government agencies*
14 *without specific direction in a subsequent Act of Congress.*

15 *SEC. 105. Within 90 days of the date of the Chief of*
16 *Engineers Report on a water resource matter, the Assistant*
17 *Secretary of the Army (Civil Works) shall submit the report*
18 *to the appropriate authorizing and appropriating commit-*
19 *tees of the Congress.*

20 *SEC. 106. WATER REALLOCATION, LAKE CUM-*
21 *BERLAND, KENTUCKY. (a) IN GENERAL.—Subject to sub-*
22 *section (b), none of the funds made available by this Act*
23 *may be used to carry out any water reallocation project*
24 *or component under the Wolf Creek Project, Lake Cum-*
25 *berland, Kentucky, authorized under the Act of June 28,*

1 1938 (52 Stat. 1215, ch. 795) and the Act of July 24, 1946
2 (60 Stat. 636, ch. 595).

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

8 *SEC. 107. Using amounts available in the Revolving*
9 *Fund, the Secretary of the Army is authorized to construct*
10 *a new Environmental Laboratory and improvements to the*
11 *Information Technology Laboratory at the Engineer Re-*
12 *search and Development Center in Vicksburg, Mississippi:*
13 *Provided, That the Secretary shall ensure that the Revolv-*
14 *ing Fund is appropriately reimbursed from appropriations*
15 *of the Corps' benefiting programs by collection each year*
16 *of amounts sufficient to repay the capitalized cost of such*
17 *construction and improvements.*

18 *SEC. 108. Notwithstanding section 729 of the Water*
19 *Resources Development Act of 1986, as amended (33 U.S.C.*
20 *2267a), the Secretary shall credit toward the non-Federal*
21 *share of the cost of the Rio Grande Basin Watershed Study,*
22 *New Mexico, Colorado and Texas, the cost of in-kind serv-*
23 *ices contributed by the New Mexico Interstate Stream Com-*
24 *mission for the Study up to the full amount of the required*
25 *non-Federal share, in accordance with the Agreement be-*

1 *tween the Commission and the Department of the Army*
2 *dated December 3, 2001 as modified on January 14, 2002.*

3 *SEC. 109. Section 121 of the Energy and Water Devel-*
4 *opment Appropriations Act, 2006 (Public Law 109–103;*
5 *119 Stat. 2256) is amended by striking subsection (a) and*
6 *inserting the following:*

7 *“(a) The Secretary of the Army may carry out and*
8 *fund planning studies, watershed surveys and assessments,*
9 *or technical studies at 100 percent Federal expense to ac-*
10 *complish the purposes of the 2003 Biological Opinion de-*
11 *scribed in section 205(b) of the Energy and Water Develop-*
12 *ment Appropriations Act, 2005 (Public Law 108–447; 118*
13 *Stat. 2949) as amended by subsection (b) and the collabo-*
14 *rative program long-term plan. In carrying out a study,*
15 *survey, or assessment under this subsection, the Secretary*
16 *of the Army shall consult with Federal, State, tribal and*
17 *local governmental entities, as well as entities participating*
18 *in the Middle Rio Grande Endangered Species Collabo-*
19 *rative Program referred to in section 205 of this Act: Pro-*
20 *vided, That the Secretary of the Army may also provide*
21 *planning and administrative assistance to the Middle Rio*
22 *Grande Endangered Species Collaborative Program, which*
23 *shall not be subject to cost sharing requirements with non-*
24 *Federal interests.”.*

1 *SEC. 110. The Secretary of the Army, acting through*
2 *the Chief of Engineers, is directed to convey at no cost,*
3 *lands to Tate County School District, Tate County, Mis-*
4 *issippi, the transfer of any real property interests, not to*
5 *exceed 50 acres, at Arkabutla Lake deemed available by the*
6 *Army that is located adjacent to school district property*
7 *in the vicinity of State Highway 306 west of Coldwater,*
8 *Mississippi. Such transfer shall be subject to the reservation*
9 *of any required flowage easements for the operation of*
10 *Arkabutla Lake and which preclude structures for human*
11 *habitation. This property shall be used by the Tate County*
12 *School District for public educational purposes.*

13 *SEC. 111. Section 594 of the Water Resources Develop-*
14 *ment Act of 1999 is amended by striking “~~see. 594. ohio.~~”*
15 *and inserting in lieu thereof “~~see. 594. ohio and north da-~~*
16 *~~kota.~~” and in (a) strike “Ohio.” and insert in lieu thereof*
17 *“Ohio and North Dakota.” and in (b) strike “Ohio,” and*
18 *insert in lieu thereof “Ohio and North Dakota,” and in (h)*
19 *strike “\$240,000,000.” and insert in lieu thereof*
20 *“\$240,000,000 for Ohio and \$100,000,000 for North Da-*
21 *kota.”.*

22 *SEC. 112. The Secretary of the Army, acting through*
23 *the Chief of Engineers, is directed and authorized to conduct*
24 *preconstruction engineering and design activities at full*
25 *Federal expense for the Kahuku Storm Damage Reduction*

1 *Project, Oahu, Hawaii, which includes interior drainage*
2 *and related improvements to be constructed on lands that*
3 *may include Federal land, the cost of the preconstruction,*
4 *engineering, and design activities shall be included in total*
5 *project costs to be cost shared at the rate of 65 percent Fed-*
6 *eral and 35 percent non-Federal, as a part of construction*
7 *and the Decision Document contents shall be limited to a*
8 *design analysis and supporting NEPA documentation for*
9 *drainage improvements.*

10 *SEC. 113. Section 227 of Public Law 104–303 is*
11 *amended in section 5(a) by striking “7”, and inserting*
12 *“12” in lieu thereof.*

13 *SEC. 114. All budget documents and justification ma-*
14 *terials for the Corps of Engineers annual budget submission*
15 *to Congress shall be assembled and presented based on the*
16 *most recent annual appropriations Act: Provided, That new*
17 *budget proposals for fiscal year 2008 and thereafter, shall*
18 *not be integrated into the budget justifications submitted*
19 *to Congress but shall be submitted separately from the budg-*
20 *et justifications documents.*

21 *SEC. 115. The Secretary of the Army acting through*
22 *the Chief of Engineers is directed to plan, design, and con-*
23 *struct a rural health care facility on the Fort Berthold In-*
24 *dian Reservation of the Three Affiliated Tribes, North Da-*
25 *kota, at an estimated Federal cost of \$20,000,000. The Sec-*

1 *retary shall transfer this facility to the Secretary of the In-*
2 *terior for operation and maintenance upon the completion*
3 *of construction.*

4 *SEC. 116. The last sentence of section 215(a) of the*
5 *Flood Control Act of 1968 (42 U.S.C. 1962d–5a(a)) is*
6 *amended by striking “\$5,000,000” and inserting*
7 *“\$7,000,000”.*

8 *SEC. 117. JOHNSON CREEK, ARLINGTON, TEXAS. (a)*
9 *IN GENERAL.—The project for flood damage reduction, en-*
10 *vironmental restoration and recreation, Johnson Creek, Ar-*
11 *lington, Texas, authorized by section 101(b)(14) of the*
12 *Water Resources Development Act of 1999 (113 Stat. 280–*
13 *281) is modified to authorize the Secretary to construct the*
14 *project substantially in accordance with the report entitled*
15 *Johnson Creek: A Vision of Conservation, dated March 30,*
16 *2006, at a total cost of \$80,000,000, with an estimated Fed-*
17 *eral cost of \$52,000,000 and an estimated non-Federal cost*
18 *of \$28,000,000 if the Secretary determines that the project*
19 *is technically sound and environmentally acceptable.*

20 *(b) NON-FEDERAL SHARE.—*

21 *(1) IN GENERAL.—The non-Federal share of the*
22 *cost of the project may be provided in cash or in the*
23 *form of in-kind services or materials.*

24 *(2) CREDIT AND REIMBURSEMENT.—The Sec-*
25 *retary shall credit toward the non-Federal share of*

1 *the cost of the project the cost of planning, design,*
2 *and construction work carried out by the non-Federal*
3 *interest for implementation of the project, if the Sec-*
4 *retary determines that the work is integral to the*
5 *project. Subject to the availability of funds, the non-*
6 *Federal interest shall be reimbursed for costs incurred*
7 *by the non-Federal interest that exceed the non-Fed-*
8 *eral share of project costs.*

9 *(c) CONFORMING AMENDMENT.—Section 134 of the*
10 *Energy and Water Development Appropriations Act, 2006*
11 *(119 Stat. 2264) and section 5143 of the Water Resources*
12 *Development Act of 2007, (Public Law 110–114) are re-*
13 *pealed.*

14 *SEC. 118. The Secretary is authorized and directed to*
15 *reimburse local governments for expenses they have incurred*
16 *in storm-proofing pumping stations, constructing safe*
17 *houses for operators, and other interim flood control meas-*
18 *ures in and around the New Orleans metropolitan area,*
19 *provided the Secretary determines those elements of work*
20 *and related expenses to be integral to the overall plan to*
21 *ensure operability of the stations during hurricanes, storms*
22 *and high water events and the flood control plan for the*
23 *area.*

24 *SEC. 119. Section 219(f) of the Water Resources Devel-*
25 *opment Act of 1992 (Public Law 102–580, 106 Stat. 4835*

1 *et seq.*), as amended, is further amended by striking sub-
2 section “(71) Coronado, California”, in its entirety and in-
3 serting the following:

4 “(71) CORONADO, CALIFORNIA.

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

7 “(B) The Federal Share may be in the form
8 of grants or reimbursements of project costs in-
9 curred by the non-Federal sponsor for work per-
10 formed by the non-Federal sponsor before or after
11 the execution of a project cooperation agreement,
12 if the Secretary determines that such work is in-
13 tegral to the project.

14 “(C) The Secretary is authorized to credit
15 towards the non-Federal share of project costs the
16 costs incurred by the non-Federal sponsor for
17 work performed by the non-Federal sponsor be-
18 fore or after the execution of a project coopera-
19 tion agreement, if the Secretary determines that
20 such work is integral to the project.”

21 SEC. 120. NAVAJO RESERVATION, ARIZONA, NEW
22 MEXICO, AND UTAH.—Section 520(b) of the Water Re-
23 sources Development Act of 1999 (Public Law 106–53; 113
24 Stat. 345) is amended by inserting after the second sentence
25 “The local match for the funds appropriated for flood plain

1 *delineation on the Navajo reservation in Arizona, New Mex-*
2 *ico, and Utah may be provided as in-kind services.”.*

3 *SEC. 121. The Secretary of the Army may, under such*
4 *terms and conditions as the Secretary deems appropriate,*
5 *contract with any public or private entity to provide visitor*
6 *reservation services. Any such contract in effect on or after*
7 *October 1, 2004, may provide that the contractor shall be*
8 *permitted to deduct a commission to be fixed by the Sec-*
9 *retary from the amount charged the public for providing*
10 *such services and to remit the net proceeds therefrom to the*
11 *contracting agency.*

12 *SEC. 122. The project for flood control, Redwood River,*
13 *Marshall, Minnesota, authorized by section 401(a) of the*
14 *Water Resources Development Act of 1986 and modified by*
15 *section 4(k) of the Water Resources Development Act of 1988*
16 *is further modified to authorize the Secretary to construct*
17 *the project at a total cost of \$11,863,000, with an estimated*
18 *first Federal cost of \$8,722,000 and an estimated first non-*
19 *Federal cost of \$3,141,000.*

20 *SEC. 123. The project for St. John’s Bayou and New*
21 *Madrid Floodway in the State of Missouri as authorized*
22 *by subsection (d) of the matter under the heading “Lower*
23 *Mississippi River” under section 203 of the Flood Control*
24 *Act of 1954 (68 Stat. 1258) and section 401(a) of the Water*
25 *Resources Development Act of 1986 (100 Stat. 4118), and*

1 *as modified by section 331 of the Water Resources Develop-*
2 *ment Act of 1996 (110 Stat. 3658) as described in the June*
3 *2002 Revised Supplemental Impact Statement, as supple-*
4 *mented by the March 2006 Revised Supplemental Environ-*
5 *mental Impact Statement 2 for this project is economically*
6 *justified: Provided, That the levee closure and gravity struc-*
7 *ture at the south end of the New Madrid Floodway portion*
8 *of the Project are part of the Mississippi River Levee feature*
9 *of the Mississippi River and Tributaries Project and are*
10 *not a separable element of that Project.*

11 *SEC. 124. Funds provided in title V, chapter 3 of Pub-*
12 *lic Law 110–28 under the heading “Construction” may be*
13 *used for restoration of shore protection projects in New Jer-*
14 *sey damaged by the same meteorological events that resulted*
15 *in Presidential Disaster Declaration FEMA–1694–DR.*

16 *SEC. 125. The project for flood control, Cedar Ham-*
17 *mock (Wares Creek), Florida, authorized by section*
18 *101(a)(10) of Public Law 104–303 (110 Stat. 3664), is*
19 *modified to authorize the Secretary to construct the project*
20 *at a total cost of \$42,600,000.*

21 *SEC. 126. Section 156 of Public Law 108–137 is*
22 *amended by inserting “or reimburse” after “non-Federal*
23 *share of the cost of the project” in paragraphs (2) and (3).*

24 *SEC. 127. Notwithstanding any other provision of law,*
25 *the requirements regarding the use of continuing contracts*

1 *under the authority of section 206 of the Water Resources*
2 *Development Act of 1999 (33 U.S.C. 2331) shall apply only*
3 *to projects funded under the Operation and Maintenance*
4 *account and the Operation and Maintenance subaccount of*
5 *the Mississippi River and Tributaries account.*

6 *SEC. 128. Section 3020 of the Water Resources Devel-*
7 *opment Act of 2007, Public Law 110–114, is amended by*
8 *inserting “or after” following the word “before”.*

9 *SEC. 129. Notwithstanding provisions of 42 U.S.C.*
10 *2011 et seq. and 42 U.S.C. 7901 et seq. the U.S. Army*
11 *Corps of Engineers shall have the authority to arrange dis-*
12 *posal of waste materials from the Maywood, New Jersey,*
13 *Formerly Utilized Sites Remedial Action Program*
14 *(FUSRAP) site at off-site facilities permitted to accept such*
15 *waste materials under subtitle C of the Resource Conserva-*
16 *tion and Recovery Act (42 U.S.C. 6921 et seq.). FUSRAP*
17 *waste materials from the Maywood site may be, but shall*
18 *not be required to be, disposed at sites licensed under the*
19 *Atomic Energy Act (42 U.S.C. 2011 et seq.).*

20 *SEC. 130. AMERICAN AND SACRAMENTO RIVERS, CALI-*
21 *FORNIA. Section 101(a)(1)(B) of the Water Resources Devel-*
22 *opment Act of 1996 (Public Law 104–303: 110 Stat. 3662)*
23 *is modified to read as follows:*

24 *“(B) CREDIT TOWARD NON-FEDERAL*
25 *SHARE.—The non-Federal interest shall receive*

1 *credit toward the non-Federal share of project*
2 *costs for expenses that the non-Federal interest*
3 *incurs for design or construction of any author-*
4 *ized project feature, including credit for work*
5 *commenced before the date of execution of a co-*
6 *operation agreement for the affected feature. The*
7 *amount of the credit shall be determined by the*
8 *Secretary.”.*

9 *SEC. 131. WHITE RIVER NAVIGATION TO BATESVILLE,*
10 *ARKANSAS. The project for navigation, White River Naviga-*
11 *tion to Batesville, Arkansas, as authorized in Public Law*
12 *99–662 is amended to extend the project from mile 255,*
13 *near Newport, Arkansas, to approximately mile 296, near*
14 *Batesville, Arkansas; to include a harbor at Batesville, Ar-*
15 *kansas; and environmental restoration within the White*
16 *River Basin including Federally owned lands.*

17 *SEC. 132. LANDFILLS USED FOR CERTAIN WASTE. (a)*
18 *IN GENERAL.—The funding prohibition set forth in section*
19 *103 of the Energy and Water Development Appropriations*
20 *Act, 2006 shall not apply to the construction or expansion*
21 *of any landfill in the Muskingum River watershed if—*

22 *(1) the landfill is used solely for the disposal*
23 *of—*

24 *(A) wastes generated from the combustion or*
25 *gasification of coal,*

1 (B) wastes consisting of byproducts from
2 pollution control technology installed to comply
3 with the Clean Air Act, or

4 (C) both of such types of wastes.

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

7 (3) the facility at which the wastes are generated
8 is located in the same watershed as the landfill.

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

10 (1) The term “affiliated person” means any per-
11 son who, directly or indirectly, owns or controls the
12 waste generator, is owned or controlled by the waste
13 generator, or is under common ownership or control
14 with the waste generator.

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

19 SEC. 133. CONVEYANCE TO STORY COUNTY, IOWA. Not
20 later than 180 days after the date of enactment of this Act,
21 the Chief of the Army Corps of Engineers shall convey to
22 Story County, Iowa, without consideration, all rights, title,
23 and interest of the United States in and to a parcel of real
24 property, including any improvements thereon, consisting
25 of approximately 197 acres originally proposed for the

1 *Skunk River Reservoir, located between Ames, Iowa, and*
2 *Story City, Iowa.*

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

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

14 *(2) a flow data set for the respective river basin*
15 *updated through the most recently completed calendar*
16 *year;*

17 *(3) an estimated projection of total water usage*
18 *in the respective basins over the next 25 years.*

19 *SEC. 135. Title II, chapter 3 of Public Law 109–234*
20 *under the heading “Construction” is modified by striking*
21 *“construction: Provided,” and inserting in lieu thereof “:*
22 *Provided, That the Secretary of the Army, in implementing*
23 *projects and measures in the New Orleans metropolitan*
24 *area required to achieve certification for participation in*
25 *the National Flood Insurance Program as directed in Pub-*

1 *lic Law 109–234 shall include all authorized features of the*
2 *Southeast Louisiana Flood Control project and related in-*
3 *ternal pumping requirements as integral elements of the*
4 *comprehensive protection system for the area and shall com-*
5 *plete all authorized work for the Southeast Louisiana*
6 *project concurrently and integrally with other area projects:*
7 *Provided further,”.*

8 *SEC. 136. Utilizing funds appropriated under Alaska*
9 *Coastal Erosion or other available funds, the Secretary of*
10 *the Army, acting through the Chief of Engineers, is directed*
11 *to prepare a preliminary action plan for any community*
12 *that requests assistance pursuant to section 117, as con-*
13 *tained in title I, division C of Public Law 108–447: Pro-*
14 *vided, That the preliminary action plan pursuant to this*
15 *authority shall be presented to the Assistant Secretary of*
16 *the Army (Civil Works) and the Alaska Congressional Dele-*
17 *gation not later than 90 days after the initial request from*
18 *the community: Provided further, That the preliminary ac-*
19 *tion plan will recommend the most appropriate course of*
20 *action (relocation or erosion stabilization), including a pre-*
21 *liminary cost estimate and, at a minimum, the first year*
22 *funding requirements: Provided further, That if the Alaska*
23 *District is unable to comply with this reporting require-*
24 *ment, the District shall provide written notification to the*
25 *Assistant Secretary of the Army (Civil Works) and the Alas-*

1 *ka Congressional Delegation within 30 days of the commu-*
2 *nity assistance request explaining why they are unable to*
3 *comply.*

4 *TITLE II*

5 *DEPARTMENT OF THE INTERIOR*

6 *CENTRAL UTAH PROJECT*

7 *CENTRAL UTAH PROJECT COMPLETION ACCOUNT*

8 *For carrying out activities authorized by the Central*
9 *Utah Project Completion Act, \$41,380,000, to remain avail-*
10 *able until expended, of which \$976,000 shall be deposited*
11 *into the Utah Reclamation Mitigation and Conservation*
12 *Account for use by the Utah Reclamation Mitigation and*
13 *Conservation Commission.*

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

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

20 *BUREAU OF RECLAMATION*

21 *The following appropriations shall be expended to exe-*
22 *cute authorized functions of the Bureau of Reclamation:*

23 *WATER AND RELATED RESOURCES*

24 *(INCLUDING TRANSFERS OF FUNDS)*

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

1 ties, including the operation, maintenance, and rehabilita-
2 tion of reclamation and other facilities, participation in
3 fulfilling related Federal responsibilities to Native Ameri-
4 cans, and related grants to, and cooperative and other
5 agreements with, State and local governments, federally rec-
6 ognized Indian tribes, and others, \$949,882,000, to remain
7 available until expended, of which \$60,258,000 shall be
8 available for transfer to the Upper Colorado River Basin
9 Fund and \$26,787,000 shall be available for transfer to the
10 Lower Colorado River Basin Development Fund; of which
11 such amounts as may be necessary may be advanced to the
12 Colorado River Dam Fund; of which not more than
13 \$500,000 is for high priority projects which shall be carried
14 out by the Youth Conservation Corps, as authorized by 16
15 U.S.C. 1706: Provided, That such transfers may be in-
16 creased or decreased within the overall appropriation under
17 this heading: Provided further, That of the total appro-
18 priated, the amount for program activities that can be fi-
19 nanced by the Reclamation Fund or the Bureau of Rec-
20 lamation special fee account established by 16 U.S.C. 460l-
21 6a(i) shall be derived from that Fund or account: Provided
22 further, That funds contributed under 43 U.S.C. 395 are
23 available until expended for the purposes for which contrib-
24 uted: Provided further, That funds advanced under 43
25 U.S.C. 397a shall be credited to this account and are avail-

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

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

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

3 *CALIFORNIA BAY-DELTA RESTORATION*

4 *(INCLUDING TRANSFER OF FUNDS)*

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

22 *POLICY AND ADMINISTRATION*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *For necessary expenses of policy, administration, and*
25 *related functions in the office of the Commissioner, the Den-*
26 *ver office, and offices in the five regions of the Bureau of*

1 *Reclamation, to remain available until expended,*
2 *\$58,811,000, to be derived from the Reclamation Fund and*
3 *be nonreimbursable as provided in 43 U.S.C. 377: Provided,*
4 *That no part of any other appropriation in this Act shall*
5 *be available for activities or functions budgeted as policy*
6 *and administration expenses: Provided further, That, of the*
7 *funds provided under this heading, \$10,000,000 shall be*
8 *transferred to “Water and Related Resources” upon the ex-*
9 *piration of the 60-day period following the date of enact-*
10 *ment of this Act if, during such period, the Secretary of*
11 *the Interior has not submitted to the Committees on Appro-*
12 *priations of the House of Representatives and the Senate*
13 *the Bureau of Reclamation’s five-year budget plan.*

14 *ADMINISTRATIVE PROVISION*

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

18 *GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR*

19 *SEC. 201. (a) None of the funds appropriated or other-*
20 *wise made available by this Act may be used to determine*
21 *the final point of discharge for the interceptor drain for*
22 *the San Luis Unit until development by the Secretary of*
23 *the Interior and the State of California of a plan, which*
24 *shall conform to the water quality standards of the State*
25 *of California as approved by the Administrator of the Envi-*

1 *ronmental Protection Agency, to minimize any detrimental*
2 *effect of the San Luis drainage waters.*

3 *(b) The costs of the Kesterson Reservoir Cleanup Pro-*
4 *gram and the costs of the San Joaquin Valley Drainage*
5 *Program shall be classified by the Secretary of the Interior*
6 *as reimbursable or nonreimbursable and collected until fully*
7 *repaid pursuant to the “Cleanup Program-Alternative Re-*
8 *payment Plan” and the “SJVDP-Alternative Repayment*
9 *Plan” described in the report entitled “Repayment Report,*
10 *Kesterson Reservoir Cleanup Program and San Joaquin*
11 *Valley Drainage Program, February 1995”, prepared by*
12 *the Department of the Interior, Bureau of Reclamation.*
13 *Any future obligations of funds by the United States relat-*
14 *ing to, or providing for, drainage service or drainage stud-*
15 *ies for the San Luis Unit shall be fully reimbursable by*
16 *San Luis Unit beneficiaries of such service or studies pur-*
17 *suant to Federal reclamation law.*

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

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

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

1 *tity: Provided further, That this section shall not supercede*
2 *any existing project-specific funding authority: Provided*
3 *further, That the Secretary is also authorized to enter into*
4 *grants or cooperative agreements with universities or non-*
5 *profit research institutions to fund water use efficiency re-*
6 *search.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 *(D) \$10,000,000 for—*

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

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

23 *(E) \$6,000,000 for the acquisition of not*
24 *more than 4 small hydroelectric power plants*
25 *from the Sierra Pacific Power Company to im-*

1 *prove water allocation and fish passage in the*
2 *Truckee River; and*

3 *(F) \$6,000,000 for Lower Truckee River res-*
4 *toration projects identified by the cities of Reno*
5 *and Sparks, Nevada, and Washoe County, Ne-*
6 *vada;*

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

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

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

14 *(3) shall allocate \$1,000,000 to the Summit Lake*
15 *Paiute Tribe to plan and complete restoration efforts*
16 *at the Summit Lake in Northern Washoe County, Ne-*
17 *vada, for the benefit of the Tribe because of their sta-*
18 *tus as Indians;*

19 *(4) shall allocate \$3,000,000 to the Newlands*
20 *Project Water Rights Fund for a Federal-State-Pyr-*
21 *amid Lake Paiute Tribe program, to be administered*
22 *by an entity identified by the 3 applicable parties, for*
23 *the retirement of water rights pursuant to the Truck-*
24 *ee-Carson-Pyramid Lake Water Rights Settlement Act*
25 *(Public Law 101–618: 104 Stat. 3311);*

1 (5) shall allocate \$2,500,000 to the United States
2 *Fish and Wildlife Service to analyze, in cooperation*
3 *and consultation with external experts, the impacts of*
4 *low water flows on reproduction at the Walker Lake*
5 *fishery, including an analysis of methods to prevent*
6 *permanent effects on the fishery from low water flows;*

7 (6) shall allocate \$4,000,000 to the State of Ne-
8 *vada to prepare watershed inventories, with a par-*
9 *ticular focus on the Walker and Carson River Basins;*

10 (7) shall allocate \$5,000,000 for joint planning
11 *and development activities for water, wastewater, and*
12 *sewer facilities by the city of Fernley, Nevada, and*
13 *the Pyramid Lake Paiute Tribe;*

14 (8) shall allocate \$500,000 for the Walker River
15 *Paiute Tribe for legal and professional services in*
16 *support of settling tribal water claims in the Walker*
17 *River Basin and to Walker Lake;*

18 (9) shall allocate \$1,000,000 to the Walker River
19 *Irrigation District—*

20 (A) to plan and implement a weed control
21 *program to improve conveyance efficiency of*
22 *water controlled by the Irrigation District; and*

23 (B) to make improvements to water gauges
24 *controlled by the Irrigation District to enhance*

1 *the water monitoring activities of the Irrigation*
2 *District; and*

3 *(10) shall allocate \$250,000 to Churchill County,*
4 *Nevada, to provide testing of groundwater wells.*

5 *(b)(1) The Secretary shall achieve compliance with all*
6 *applicable Federal laws (including regulations) relating to*
7 *the conveyance of the Carson Lake and Pasture to the State*
8 *of Nevada as described in subsection (a)(1)(A) by not later*
9 *than June 30, 2010.*

10 *(2) Any amounts made available to carry out the con-*
11 *veyance described in subsection (a)(1)(A) but not expended*
12 *for that purpose shall be made available to the State of Ne-*
13 *vada to supplement funds provided under section 217(a)(1)*
14 *of the Energy and Water Development Appropriations Act,*
15 *2004 (Public Law 108–137; 117 Stat. 1852), to purchase*
16 *water rights from willing sellers and to make necessary im-*
17 *provements to benefit the Carson Lake and Pasture.*

18 *SEC. 209. Section 10(a) of the Mni Wiconi Project Act*
19 *of 1988 (Public Law 100–516; 102 Stat. 2571; 116 Stat.*
20 *3033) is amended in the second sentence by striking “2008”*
21 *and inserting “2013”.*

22 *SEC. 210. INLAND EMPIRE AND CUCAMONGA VALLEY*
23 *RECYCLING PROJECTS. The Reclamation Wastewater and*
24 *Groundwater Study and Facilities Act (Public Law 102–*

1 575, title XVI; 43 U.S.C. 390h et seq.) is amended by add-
2 ing at the end the following:

3 **“SEC. 16___. INLAND EMPIRE REGIONAL WATER RECY-**
4 **CLING PROJECT.**

5 “(a) *IN GENERAL.*—*The Secretary, in cooperation*
6 *with the Inland Empire Utilities Agency, may participate*
7 *in the design, planning, and construction of the Inland Em-*
8 *pire regional water recycling project described in the report*
9 *submitted under section 1606(c).*

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

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

16 “(a) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
17 *authorized to be appropriated to carry out this section*
18 *\$20,000,000.*

19 **“SEC. 16___. CUCAMONGA VALLEY WATER RECYCLING**
20 **PROJECT.**

21 “(a) *IN GENERAL.*—*The Secretary, in cooperation*
22 *with the Cucamonga Valley Water District, may partici-*
23 *pate in the design, planning, and construction of the*
24 *Cucamonga Valley Water District satellite recycling plants*
25 *in Rancho Cucamonga, California, to reclaim and recycle*

1 *approximately 2 million gallons per day of domestic waste-*
2 *water.*

3 “(b) *COST SHARING.—The Federal share of the cost of*
4 *the project described in subsection (a) shall not exceed 25*
5 *percent of the capital cost of the project.*

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

9 “(d) *AUTHORIZATION OF APPROPRIATIONS.—There is*
10 *authorized to be appropriated to carry out this section,*
11 *\$10,000,000.*

12 “(e) *SUNSET OF AUTHORITY.—The authority of the*
13 *Secretary to carry out any provisions of this section shall*
14 *terminate 10 years after the date of the enactment of this*
15 *section.”.*

16 “(c) *CONFORMING AMENDMENTS.—The table of sections*
17 *in section 2 of Public Law 102–575 is amended by inserting*
18 *after the last item the following:*

 “16 _____. *Inland Empire Regional Water Recycling Program.*

 “16 _____. *Cucamonga Valley Water Recycling Project.”.*

19 *SEC. 211. Prior to the unilateral termination or re-*
20 *moval of cabin or trailer sites on Bureau of Reclamation*
21 *lands in North Dakota for the purpose of changing land*
22 *use, the Secretary of the Interior is directed to submit a*
23 *report describing the action to the Committee on Energy*
24 *and Natural Resources, United States Senate and the Com-*

1 *mittee on Natural Resources, United States House of Rep-*
2 *resentatives and the House and Senate Committees on Ap-*
3 *propriations: Provided, That the Secretary shall not move*
4 *forward with the proposed action until 60 days after the*
5 *report is submitted to the Committee Chairmen.*

6 *SEC. 212. Section 3507(b) of Public Law 102–575 (106*
7 *Stat. 4600) is amended by striking “\$4,660,000” and in-*
8 *serting “\$12,660,000”.*

9 *SEC. 213. AUTHORITY TO EXTEND WATER CONTRACT.*
10 *The Secretary of the Interior may extend the water contract*
11 *14–06–600–3593, as amended, between the United States*
12 *and the East Bench Irrigation District for water services,*
13 *until the earlier of—*

14 *(1) the expiration of the 2-year period beginning*
15 *on the date on which the contract would expire but*
16 *for this section; or*

17 *(2) the date on which a new long-term water*
18 *contract is executed by the parties to the contract list-*
19 *ed in subsection (b).*

20 *SEC. 214. SOUTHERN CALIFORNIA DESERT REGION*
21 *INTEGRATED WATER AND ECONOMIC SUSTAINABILITY*
22 *PLAN. (a) IN GENERAL.—The Reclamation Wastewater and*
23 *Groundwater Study and Facilities Act (Public Law 102–*
24 *575, title XVI; 43 U.S.C. 390h et seq.) is amended by add-*
25 *ing at the end the following new section:*

1 **“SEC. 16___ . SOUTHERN CALIFORNIA DESERT REGION IN-**
2 **TEGRAED WATER AND ECONOMIC SUSTAIN-**
3 **ABILITY PLAN.**

4 “(a) *AUTHORIZATION.*—*The Secretary, in cooperation*
5 *with the Mojave Water Agency is authorized to participate*
6 *in the design, planning, and construction of projects to im-*
7 *plement the ‘Mojave Water Agency’s Integrated Regional*
8 *Water Management Plan’.*

9 “(b) *COST SHARE.*—*The Federal share of the costs of*
10 *the projects authorized by this section shall not exceed 25*
11 *percent of the total cost.*

12 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
13 *authorized to be appropriated to carry out this section*
14 *\$20,000,000.”.*

15 (b) *CONFORMING AMENDMENT.*—*The table of sections*
16 *in section 2 of Public Law 102–575 is amended by inserting*
17 *after the last item relating to title XVI the following:*

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

18 (c) *LIMITATION.*—*The Secretary shall not provide*
19 *funds for the operation or maintenance of a project author-*
20 *ized by this section.*

21 (d) *CREDITS TOWARD NON-FEDERAL SHARE.*—*For*
22 *purposes of subparagraph (b) the Secretary shall credit the*
23 *Mojave Water Agency with the value of all expenditures*
24 *made prior to the date of the enactment of this Act that*

1 *are used toward completion of projects that are compatible*
2 *with this section.*

3 *TITLE III*

4 *DEPARTMENT OF ENERGY*

5 *ENERGY PROGRAMS*

6 *ENERGY EFFICIENCY AND RENEWABLE ENERGY*

7 *For Department of Energy expenses including the pur-*
8 *chase, construction, and acquisition of plant and capital*
9 *equipment, and other expenses necessary for energy effi-*
10 *ciency and renewable energy activities in carrying out the*
11 *purposes of the Department of Energy Organization Act (42*
12 *U.S.C. 7101 et seq.), including the acquisition or con-*
13 *demnation of any real property or any facility or for plant*
14 *or facility acquisition, construction, or expansion,*
15 *\$1,739,541,000, to remain available until expended: Pro-*
16 *vided, That the Secretary is directed to make fiscal year*
17 *2008 weatherization funding available from October 1,*
18 *2007, through March 31, 2009, for States that submit plans*
19 *requesting allocations for all or part of this period: Pro-*
20 *vided further, That the funds provided for Federal technical*
21 *assistance and training are intended to be used exclusively*
22 *to support the effective delivery of weatherization services*
23 *as set forth in statute and applicable regulations: Provided*
24 *further, That any change in program implementation*
25 *should be proposed to Congress in the Department's budget*