

***In the Senate of the United States,***

*June 23, 1998.*

*Resolved*, That the bill from the House of Representatives (H.R. 4060) entitled “An Act making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*  
2 *money in the Treasury not otherwise appropriated, for the*  
3 *fiscal year ending September 30, 1999, for energy and*  
4 *water development, and for other purposes, namely:*

5 *TITLE I*

6 *DEPARTMENT OF DEFENSE—CIVIL*

7 *DEPARTMENT OF THE ARMY*

8 *CORPS OF ENGINEERS—CIVIL*

9 *The following appropriations shall be expended under*  
10 *the direction of the Secretary of the Army and the super-*

1 *vision of the Chief of Engineers for authorized civil func-*  
2 *tions of the Department of the Army pertaining to rivers*  
3 *and harbors, flood control, beach erosion, and related pur-*  
4 *poses.*

5 *GENERAL INVESTIGATIONS*

6 *For expenses necessary for the collection and study of*  
7 *basic information pertaining to river and harbor, flood con-*  
8 *trol, shore protection, and related projects, restudy of au-*  
9 *thorized projects, miscellaneous investigations, and, when*  
10 *authorized by laws, surveys and detailed studies and plans*  
11 *and specifications of projects prior to construction,*  
12 *\$165,390,000, to remain available until expended, of which*  
13 *funds are provided for the following projects in the amounts*  
14 *specified:*

15 *Rehoboth and Dewey Beaches, Delaware,*  
16 *\$150,000;*  
17 *Fort Pierce Shore Protection, Florida, \$300,000;*  
18 *Lido Key Beach, Florida, \$300,000;*  
19 *Paducah, Kentucky, \$100,000; and*  
20 *Lake Pontchartrain Basin Comprehensive Study,*  
21 *Louisiana, \$500,000:*

22 *Provided, That the Secretary of the Army, acting through*  
23 *the Chief of Engineers, is directed to use \$700,000 of the*  
24 *funds appropriated in Public Law 102-377 for the Red*  
25 *River Waterway, Shreveport, Louisiana, to Daingerfield,*  
26 *Texas, project for the feasibility phase of the Red River*

1 *Navigation, Southwest Arkansas, study: Provided further,*  
 2 *That the Secretary of the Army may make available*  
 3 *\$500,000 for the Atlanta Watershed, Atlanta, Georgia*  
 4 *project.*

5 *CONSTRUCTION, GENERAL*

6 *For the prosecution of river and harbor, flood control,*  
 7 *shore protection, and related projects authorized by laws;*  
 8 *and detailed studies, and plans and specifications, of*  
 9 *projects (including those for development with participation*  
 10 *or under consideration for participation by States, local*  
 11 *governments, or private groups) authorized or made eligible*  
 12 *for selection by law (but such studies shall not constitute*  
 13 *a commitment of the Government to construction),*  
 14 *\$1,248,068,000, to remain available until expended, of*  
 15 *which such sums as are necessary for the Federal share of*  
 16 *construction costs for facilities under the Dredge Material*  
 17 *Disposal Facilities program shall be derived from the Har-*  
 18 *bor Maintenance Trust Fund, as authorized by Public Law*  
 19 *104–303; and of which such sums as are necessary pursuant*  
 20 *to Public Law 99–662 shall be derived from the Inland Wa-*  
 21 *terways Trust Fund, for one-half of the costs of construction*  
 22 *and rehabilitation of inland waterways projects, including*  
 23 *rehabilitation costs for the Lock and Dam 25, Mississippi*  
 24 *River, Illinois and Missouri; Lock and Dam 14, Mississippi*  
 25 *River, Iowa; Lock and Dam 24, Mississippi River, Illinois*  
 26 *and Missouri; and Lock and Dam 3, Mississippi River,*

1 *Minnesota, projects, and of which funds are provided for*  
 2 *the following projects in the amounts specified:*

3 *Norco Bluffs, California, \$4,000,000;*

4 *Panama City Beaches, Florida, \$5,000,000;*

5 *Indianapolis Central Waterfront, Indiana,*  
 6 *\$4,000,000;*

7 *Harlan, Williamsburg, Pike County Middlesboro,*  
 8 *Cumberland City/Harland County, and Martin*  
 9 *County, elements of the Levisa and Tug Forks of the*  
 10 *Big Sandy River and Upper Cumberland River*  
 11 *project in Kentucky, \$28,500,000;*

12 *Lake Pontchartrain and Vicinity (Hurricane*  
 13 *Protection), Louisiana, \$10,000,000;*

14 *Lake Pontchartrain (Jefferson Parish)*  
 15 *Stormwater Discharge, Louisiana, \$6,000,000;*

16 *Jackson County, Mississippi, \$4,500,000;*

17 *Pascagoula Harbor, Mississippi, \$10,000,000;*

18 *Wallisville Lake, Texas, \$8,000,000;*

19 *Virginia Beach, Virginia (Hurricane Protec-*  
 20 *tion), \$20,000,000;*

21 *Upper Mingo County (including Mingo County*  
 22 *Tributaries), Lower Mingo County (Kermit), Wayne*  
 23 *County, Hatfield Bottom, and McDowell County, ele-*  
 24 *ments of the Levisa and Tug Forks of the Big Sandy*  
 25 *River and Upper Cumberland River project in West*

1        *Virginia, \$12,300,000; and the Grundy, Virginia ele-*  
2        *ment of the Levisa and Tug Forks of the Big Sandy*  
3        *River and Upper Cumberland River project,*  
4        *\$1,000,000:*

5        *Provided, That the navigation project for Cook Inlet Navi-*  
6        *gation, Alaska, authorized by Section 101(b)(2) of Public*  
7        *Law 104–303 is modified to authorize the Secretary of the*  
8        *Army, acting through the Chief of Engineers to construct*  
9        *the project at a total cost of \$12,600,000 with an estimated*  
10       *first Federal cost of \$9,450,000 and an estimated first non-*  
11       *Federal cost of \$3,150,000: Provided further, That the Sec-*  
12       *retary of the Army, acting through the Chief of Engineers*  
13       *is directed to use \$5,000,000 provided herein to construct*  
14       *bluff stabilization measures at authorized locations for the*  
15       *Natchez Bluff, Mississippi at a total estimated cost of*  
16       *\$26,065,000 with an estimated first Federal cost of*  
17       *\$19,549,000 and an estimated first non-Federal cost of*  
18       *\$6,516,000 and to award continuing contracts, which are*  
19       *not to be considered fully funded: Provided further, That*  
20       *the Secretary of the Army, acting through the Chief of Engi-*  
21       *neers, is directed to use funds previously appropriated for*  
22       *the LaFarge Lake, Kickapoo River, Wisconsin project to*  
23       *complete and transmit to the appropriate committees of*  
24       *Congress by January 15, 1999 a decision document on the*  
25       *advisability of undertaking activities authorized by Public*

1 *Law 104–303: Provided further, That the Secretary of the*  
2 *Army, acting through the Chief of Engineers, may use up*  
3 *to \$8,000,000 of the funding appropriated herein to initiate*  
4 *construction of an emergency outlet from Devils Lake, North*  
5 *Dakota, to the Sheyenne River, and that this amount is*  
6 *designated by Congress as an emergency requirement pursu-*  
7 *ant to section 251(b)(2)(A) of the Balanced Budget and*  
8 *Emergency Deficit Control Act of 1985, as amended (2*  
9 *U.S.C. 901(b)(2)(D)(i)); except that funds shall not become*  
10 *available unless the Secretary of the Army determines that*  
11 *an emergency (as defined in section 102 of the Robert T.*  
12 *Stafford Disaster Relief and Emergency Assistance Act (42*  
13 *U.S.C. 5122)) exists with respect to the emergency need for*  
14 *the outlet and reports to Congress that the construction is*  
15 *technically sound, economically justified, and environ-*  
16 *mentally acceptable and in compliance with the National*  
17 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.):*  
18 *Provided further, That the economic justification for the*  
19 *emergency outlet shall be prepared in accordance with the*  
20 *principles and guidelines for economic evaluation as re-*  
21 *quired by regulations and procedures of the Army Corps*  
22 *of Engineers for all flood control projects, and that the eco-*  
23 *nomie justification be fully described, including the analy-*  
24 *sis of the benefits and costs, in the project plan documents:*  
25 *Provided further, That the plans for the emergency outlet*

1 *shall be reviewed and, to be effective, shall contain assur-*  
2 *ances provided by the Secretary of State, after consultation*  
3 *with the International Joint Commission, that the project*  
4 *will not violate the requirements or intent of the Treaty*  
5 *Between the United States and Great Britain Relating to*  
6 *Boundary Waters Between the United States and Canada,*  
7 *signed at Washington January 11, 1909 (36 Stat. 2448;*  
8 *TS 548) (commonly known as the “Boundary Waters Trea-*  
9 *ty of 1909”): Provided further, That the Secretary of the*  
10 *Army shall submit the final plans and other documents for*  
11 *the emergency outlet to Congress: Provided further, That no*  
12 *funds made available under this Act or any other Act for*  
13 *any fiscal year may be used by the Secretary of the Army*  
14 *to carry out the portion of the feasibility study of the Devils*  
15 *Lake Basin, North Dakota, authorized under the Energy*  
16 *and Water Development Appropriations Act, 1993 (Public*  
17 *Law 102–377), that addresses the needs of the area for sta-*  
18 *bilized lake levels through inlet controls, or to otherwise*  
19 *study any facility or carry out any activity that would per-*  
20 *mit the transfer of water from the Missouri River Basin*  
21 *into Devils Lake: Provided further, That the entire amount*  
22 *of \$8,000,000 shall be available only to the extent an official*  
23 *budget request, that includes the designation of the entire*  
24 *amount of the request as an emergency requirement as de-*  
25 *finied by the Balanced Budget and Emergency Deficit Con-*

1 *trol Act of 1985, as amended, is transmitted by the Presi-*  
 2 *dent to the Congress: Provided further, That the Secretary*  
 3 *of the Army, acting through the Chief of Engineers is di-*  
 4 *rected to use \$500,000 of funds appropriated herein to con-*  
 5 *tinue construction of the Joseph G. Minish Passaic River*  
 6 *waterfront park and historic area, New Jersey project: Pro-*  
 7 *vided further, That of amounts made available by this Act*  
 8 *for project modifications for improvement of the environ-*  
 9 *ment under section 1135 of the Water Resources Develop-*  
 10 *ment Act of 1986 (33 U.S.C. 2309a), \$500,000 may be made*  
 11 *available for demonstration of sediment remediation tech-*  
 12 *nology under section 401 of the Water Resources Develop-*  
 13 *ment Act of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644):*  
 14 *Provided further, That the Secretary of the Army may make*  
 15 *available \$100,000 for the Belle Isle Shoreline Erosion Pro-*  
 16 *tection, Michigan project; \$100,000 for the Riverfront Tow-*  
 17 *ers to Renaissance Center Shoreline Protection, Michigan*  
 18 *project; and \$200,000 for the Great Lakes Basin, Sea Lam-*  
 19 *prey Control, section 206, Michigan project.*

20 *FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES,*  
 21 *ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MIS-*  
 22 *SISSIPPI, MISSOURI, AND TENNESSEE*

23 *For expenses necessary for prosecuting work of flood*  
 24 *control, and rescue work, repair, restoration, or mainte-*  
 25 *nance of flood control projects threatened or destroyed by*



1 *flood, as authorized by law (33 U.S.C. 702a, 702g-1),*  
2 *\$313,234,000, to remain available until expended.*

3 *OPERATION AND MAINTENANCE, GENERAL*

4 *For expenses necessary for the preservation, operation,*  
5 *maintenance, and care of existing river and harbor, flood*  
6 *control, and related works, including such sums as may be*  
7 *necessary for the maintenance of harbor channels provided*  
8 *by a State, municipality or other public agency, outside*  
9 *of harbor lines, and serving essential needs of general com-*  
10 *merce and navigation; surveys and charting of northern*  
11 *and northwestern lakes and connecting waters; clearing and*  
12 *straightening channels; and removal of obstructions to navi-*  
13 *gation, \$1,667,572,000, to remain available until expended,*  
14 *of which \$460,000 may be made available for the Omaha*  
15 *District to pay pending takings claims for flooding of prop-*  
16 *erty adjacent to the Missouri River caused by actions taken*  
17 *by the Army Corps of Engineers, of which \$2,540,000 shall*  
18 *be available for the project on the Missouri River between*  
19 *Fort Peck Dam and Gavins Point in South Dakota and*  
20 *Montana, under section 9(f) of the Act entitled “An Act au-*  
21 *thorizing the construction of certain public works on rivers*  
22 *and harbors for flood control, and for other purposes”, ap-*  
23 *proved December 22, 1944 (102 Stat. 4031), of which such*  
24 *sums as become available from the special account estab-*  
25 *lished by the Land and Water Conservation Act of 1965,*  
26 *as amended (16 U.S.C. 460l), may be derived from that*

1 *Fund for construction, operation, and maintenance of out-*  
2 *door recreation facilities, and of which funds are provided*  
3 *for the following projects in the amounts specified:*

4 *Ponce DeLeon Inlet, Florida, \$4,000,000;*

5 *Delaware River, Philadelphia to the Sea, Pea*

6 *Patch Island, Delaware and New Jersey, \$1,500,000;*

7 *and*

8 *Yuquina Bay and Harbor, North Marina Break-*

9 *water, Oregon, \$1,100,000:*

10 *Provided, That no funds, whether appropriated, contrib-*  
11 *uted, or otherwise provided, shall be available to the United*  
12 *States Army Corps of Engineers for the purpose of acquir-*  
13 *ing land in Jasper County, South Carolina, in connection*  
14 *with the Savannah Harbor navigation project: Provided*  
15 *further, That notwithstanding section 103(c)(1) of Public*  
16 *Law 99-662, the Secretary of the Army is directed to use*  
17 *up to \$100,000 of the funds appropriated herein for the*  
18 *Bluestone Lake, West Virginia, project to reimburse the Tri-*  
19 *Cities Power Authority the total amount provided by the*  
20 *Authority to the Department of the Army after fiscal year*  
21 *1997 for the reevaluation study for the project.*

22 *REGULATORY PROGRAM*

23 *For expenses necessary for administration of laws per-*  
24 *taining to regulation of navigable waters and wetlands,*  
25 *\$106,000,000, to remain available until expended, of which*  
26 *\$250,000 may be made available to support the National*

1 *Contaminated Sediment Task Force established by section*  
2 *502 of the Water Resources Development Act of 1992 (33*  
3 *U.S.C. 1271 note; Public Law 102–580).*

4 *FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM*  
5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For expenses necessary to clean up contaminated sites*  
7 *throughout the United States where work was performed as*  
8 *part of the Nation’s early atomic energy program,*  
9 *\$140,000,000, to remain available until expended: Pro-*  
10 *vided, That the remedial actions by the U.S. Army Corps*  
11 *of Engineers under this program shall consist of the follow-*  
12 *ing functions and activities to be performed at eligible sites*  
13 *where remediation has not been completed: sampling and*  
14 *assessment of contaminated areas, characterization of site*  
15 *conditions, determination of the nature and extent of con-*  
16 *tamination, preparation of designation reports, cleanup*  
17 *and closeout of sites, and any other functions determined*  
18 *by the Chief of Engineers as necessary of remediation: Pro-*  
19 *vided further, That remedial actions by the U.S. Army*  
20 *Corps of Engineers under this program shall be subject to*  
21 *the administrative, procedural, and regulatory provisions*  
22 *of the Comprehensive Environmental Response, Compensa-*  
23 *tion and Liability Act, 42 U.S.C. 9601 et seq., and the Na-*  
24 *tional Oil and Hazardous Substances Pollution Contin-*  
25 *gency Plan, 40 C.F.R., Chapter 1, Part 300: Provided fur-*  
26 *ther, That, except as stated herein, these provisions do not*

1 *alter, curtail or limit the authorities, function or respon-*  
2 *sibilities of other agencies under the Atomic Energy Act,*  
3 *42 U.S.C. 2011 et seq.: Provided further, That the unex-*  
4 *pended balances of prior appropriations provided for these*  
5 *activities in this Act or any previous Energy and Water*  
6 *Development Appropriations Act may be transferred to and*  
7 *merged with this appropriation account, and thereafter,*  
8 *may be accounted for as one fund for the same time period*  
9 *as originally enacted.*

10 *GENERAL EXPENSES*

11 *For expenses necessary for general administration and*  
12 *related functions in the Office of the Chief of Engineers and*  
13 *offices of the Division Engineers; activities of the Coastal*  
14 *Engineering Research Board, the Humphreys Engineer*  
15 *Center Support Activity, the Water Resources Support Cen-*  
16 *ter, and the USACE Finance Center; and for costs of imple-*  
17 *menting the Secretary of the Army's plan to reduce the*  
18 *number of division offices as directed in title I, Public Law*  
19 *104-206, \$148,000,000, to remain available until expended:*  
20 *Provided, That no part of any other appropriation pro-*  
21 *vided in title I of this Act shall be available to fund the*  
22 *activities of the Office of the Chief of Engineers or the execu-*  
23 *tive direction and management activities of the division of*  
24 *fices.*

## REVOLVING FUND

1  
2       *Amounts in the Revolving Fund may be used to con-*  
3 *struct a 17,000 square foot addition to the United States*  
4 *Army Corps of Engineers Alaska District main office build-*  
5 *ing on Elemendorf Air Force Base. The Revolving Fund*  
6 *shall be reimbursed for such funding from appropriations*  
7 *of the benefitting programs by collection each year of user*  
8 *fees sufficient to repay the capitalized cost of the asset and*  
9 *to operate and maintain the asset. Using amounts available*  
10 *in the Revolving Fund, the Secretary of the Army is author-*  
11 *ized to renovate office space in the General Accounting Of-*  
12 *fice headquarters building in Washington, DC, for use by*  
13 *the Corps and GAO. The Secretary is authorized to enter*  
14 *into a lease with GAO to occupy such renovated space as*  
15 *appropriate, for the Corps' headquarters. The Secretary*  
16 *shall ensure that the Revolving Fund is appropriately reim-*  
17 *bursed from appropriations of the Corps' benefitting pro-*  
18 *grams by collection each year of amounts sufficient to repay*  
19 *the capitalized cost of such renovation and through rent re-*  
20 *ductions or rebates from GAO.*

## ADMINISTRATIVE PROVISION

21  
22       *Appropriations in this title shall be available for offi-*  
23 *cial reception and representation expenses (not to exceed*  
24 *\$5,000); and during the current fiscal year the Revolving*  
25 *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**

4 **CORPS OF ENGINEERS—CIVIL**

5 *SEC. 101. Notwithstanding any other provisions of*  
6 *law, no fully allocated funding policy shall be applied to*  
7 *projects for which funds are identified in the Committee re-*  
8 *ports accompanying the Act or a subsequent Energy and*  
9 *Water Development Appropriations Act under the Con-*  
10 *struction, General; Operation and Maintenance, General;*  
11 *and Flood Control, Mississippi River and Tributaries, ap-*  
12 *propriation accounts: Provided, That the Secretary of the*  
13 *Army, acting through the Chief of Engineers, is directed*  
14 *to undertake these projects using continuing contracts, as*  
15 *authorized in section 10 of the Rivers and Harbors Act of*  
16 *September 22, 1922 (33 U.S.C. 621).*

17 *SEC. 102. In fiscal year 1999, the Secretary of the*  
18 *Army is authorized and directed to provide planning, de-*  
19 *sign and construction assistance to non-Federal interests in*  
20 *carrying out water-related environmental infrastructure*  
21 *and environmental resources development projects in Alas-*  
22 *ka, including assistance for wastewater treatment and re-*  
23 *lated facilities; water supply, storage, treatment and dis-*  
24 *tribution facilities; development, restoration or improve-*  
25 *ment of wetlands and other aquatic areas for the purpose*

1 of protection or development of surface water resources; and  
2 bulk fuel storage, rural power, erosion control, and com-  
3 prehensive utility planning: Provided, That the non-Fed-  
4 eral interest shall enter into a binding agreement with the  
5 Secretary wherein the non-Federal interest will provide all  
6 lands, easements, rights-of-way, relocations, and dredge ma-  
7 terial disposal areas required for the project, and pay 50  
8 per centum of the costs of required feasibility studies, 25  
9 per centum of the costs of designing and constructing the  
10 project, and 100 per centum of the costs of operation, main-  
11 tenance, repair, replacement or rehabilitation of the project:  
12 Provided further, That the value of lands, easements, rights-  
13 of-way, relocations and dredged material disposal areas  
14 provided by the non-Federal interest shall be credited to-  
15 ward the non-Federal share, not to exceed 25 per centum,  
16 of the costs of designing and constructing the project: Pro-  
17 vided further, That utilizing \$5,000,000 of the funds appro-  
18 priated herein, the Secretary is directed to carry out this  
19 section.

20       SEC. 103. None of the funds made available in this  
21 Act may be used to revise the Missouri River Master Water  
22 Control Manual when it is made known to the Federal en-  
23 tity or official to which the funds are made available that  
24 such revision provides for an increase in the springtime  
25 water release program during the spring heavy rainfall and

1 *snow melt period in States that have rivers draining into*  
 2 *the Missouri River below the Gavins Point Dam.*

## 3 *TITLE II*

### 4 *DEPARTMENT OF THE INTERIOR*

#### 5 *CENTRAL UTAH PROJECT*

##### 6 *CENTRAL UTAH PROJECT COMPLETION ACCOUNT*

7 *For carrying out activities authorized by the Central*  
 8 *Utah Project Completion Act, and for activities related to*  
 9 *the Uintah and Upalco Units authorized by 43 U.S.C. 620,*  
 10 *\$43,665,000, to remain available until expended, of which*  
 11 *\$15,476,000 shall be deposited into the Utah Reclamation*  
 12 *Mitigation and Conservation Account: Provided, That of*  
 13 *the amounts deposited into that account, \$5,000,000 shall*  
 14 *be considered the Federal contribution authorized by para-*  
 15 *graph 402(b)(2) of the Central Utah Project Completion Act*  
 16 *and \$10,476,000 shall be available to the Utah Reclamation*  
 17 *Mitigation and Conservation Commission to carry out ac-*  
 18 *tivities authorized under that Act.*

19 *In addition, for necessary expenses incurred in carry-*  
 20 *ing out related responsibilities of the Secretary of the Inte-*  
 21 *rior, \$1,283,000, to remain available until expended.*

#### 22 *BUREAU OF RECLAMATION*

23 *For carrying out the functions of the Bureau of Rec-*  
 24 *lamation as provided in the Federal reclamation laws (Act*  
 25 *of June 17, 1902, 32 Stat. 388, and Acts amendatory there-*



1 *of or supplementary thereto) and other Acts applicable to*  
2 *that Bureau as follows:*

3 *WATER AND RELATED RESOURCES*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For management, development, and restoration of*  
6 *water and related natural resources and for related activi-*  
7 *ties, including the operation, maintenance and rehabilita-*  
8 *tion of reclamation and other facilities, participation in*  
9 *fulfilling related Federal responsibilities to Native Ameri-*  
10 *cans, and related grants to, and cooperative and other*  
11 *agreements with, State and local governments, Indian*  
12 *Tribes, and others, \$697,669,000, to remain available until*  
13 *expended, of which \$1,873,000 shall be available for transfer*  
14 *to the Upper Colorado River Basin Fund and \$46,218,000*  
15 *shall be available for transfer to the Lower Colorado River*  
16 *Basin Development Fund, and of which such amounts as*  
17 *may be necessary may be advanced to the Colorado River*  
18 *Dam Fund: Provided, That such transfers may be increased*  
19 *or decreased within the overall appropriation under this*  
20 *heading: Provided further, That of the total appropriated,*  
21 *the amount for program activities that can be financed by*  
22 *the Reclamation Fund or the Bureau of Reclamation spe-*  
23 *cial fee account established by 16 U.S.C. 460l-6a(i) shall*  
24 *be derived from that Fund or account: Provided further,*  
25 *That funds contributed under 43 U.S.C. 395 are available*  
26 *until expended for the purposes for which contributed: Pro-*

1 vided further, That funds advanced under 43 U.S.C. 397a  
2 shall be credited to this account and are available until ex-  
3 pended for the same purposes as the sums appropriated  
4 under this heading: Provided further, That of the total ap-  
5 propriated, \$25,800,000 shall be derived by transfer of un-  
6 expended balances from the Bureau of Reclamation Work-  
7 ing Capital Fund: Provided further, That funds available  
8 for expenditure for the Departmental Irrigation Drainage  
9 Program may be expended by the Bureau of Reclamation  
10 for site remediation on a non-reimbursable basis: Provided  
11 further, That the amount authorized for Indian municipal,  
12 rural, and industrial water features by section 10 of Public  
13 Law 89–108, as amended by section 8 of Public Law 99–  
14 294 and section 1701(b) of Public Law 102–575, is in-  
15 creased by \$2,000,000 (October 1997 prices): Provided fur-  
16 ther, That the Secretary of the Interior is directed to use  
17 not to exceed \$3,600,000 of funds appropriated herein as  
18 the Bureau of Reclamation share for completion of the  
19 McCall Area Wastewater Reclamation and Reuse, Idaho,  
20 project authorized in Public Law 105–62 and described in  
21 PN–FONSI–96–05: Provided further, That the Secretary of  
22 the Interior is directed to use not to exceed \$200,000 of  
23 funds appropriated herein to provide technical assistance  
24 in a study of measures to increase the efficiency of existing  
25 water systems developed to serve sugar cane plantations and

1 *surrounding communities in the State of Hawaii: Provided*  
 2 *further, That the Secretary of the Interior shall waive the*  
 3 *scheduled annual payments for fiscal years 1998 and 1999*  
 4 *under section 208 of Public Law 100–202 (101 Stat. 1329–*  
 5 *118).*

6 *BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT*

7 *For the cost of direct loans and/or grants, \$12,000,000,*  
 8 *to remain available until expended, as authorized by the*  
 9 *Small Reclamation Projects Act of August 6, 1956, as*  
 10 *amended (43 U.S.C. 422a–422l): Provided, That such costs,*  
 11 *including the cost of modifying such loans, shall be as de-*  
 12 *fin ed in section 502 of the Congressional Budget Act of*  
 13 *1974: Provided further, That these funds are available to*  
 14 *subsidize gross obligations for the principal amount of di-*  
 15 *rect loans not to exceed \$38,000,000.*

16 *In addition, for administrative expenses necessary to*  
 17 *carry out the program for direct loans and/or grants,*  
 18 *\$425,000, to remain available until expended: Provided,*  
 19 *That of the total sums appropriated, the amount of program*  
 20 *activities that can be financed by the Reclamation Fund*  
 21 *shall be derived from that Fund.*

22 *CENTRAL VALLEY PROJECT RESTORATION FUND*

23 *For carrying out the programs, projects, plans, and*  
 24 *habitat restoration, improvement, and acquisition provi-*  
 25 *sions of the Central Valley Project Improvement Act,*  
 26 *\$39,500,000 to be derived from such sums as may be col-*

1 *lected in the Central Valley Project Restoration Fund pur-*  
 2 *suant to sections 3407(d), 3404(c)(3), 3405(f), and*  
 3 *3406(c)(1) of Public Law 102–575, to remain available*  
 4 *until expended: Provided, That the Bureau of Reclamation*  
 5 *is directed to assess and collect the full amount of the addi-*  
 6 *tional mitigation and restoration payments authorized by*  
 7 *section 3407(d) of Public Law 102–575.*

8 *CALIFORNIA BAY-DELTA ECOSYSTEM RESTORATION*  
 9 *(INCLUDING TRANSFER OF FUNDS)*

10 *For necessary expenses of the Department of the Inte-*  
 11 *rior and other participating Federal agencies in carrying*  
 12 *out the California Bay-Delta Environmental Enhancement*  
 13 *and Water Security Act consistent with plans to be ap-*  
 14 *proved by the Secretary of the Interior, in consultation with*  
 15 *such Federal agencies, \$65,000,000, to remain available*  
 16 *until expended, of which such amounts as may be necessary*  
 17 *to conform with such plans shall be transferred to appro-*  
 18 *priate accounts of such Federal agencies: Provided, That*  
 19 *such funds may be obligated only as non-Federal sources*  
 20 *provide their share in accordance with the cost-sharing*  
 21 *agreement required under section 102(d) of such Act: Pro-*  
 22 *vided further, That such funds may be obligated prior to*  
 23 *the completion of a final programmatic environmental im-*  
 24 *pact statement only if: (1) consistent with 40 CFR*  
 25 *1506.1(c); and (2) used for purposes that the Secretary finds*

1 *are of sufficiently high priority to warrant such an expend-*  
 2 *iture.*

### 3 *POLICY AND ADMINISTRATION*

4 *For necessary expenses of policy, administration, and*  
 5 *related functions in the office of the Commissioner, the Den-*  
 6 *ver office, and offices in the five regions of the Bureau of*  
 7 *Reclamation, to remain available until expended,*  
 8 *\$48,000,000, to be derived from the Reclamation Fund and*  
 9 *be nonreimbursable as provided in 43 U.S.C. 377: Provided,*  
 10 *That no part of any other appropriation in this Act shall*  
 11 *be available for activities or functions budgeted as policy*  
 12 *and administration expenses.*

### 13 *ADMINISTRATIVE PROVISION*

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

## 17 *TITLE III*

### 18 *DEPARTMENT OF ENERGY*

#### 19 *ENERGY PROGRAMS*

#### 20 *ENERGY SUPPLY*

21 *For expenses of the Department of Energy activities*  
 22 *including the purchase, construction and acquisition of*  
 23 *plant and capital equipment and other expenses necessary*  
 24 *for energy supply, uranium supply and enrichment activi-*  
 25 *ties in carrying out the purposes of the Department of En-*  
 26 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*

1 *the acquisition or condemnation of any real property or*  
2 *any facility or for plant or facility acquisition, construc-*  
3 *tion, or expansion; and the purchase of 22 passenger motor*  
4 *vehicles for replacement only, \$786,854,000, to remain*  
5 *available until October 1, 2000, of which not less than*  
6 *\$3,860,000 shall be available for solar building technology*  
7 *research, not less than \$72,966,000 shall be available for*  
8 *photovoltaic energy systems, not less than \$21,617,500 shall*  
9 *be available for solar thermal energy systems (of which not*  
10 *less than \$3,000,000 shall be available for the dish/engine*  
11 *field verification initiative), not less than \$35,750,000 shall*  
12 *be available for power systems in biomass/biofuels energy*  
13 *systems, not less than \$41,083,500 shall be available for*  
14 *transportation in biomass/biofuels energy systems (of which*  
15 *not less than \$3,000,000 shall be available to fund the Con-*  
16 *sortium for Plant Biotechnology Research), not less than*  
17 *\$38,265,000 shall be available for wind energy systems, not*  
18 *less than \$4,000,000 shall be available for the renewable en-*  
19 *ergy production incentive program, not less than*  
20 *\$7,000,000 shall be available for solar program support, not*  
21 *less than \$5,087,500 shall be available for the international*  
22 *solar energy program, not less than \$680,000 shall be avail-*  
23 *able for solar technology transfer, not less than \$5,000,000*  
24 *shall be available for the National Renewable Energy Lab-*  
25 *oratory, not less than \$31,250,000 shall be available for geo-*

1 *thermal technology development, not less than \$5,000,000*  
 2 *shall be available for the Federal building/Remote power*  
 3 *initiative, not less than \$16,325,500 shall be available for*  
 4 *program direction, not to exceed \$25,000 may be used for*  
 5 *official reception and representation expenses for trans-*  
 6 *parency activities and of which not to exceed \$1,500,000*  
 7 *may be used to pay a portion of the expenses necessary to*  
 8 *meet the United States' annual obligations of membership*  
 9 *in the Nuclear Energy Agency.*

10 *NON-DEFENSE ENVIRONMENTAL MANAGEMENT*

11 *For Department of Energy expenses, including the*  
 12 *purchase, construction and acquisition of plant and capital*  
 13 *equipment and other expenses necessary for non-defense en-*  
 14 *vironmental management activities in carrying out the*  
 15 *purposes of the Department of Energy Organization Act (42*  
 16 *U.S.C. 7101 et seq.), including the acquisition or con-*  
 17 *demnation of any real property or any facility or for plant*  
 18 *or facility acquisition, construction or expansion,*  
 19 *\$424,600,000, to remain available until expended.*

20 *URANIUM ENRICHMENT DECONTAMINATION AND*

21 *DECOMMISSIONING FUND*

22 *For necessary expenses in carrying out uranium en-*  
 23 *richment facility decontamination and decommissioning,*  
 24 *remedial actions and other activities of title II of the Atom-*  
 25 *ic Energy Act of 1954 and title X, subtitle A of the Energy*  
 26 *Policy Act of 1992, \$200,000,000, to be derived from the*

1 *Fund, to remain available until expended: Provided, That*  
 2 *\$30,000,000 of amounts derived from the Fund for such ex-*  
 3 *penses shall be available in accordance with title X, subtitle*  
 4 *A, of the Energy Policy Act of 1992.*

5 *SCIENCE*

6 *For expenses of the Department of Energy activities*  
 7 *including the purchase, construction and acquisition of*  
 8 *plant and capital equipment and other expenses necessary*  
 9 *for science activities in carrying out the purposes of the De-*  
 10 *partment of Energy Organization Act (42 U.S.C. 7101 et*  
 11 *seq.), including the acquisition or condemnation of any real*  
 12 *property or facility or for plant or facility acquisition, con-*  
 13 *struction, or expansion, and purchase of 15 passenger motor*  
 14 *vehicles for replacement only, \$2,676,560,000, to remain*  
 15 *available until expended: Provided, That \$7,600,000 of the*  
 16 *unobligated balances originally available for Super-*  
 17 *conducting Super Collider termination activities shall be*  
 18 *made available for other activities under this heading: Pro-*  
 19 *vided further, That \$500,000 of the unobligated balances*  
 20 *may be applied to the identification of trace element iso-*  
 21 *topes in environmental samples at the University of Nevada*  
 22 *Las Vegas.*

23 *NUCLEAR WASTE DISPOSAL FUND*

24 *For nuclear waste disposal activities to carry out the*  
 25 *purposes of Public Law 97-425, as amended, including the*  
 26 *acquisition of real property or facility construction or ex-*



1 *pansion, \$190,000,000, to remain available until expended,*  
2 *to be derived from the Nuclear Waste Fund; of which not*  
3 *to exceed \$4,875,000 may be provided to the State of Nevada*  
4 *solely to conduct scientific oversight responsibilities pursu-*  
5 *ant to the Nuclear Waste Policy Act of 1982; and of which*  
6 *not to exceed \$5,540,000 may be provided to affected local*  
7 *governments, as defined in Public Law 97-425, to conduct*  
8 *appropriate activities pursuant to the Act: Provided, That*  
9 *the distribution of the funds to the units of local government*  
10 *shall be determined by the Department of Energy: Provided*  
11 *further, That the funds shall be made available to the units*  
12 *of local government by direct payment: Provided further,*  
13 *That within ninety days of the completion of each Federal*  
14 *fiscal year, each local entity shall provide certification to*  
15 *the Department of Energy, that all funds expended from*  
16 *such payments have been expended for activities as defined*  
17 *in Public Law 97-425. Failure to provide such certification*  
18 *shall cause such entity to be prohibited from any further*  
19 *funding provided for similar activities: Provided further,*  
20 *That none of the funds herein appropriated may be: (1)*  
21 *used directly or indirectly to influence legislative action on*  
22 *any matter pending before Congress or a State legislature*  
23 *or for lobbying activity as provided in 18 U.S.C. 1913; (2)*  
24 *used for litigation expenses; or (3) used to support*

1 *multistate efforts or other coalition building activities in-*  
2 *consistent with the restrictions contained in this Act.*

3 *DEPARTMENTAL ADMINISTRATION*

4 *For salaries and expenses of the Department of Energy*  
5 *necessary for departmental administration in carrying out*  
6 *the purposes of the Department of Energy Organization Act*  
7 *(42 U.S.C. 7101 et seq.), including the hire of passenger*  
8 *motor vehicles and official reception and representation ex-*  
9 *penses (not to exceed \$35,000), \$238,539,000, to remain*  
10 *available until expended: Provided, That moneys received*  
11 *by the Department for miscellaneous revenues estimated to*  
12 *total \$136,530,000 in fiscal year 1999 may be retained and*  
13 *used for operating expenses within this account, and may*  
14 *remain available until expended, as authorized by section*  
15 *201 of Public Law 95–238, notwithstanding the provisions*  
16 *of 31 U.S.C. 3302: Provided further, That the sum herein*  
17 *appropriated shall be reduced by the amount of miscellane-*  
18 *ous revenues received during fiscal year 1999 so as to result*  
19 *in a final fiscal year 1999 appropriation from the General*  
20 *Fund estimated at not more than \$102,009,000.*

21 *OFFICE OF THE INSPECTOR GENERAL*

22 *For necessary expenses of the Office of the Inspector*  
23 *General in carrying out the provisions of the Inspector Gen-*  
24 *eral Act of 1978, as amended, \$27,500,000, to remain avail-*  
25 *able until expended.*

1            *ATOMIC ENERGY DEFENSE ACTIVITIES*2                            *WEAPONS ACTIVITIES*

3            *For Department of Energy expenses, including the*  
4 *purchase, construction and acquisition of plant and capital*  
5 *equipment and other incidental expenses necessary for*  
6 *atomic energy defense weapons activities in carrying out*  
7 *the purposes of the Department of Energy Organization Act*  
8 *(42 U.S.C. 7101 et seq.), including the acquisition or con-*  
9 *demnation of any real property or any facility or for plant*  
10 *or facility acquisition, construction, or expansion; the pur-*  
11 *chase of one fixed wing aircraft; and the purchase of pas-*  
12 *senger motor vehicles (not to exceed 32 for replacement only,*  
13 *and one bus), \$4,445,700,000, to remain available until ex-*  
14 *pende: Provided, That funding for any ballistic missile de-*  
15 *fense program undertaken by the Department of Energy for*  
16 *the Department of Defense shall be provided by the Depart-*  
17 *ment of Defense according to procedures established for*  
18 *Work for Others by the Department of Energy.*

19            *DEFENSE ENVIRONMENTAL RESTORATION AND WASTE*20                            *MANAGEMENT*

21            *For Department of Energy expenses, including the*  
22 *purchase, construction and acquisition of plant and capital*  
23 *equipment and other expenses necessary for atomic energy*  
24 *defense environmental restoration and waste management*  
25 *activities in carrying out the purposes of the Department*  
26 *of Energy Organization Act (42 U.S.C. 7101 et seq.), in-*

1 *cluding the acquisition or condemnation of any real prop-*  
 2 *erty or any facility or for plant or facility acquisition, con-*  
 3 *struction, or expansion; and the purchase of passenger*  
 4 *motor vehicles (not to exceed 3 new sedans and 6 for re-*  
 5 *placement only, of which 3 are sedans, 2 are buses, and*  
 6 *one is an ambulance), \$4,293,403,000, to remain available*  
 7 *until expended.*

#### 8 *DEFENSE FACILITIES CLOSURE PROJECTS*

9 *For expenses of the Department of Energy to accelerate*  
 10 *the closure of defense environmental management sites, in-*  
 11 *cluding the purchase, construction and acquisition of plant*  
 12 *and capital equipment and other necessary expenses,*  
 13 *\$1,048,240,000, to remain available until expended.*

#### 14 *DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION*

15 *For Department of Energy expenses for privatization*  
 16 *projects necessary for atomic energy defense environmental*  
 17 *restoration and waste management activities authorized by*  
 18 *the Department of Energy Organization Act (42 U.S.C.*  
 19 *7101, et seq.), \$241,857,000, to remain available until ex-*  
 20 *pended.*

#### 21 *OTHER DEFENSE ACTIVITIES*

22 *For Department of Energy expenses, including the*  
 23 *purchase, construction and acquisition of plant and capital*  
 24 *equipment and other expenses necessary for atomic energy*  
 25 *defense, other defense activities, in carrying out the pur-*  
 26 *poses of the Department of Energy Organization Act (42*

1 U.S.C. 7101, et seq.), including the acquisition or con-  
2 demnation of any real property or any facility or for plant  
3 or facility acquisition, construction, or expansion,  
4 \$1,658,160,000, to remain available until expended: Pro-  
5 vided, That of the amount appropriated herein \$5,000,000  
6 shall be available for the joint U.S.-Russian development  
7 of a passively safe advanced reactor technology to dispose  
8 of Russian excess weapons derived plutonium: Provided fur-  
9 ther, That \$56,700,000 appropriated herein is to procure  
10 plutonium disposition services and to begin Title I design  
11 for a mixed-oxide fuel fabrication facility: Provided further,  
12 That such funds shall not be available except as necessary  
13 to implement a bilateral program with the Russian Federa-  
14 tion to convert to non-weapons forms and dispose of excess  
15 weapons plutonium in accordance with which the United  
16 States will at no time convert to non-weapons forms quan-  
17 tities of excess weapons plutonium greater than those con-  
18 verted to non-weapons forms by the Russian Federation:  
19 Provided further, That of the amount appropriated herein  
20 \$30,000,000 is to be available for the Initiatives for Pro-  
21 liferation Prevention program: Provided further, That of  
22 the amount appropriated herein \$30,000,000 shall be avail-  
23 able for the purpose of implementing the “nuclear cities”  
24 initiative pursuant to the discussions of March 1998 be-  
25 tween the Vice President of the United States and the Prime

1 *Minister of the Russian Federation and between the United*  
 2 *States Secretary of Energy and the Minister of Atomic En-*  
 3 *ergy of the Russian Federation.*

4 *DEFENSE NUCLEAR WASTE DISPOSAL*

5 *For nuclear waste disposal activities to carry out the*  
 6 *purposes of Public Law 97-425, as amended, including the*  
 7 *acquisition of real property or facility construction or ex-*  
 8 *pansion, \$185,000,000, to remain available until expended.*

9 *POWER MARKETING ADMINISTRATIONS*

10 *OPERATION AND MAINTENANCE, ALASKA POWER*

11 *ADMINISTRATION*

12 *For capital assets acquisition, \$5,000,000, to remain*  
 13 *available until expended.*

14 *BONNEVILLE POWER ADMINISTRATION FUND*

15 *Expenditures from the Bonneville Power Administra-*  
 16 *tion Fund, established pursuant to Public Law 93-454, are*  
 17 *approved for official reception and representation expenses*  
 18 *in an amount not to exceed \$3,000.*

19 *During fiscal year 1999, no new direct loan obliga-*  
 20 *tions may be made.*

21 *OPERATION AND MAINTENANCE, SOUTHEASTERN POWER*

22 *ADMINISTRATION*

23 *For necessary expenses of operation and maintenance*  
 24 *of power transmission facilities and of marketing electric*  
 25 *power and energy pursuant to the provisions of section 5*  
 26 *of the Flood Control Act of 1944 (16 U.S.C. 825s), as ap-*

1 *plied to the southeastern power area, \$8,500,000, to remain*  
 2 *available until expended; in addition, notwithstanding 31*  
 3 *U.S.C. 3302, not to exceed \$28,000,000 in reimbursements*  
 4 *of which \$20,000,000 is for transmission wheeling and an-*  
 5 *cillary services and \$8,000,000 is for power purchases at*  
 6 *the Richard B. Russell Project, to remain available until*  
 7 *expended.*

8     *OPERATION AND MAINTENANCE, SOUTHWESTERN POWER*  
 9                                     *ADMINISTRATION*

10         *For necessary expenses of operation and maintenance*  
 11 *of power transmission facilities and of marketing electric*  
 12 *power and energy, and for construction and acquisition of*  
 13 *transmission lines, substations and appurtenant facilities,*  
 14 *and for administrative expenses, including official recep-*  
 15 *tion and representation expenses in an amount not to ex-*  
 16 *ceed \$1,500 in carrying out the provisions of section 5 of*  
 17 *the Flood Control Act of 1944 (16 U.S.C. 825s), as applied*  
 18 *to the southwestern power area, \$26,000,000, to remain*  
 19 *available until expended; in addition, notwithstanding the*  
 20 *provisions of 31 U.S.C. 3302, not to exceed \$4,200,000 in*  
 21 *reimbursements, to remain available until expended.*

22         *CONSTRUCTION, REHABILITATION, OPERATION AND*  
 23 *MAINTENANCE, WESTERN AREA POWER ADMINISTRATION*  
 24                                     *(INCLUDING TRANSFER OF FUNDS)*

25         *For carrying out the functions authorized by title III,*  
 26 *section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C.*

1 7152), and other related activities including conservation  
 2 and renewable resources programs as authorized, including  
 3 official reception and representation expenses in an amount  
 4 not to exceed \$1,500, \$215,435,000, to remain available  
 5 until expended, of which \$206,222,000 shall be derived from  
 6 the Department of the Interior Reclamation Fund: Pro-  
 7 vided, That of the amount herein appropriated, \$5,036,000  
 8 is for deposit into the Utah Reclamation Mitigation and  
 9 Conservation Account pursuant to title IV of the Reclama-  
 10 tion Projects Authorization and Adjustment Act of 1992.

11 *FALCON AND AMISTAD OPERATING AND MAINTENANCE*

12 *FUND*

13 *For operation, maintenance, and emergency costs for*  
 14 *the hydroelectric facilities at the Falcon and Amistad*  
 15 *Dams, \$1,010,000, to remain available until expended, and*  
 16 *to be derived from the Falcon and Amistad Operating and*  
 17 *Maintenance Fund of the Western Area Power Administra-*  
 18 *tion, as provided in section 423 of the Foreign Relations*  
 19 *Authorization Act, Fiscal Years 1994 and 1995.*

20 *FEDERAL ENERGY REGULATORY COMMISSION*

21 *SALARIES AND EXPENSES*

22 *For necessary expenses of the Federal Energy Regu-*  
 23 *latory Commission to carry out the provisions of the De-*  
 24 *partment of Energy Organization Act (42 U.S.C. 7101 et*  
 25 *seq.), including services as authorized by 5 U.S.C. 3109,*  
 26 *the hire of passenger motor vehicles, and official reception*



1 *and representation expenses (not to exceed \$3,000),*  
 2 *\$168,898,000, to remain available until expended: Pro-*  
 3 *vided, That notwithstanding any other provision of law, not*  
 4 *to exceed \$168,898,000 of revenues from fees and annual*  
 5 *charges, and other services and collections in fiscal year*  
 6 *1999 shall be retained and used for necessary expenses in*  
 7 *this account, and shall remain available until expended:*  
 8 *Provided further, That the sum herein appropriated from*  
 9 *the General Fund shall be reduced as revenues are received*  
 10 *during fiscal year 1999 so as to result in a final fiscal year*  
 11 *1999 appropriation from the General Fund estimated at*  
 12 *not more than \$0.*

### 13 *GENERAL PROVISIONS*

#### 14 *DEPARTMENT OF ENERGY*

15 *SEC. 301. (a) None of the funds appropriated by this*  
 16 *Act or any prior appropriations Act may be used to award*  
 17 *a management and operating contract unless such contract*  
 18 *is awarded using competitive procedures or the Secretary*  
 19 *of Energy grants, on a case-by-case basis, a waiver to allow*  
 20 *for such a deviation. The Secretary may not delegate the*  
 21 *authority to grant such a waiver.*

22 *(b) At least 60 days before a contract award, amend-*  
 23 *ment, or modification for which the Secretary intends to*  
 24 *grant such a waiver, the Secretary shall submit to the Sub-*  
 25 *committees on Energy and Water Development of the Com-*

1 *mittees on Appropriations of the House of Representatives*  
 2 *and the Senate a report notifying the subcommittees of the*  
 3 *waiver and setting forth the reasons for the waiver.*

4       *SEC. 302. (a) None of the funds appropriated by this*  
 5 *Act or any prior appropriations Act may be used to award,*  
 6 *amend, or modify a contract in a manner that deviates*  
 7 *from the Federal Acquisition Regulation, unless the Sec-*  
 8 *retary of Energy grants, on a case-by-case basis, a waiver*  
 9 *to allow for such a deviation. The Secretary may not dele-*  
 10 *gate the authority to grant such a waiver.*

11       *(b) At least 60 days before a contract award, amend-*  
 12 *ment, or modification for which the Secretary intends to*  
 13 *grant such a waiver, the Secretary shall submit to the Sub-*  
 14 *committees on Energy and Water Development of the Com-*  
 15 *mittees on Appropriations of the House of Representatives*  
 16 *and the Senate a report notifying the subcommittees of the*  
 17 *waiver and setting forth the reasons for the waiver.*

18       *SEC. 303. None of the funds appropriated by this Act*  
 19 *or any prior appropriations Act may be used to—*

20               *(1) develop or implement a workforce restructur-*  
 21 *ing plan that covers employees of the Department of*  
 22 *Energy; or*

23               *(2) provide enhanced severance payments or*  
 24 *other benefits for employees of the Department of En-*  
 25 *ergy;*

1 *under section 3161 of the National Defense Authorization*  
 2 *Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.*  
 3 *2644; 42 U.S.C. 7274h).*

4       *SEC. 304. None of the funds appropriated by this Act*  
 5 *or any prior appropriations Act may be used to augment*  
 6 *the \$40,000,000 made available for obligation by this Act*  
 7 *for severance payments and other benefits and community*  
 8 *assistance grants under section 3161 of the National De-*  
 9 *fense Authorization Act for Fiscal Year 1993 (Public Law*  
 10 *102–484; 106 Stat. 2644; 42 U.S.C. 7274h).*

11       *SEC. 305. None of the funds appropriated by this Act*  
 12 *or any prior appropriations Act may be used to prepare*  
 13 *or initiate Requests For Proposals (RFPs) for a program*  
 14 *if the program has not been funded by Congress.*

15       *SEC. 306. None of the funds appropriated by this Act*  
 16 *or any prior appropriations Act may be used to decrease*  
 17 *the concentration of radioactive contamination in waste so*  
 18 *that such waste complies with the waste acceptance criteria*  
 19 *for the Waste Isolation Pilot Plant.*

20       *SEC. 307. CHANGE OF NAME OF THE OFFICE OF EN-*  
 21 *ERGY RESEARCH. (a) IN GENERAL.—Section 209 of the De-*  
 22 *partment of Energy Organization Act (42 U.S.C. 7139) is*  
 23 *amended—*

24               *(1) in the section heading, by striking “ENERGY*  
 25 *RESEARCH” and inserting “SCIENCE RESEARCH”; and*

1           (2) *in subsection (a), by striking “Energy Re-*  
 2           *search” and inserting “Science Research”.*

3           (b) *CONFORMING AMENDMENTS.—*

4           (1) *TABLE OF CONTENTS.—The table of contents*  
 5           *in the first section of the Department of Energy Orga-*  
 6           *nization Act (42 U.S.C. prec. 7101) is amended by*  
 7           *striking the item relating to section 209 and inserting*  
 8           *the following:*

*“Section 209. Office of Science Research.”.*

9           (2) *REFERENCES IN OTHER LAW.—Each of the*  
 10          *following is amended by striking “Energy Research”*  
 11          *and inserting “Science Research”:*

12           (A) *The item relating to the Director, Office*  
 13           *of Energy Research, Department of Energy in*  
 14           *section 5315 of title 5, United States Code.*

15           (B) *Section 2902(b)(6) of title 10, United*  
 16           *States Code.*

17           (C) *Section 406(h)(2)(A)(v) of the Public*  
 18           *Health Service Act (42 U.S.C. 284a(h)(2)(A)(v)).*

19           (D) *Sections 3167(3) and 3168 of the De-*  
 20           *partment of Energy Science Education Enhance-*  
 21           *ment Act (42 U.S.C. 7381d(3), 7381e).*

22           (E) *Paragraphs (1) and (2) of section*  
 23           *224(b) of the Nuclear Waste Policy Act of 1982*  
 24           *(42 U.S.C. 10204(b)).*

1                   (F) Section 2203(b)(3)(A)(i) of the Energy  
 2                   Policy Act of 1992 (42 U.S.C.  
 3                   13503(b)(3)(A)(i)).

4           SEC. 308. MAINTENANCE OF SECURITY AT DOE URA-  
 5 NIUM ENRICHMENT PLANTS.—Section 3107(h) of the USEC  
 6 Privatization Act (42 U.S.C. 2297h–5(h)) is amended in  
 7 paragraph (1), by striking “an adequate number of” and  
 8 inserting “all”; and by inserting the following paragraph:  
 9           “(2) FUNDING.—The Secretary of Energy shall reim-  
 10 burse a contractor or subcontractor for the costs of provid-  
 11 ing security to a gaseous diffusion plant as required to com-  
 12 ply with the guidelines referred to in paragraph (1).”.

13          SEC. 309. In order to facilitate administrative oper-  
 14 ations and promote sales of Federal power, upon request  
 15 of a joint operating entity, the Administrator of the Bonne-  
 16 ville Power Administration shall sell, pursuant to section  
 17 5(b)(1) of Public Law 96–501, as amended, 94 Stat. 2697,  
 18 16 U.S.C. 839c, at wholesale to such joint operating entity  
 19 electric power for the purpose of meeting the firm power  
 20 loads of regional public bodies and cooperatives that are  
 21 members or participants of the joint operating entity: Pro-  
 22 vided, That the term “joint operating entity” means an en-  
 23 tity that is lawfully organized under state law as a public  
 24 body or cooperative by, and whose members or participants

1 *include only, two or more public bodies or cooperatives*  
 2 *which are customers of the Administrator.*

3 *(TRANSFERS OF UNEXPENDED BALANCES)*

4 *SEC. 310. The unexpended balances of prior appro-*  
 5 *priations provided for activities in this Act may be trans-*  
 6 *ferred to appropriation accounts for such activities estab-*  
 7 *lished pursuant to this title. Balances so transferred may*  
 8 *be merged with funds in the applicable established accounts*  
 9 *and thereafter may be accounted for as one fund for the*  
 10 *same time period as originally enacted.*

11 *SEC. 311. OFFSETTING REDUCTIONS. Each amount*  
 12 *made available under the headings "NON-DEFENSE ENVI-*  
 13 *RONMENTAL MANAGEMENT", "URANIUM ENRICHMENT DE-*  
 14 *CONTAMINATION AND DECOMMISSIONING FUND",*  
 15 *"SCIENCE", and "DEPARTMENTAL ADMINISTRATION" under*  
 16 *the heading "ENERGY PROGRAMS" and "CONSTRUCTION,*  
 17 *REHABILITATION, OPERATION AND MAINTENANCE, WESTERN*  
 18 *AREA POWER ADMINISTRATION (INCLUDING TRANSFER OF*  
 19 *FUNDS)" under the heading "POWER MARKETING ADMINIS-*  
 20 *TRATIONS" is reduced by 1.586516988447 percent.*

## 21 *TITLE IV*

### 22 *INDEPENDENT AGENCIES*

#### 23 *APPALACHIAN REGIONAL COMMISSION*

24 *For expenses necessary to carry out the programs au-*  
 25 *thorized by the Appalachian Regional Development Act of*  
 26 *1965, as amended, notwithstanding section 405 of said Act,*

1 *and for necessary expenses for the Federal Co-Chairman*  
 2 *and the alternate on the Appalachian Regional Commission*  
 3 *and for payment of the Federal share of the administrative*  
 4 *expenses of the Commission, including services as author-*  
 5 *ized by 5 U.S.C. 3109, and hire of passenger motor vehicles,*  
 6 *\$67,000,000, to remain available until expended.*

7 *DENALI COMMISSION*

8 *For expenses of the Denali Commission including the*  
 9 *purchase, construction and acquisition of plant and capital*  
 10 *equipment as necessary and other expenses as authorized*  
 11 *pursuant to this Act, \$20,000,000, to remain available until*  
 12 *expended.*

13 *DEFENSE NUCLEAR FACILITIES SAFETY BOARD*

14 *SALARIES AND EXPENSES*

15 *For necessary expenses of the Defense Nuclear Facili-*  
 16 *ties Safety Board in carrying out activities authorized by*  
 17 *the Atomic Energy Act of 1954, as amended by Public Law*  
 18 *100-456, section 1441, \$17,500,000, to remain available*  
 19 *until expended.*

20 *NUCLEAR REGULATORY COMMISSION*

21 *SALARIES AND EXPENSES*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For necessary expenses of the Commission in carrying*  
 24 *out the purposes of the Energy Reorganization Act of 1974,*  
 25 *as amended, and the Atomic Energy Act of 1954, as amend-*  
 26 *ed, including the employment of aliens; services authorized*

1 *by 5 U.S.C. 3109; publication and dissemination of atomic*  
2 *information; purchase, repair, and cleaning of uniforms; of-*  
3 *ficial representation expenses (not to exceed \$20,000); reim-*  
4 *bursements to the General Services Administration for secu-*  
5 *rity guard services; hire of passenger motor vehicles and*  
6 *aircraft, \$466,000,000, to remain available until expended:*  
7 *Provided, That of the amount appropriated herein,*  
8 *\$17,000,000 shall be derived from the Nuclear Waste Fund:*  
9 *Provided further, That from this appropriation, transfers*  
10 *of sums may be made to other agencies of the Government*  
11 *for the performance of the work for which this appropria-*  
12 *tion is made, and in such cases the sums so transferred may*  
13 *be merged with the appropriation to which transferred: Pro-*  
14 *vided further, That moneys received by the Commission for*  
15 *the cooperative nuclear safety research program, services*  
16 *rendered to State governments, foreign governments and*  
17 *international organizations, and the material and informa-*  
18 *tion access authorization programs, including criminal his-*  
19 *tory checks under section 149 of the Atomic Energy Act may*  
20 *be retained and used for salaries and expenses associated*  
21 *with those activities, notwithstanding 31 U.S.C. 3302, and*  
22 *shall remain available until expended: Provided further,*  
23 *That revenues from licensing fees, inspection services, and*  
24 *other services and collections estimated at \$416,000,000 in*  
25 *fiscal year 1999 shall be retained and used for necessary*



1 salaries and expenses in this account, notwithstanding 31  
 2 U.S.C. 3302, and shall remain available until expended:  
 3 Provided further, That of the amount appropriated herein,  
 4 \$33,000,000 shall be available only for agreement State  
 5 oversight, international activities, the generic decommis-  
 6 sioning management program, regulatory support to agree-  
 7 ment States, the small entity program, the nonprofit edu-  
 8 cational program, and other Federal agency programs, and  
 9 shall be excluded from license fee revenues, notwithstanding  
 10 42 U.S.C. 2214: Provided further, That the sum herein ap-  
 11 propriated shall be reduced by the amount of revenues re-  
 12 ceived during fiscal year 1999 from licensing fees, inspec-  
 13 tion services and other services and collections, excluding  
 14 those moneys received for the cooperative nuclear safety re-  
 15 search program, services rendered to State governments, for-  
 16 eign governments and international organizations, and the  
 17 material and information access authorization programs,  
 18 so as to result in a final fiscal year 1999 appropriation  
 19 estimated at not more than \$50,000,000.

20 OFFICE OF INSPECTOR GENERAL

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses of the Office of Inspector Gen-  
 23 eral in carrying out the provisions of the Inspector General  
 24 Act of 1978, as amended, including services authorized by  
 25 5 U.S.C. 3109, \$4,800,000, to remain available until ex-

1 *pended; and in addition, an amount not to exceed 5 percent*  
2 *of this sum may be transferred from Salaries and Expenses,*  
3 *Nuclear Regulatory Commission: Provided, That notice of*  
4 *such transfers shall be given to the Committees on Appro-*  
5 *priations of the House of Representatives and Senate: Pro-*  
6 *vided further, That from this appropriation, transfers of*  
7 *sums may be made to other agencies of the Government for*  
8 *the performance of the work for which this appropriation*  
9 *is made, and in such cases the sums so transferred may*  
10 *be merged with the appropriation to which transferred: Pro-*  
11 *vided further, That revenues from licensing fees, inspection*  
12 *services, and other services and collections shall be retained*  
13 *and used for necessary salaries and expenses in this ac-*  
14 *count, notwithstanding 31 U.S.C. 3302, and shall remain*  
15 *available until expended: Provided further, That the sum*  
16 *herein appropriated shall be reduced by the amount of reve-*  
17 *nues received during fiscal year 1999 from licensing fees,*  
18 *inspection services, and other services and collections, so as*  
19 *to result in a final fiscal year 1999 appropriation estimated*  
20 *at not more than \$0.*

21 *NUCLEAR WASTE TECHNICAL REVIEW BOARD*

22 *SALARIES AND EXPENSES*

23 *For necessary expenses of the Nuclear Waste Technical*  
24 *Review Board, as authorized by Public Law 100–203, sec-*

tion 5051, \$2,600,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

### TENNESSEE VALLEY AUTHORITY

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, \$70,000,000, to remain available until expended.

### TITLE V

#### GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall pro-

1 *vide to such entity a notice describing the statement made*  
2 *in subsection (a) by the Congress.*

3       (c) *PROHIBITION OF CONTRACTS WITH PERSONS*  
4 *FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—*  
5 *If it has been finally determined by a court or Federal agen-*  
6 *cy that any person intentionally affixed a label bearing a*  
7 *“Made in America” inscription, or any inscription with*  
8 *the same meaning, to any product sold in or shipped to*  
9 *the United States that is not made in the United States,*  
10 *the person shall be ineligible to receive any contract or sub-*  
11 *contract made with funds made available in this Act, pur-*  
12 *suant to the debarment, suspension, and ineligibility proce-*  
13 *dures described in sections 9.400 through 9.409 of title 48,*  
14 *Code of Federal Regulations.*

15       SEC. 503. *None of the funds made available in this*  
16 *Act may be provided by contract or by grant (including*  
17 *a grant of funds to be available for student aid) to any*  
18 *institution of higher education, or subelement thereof, that*  
19 *is currently ineligible for contracts and grants pursuant to*  
20 *section 514 of the Departments of Labor, Health and*  
21 *Human Services, and Education, and Related Agencies Ap-*  
22 *propriations Act, 1997 (as contained in section 101(e) of*  
23 *division A of Public Law 104–208; 110 Stat. 3009–270).*

24       SEC. 504. *None of the funds made available in this*  
25 *Act may be obligated or expended to enter into or renew*

1 *a contract with a contractor that is subject to the reporting*  
2 *requirement set forth in subsection (d) of section 4212 of*  
3 *title 38, United States Code, but has not submitted the most*  
4 *recent report required by such subsection.*

5 *SEC. 505. None of the funds made available in this*  
6 *Act to pay the salary of any officer or employee of the De-*  
7 *partment of the Interior may be used for the Animas-La*  
8 *Plata Project, in Colorado and New Mexico, except for: (1)*  
9 *activities required to comply with the applicable provisions*  
10 *of current law; and (2) continuation of activities pursuant*  
11 *to the Colorado Ute Indian Water Rights Settlement Act*  
12 *of 1988 (Public Law 100–585).*

13 *SEC. 506. (a) None of the funds appropriated or other-*  
14 *wise made available by this Act may be used to determine*  
15 *the final point of discharge for the interceptor drain for*  
16 *the San Luis Unit until development by the Secretary of*  
17 *the Interior and the State of California of a plan, which*  
18 *shall conform to the water quality standards of the State*  
19 *of California as approved by the Administrator of the Envi-*  
20 *ronmental Protection Agency, to minimize any detrimental*  
21 *effect of the San Luis drainage waters.*

22 *(b) The costs of the Kesterson Reservoir Cleanup Pro-*  
23 *gram and the costs of the San Joaquin Valley Drainage*  
24 *Program shall be classified by the Secretary of the Interior*  
25 *as reimbursable or nonreimbursable and collected until fully*

1 repaid pursuant to the “Cleanup Program—Alternative  
 2 Repayment Plan” and the “SJVDP—Alternative Repay-  
 3 ment Plan” described in the report entitled “Repayment  
 4 Report, Kesterson Reservoir Cleanup Program and San  
 5 Joaquin Valley Drainage Program, February 1995”, pre-  
 6 pared by the Department of the Interior, Bureau of Rec-  
 7 lamation. Any future obligations of funds by the United  
 8 States relating to, or providing for, drainage service or  
 9 drainage studies for the San Luis Unit shall be fully reim-  
 10 bursable by San Luis Unit beneficiaries of such service or  
 11 studies pursuant to Federal Reclamation law.

12 SEC. 507. Section 6101(a)(3) of the Omnibus Budget  
 13 Reconciliation Act of 1990 (42 U.S.C. 2214(a)(3)) is  
 14 amended by striking “September 30, 1998” and inserting  
 15 “September 30, 1999”.

16 SEC. 508. None of the funds made available in this  
 17 or any other Act may be used to restart the High Flux  
 18 Beam Reactor.

## 19 TITLE VI

### 20 DENALI COMMISSION

21 SEC. 601. SHORT TITLE. This title may be cited as  
 22 the “Denali Commission Act of 1998”.

23 SEC. 602. FINDINGS. The Congress finds that—

1           (1) *vast regions of the State of Alaska, while*  
2           *abundant in natural resources and rich in potential,*  
3           *trail the rest of the Nation in economic growth;*

4           (2) *roughly two-thirds of the land and associated*  
5           *natural resources within Alaska are owned by the*  
6           *Federal Government;*

7           (3) *many Alaska communities do not have access*  
8           *to potable water which often results in disease, and in*  
9           *some cases death;*

10          (4) *the primary means of sewage disposal in*  
11          *some Alaska communities continues to open sewage*  
12          *lagoons, which can result in outbreaks of hepatitis,*  
13          *meningitis, particularly among young children;*

14          (5) *power costs are as much as ten times higher*  
15          *in some areas of Alaska than in the lower 48 states,*  
16          *which thwarts economic development;*

17          (6) *bulk fuel storage tanks built by the Federal*  
18          *Government in many Alaska communities do not*  
19          *comply with the Oil Pollution Act of 1990, could,*  
20          *therefore, be required to be closed, are used to store*  
21          *heating oil critical to survival, and that Alaska com-*  
22          *munities presently have no way to upgrade or replace*  
23          *the tanks;*

1           (7) *the majority of Alaska communities have es-*  
2           *sential infrastructure needs which presently cannot be*  
3           *met;*

4           (8) *the lack of infrastructure and economic op-*  
5           *portunities in Alaska communities has resulted in*  
6           *disproportionately high Federal costs for welfare as-*  
7           *sistance, unemployment assistance, food stamps, heat-*  
8           *ing oil, and other Federal programs in Alaska; and*

9           (9) *by addressing infrastructure needs and pro-*  
10          *moting economic development, the reliance of Alaska*  
11          *communities on Federal assistance and the cost to the*  
12          *Federal Government of such assistance could be sig-*  
13          *nificantly reduced.*

14         *SEC. 603. PURPOSE. It is the purpose of this Act to*  
15         *assist Alaska in addressing its special problems, to develop*  
16         *its infrastructure and utilities, to promote its economic de-*  
17         *velopment in rural communities by utilizing the markets,*  
18         *technical support, and other resources of urban areas, and*  
19         *to establish a framework for joint Federal and State efforts*  
20         *toward providing basic facilities essential to its growth and*  
21         *attacking its common problems.*

22         *SEC. 604. DENALI COMMISSION. (a) ESTABLISH-*  
23         *MENT.—There is hereby established the Denali Commission*  
24         *which shall be composed of one Federal member appointed*  
25         *by the President with the advice and consent of the Senate,*



1 *one State member appointed by the Governor after consulta-*  
2 *tion with the Alaska Federation of Natives, the President*  
3 *of the University of Alaska or a designee, the President of*  
4 *the Alaska Chamber of Commerce, and the Executive Direc-*  
5 *tor of the Alaska Municipal League. The Federal member*  
6 *shall be compensated by the Federal government at level III*  
7 *of the Executive Schedule of subchapter II of chapter 53*  
8 *of title V, United States Code.*

9       (b) *CHAIRMAN; DECISIONS.—The Federal member*  
10 *shall be the Chairman of the Denali Commission. Decisions*  
11 *by the Denali Commission shall require the affirmative vote*  
12 *of the Chairman and at least two of the other members of*  
13 *the Commission. With respect to matters that come before*  
14 *the Commission, the Chairman may inform Federal depart-*  
15 *ments and agencies having an interest in the subject matter*  
16 *as appropriate.*

17       (c) *FUNCTIONS.—The Denali Commission, in con-*  
18 *sultation with the Governor of Alaska, shall develop a state-*  
19 *wide, comprehensive plan for economic and infrastructure*  
20 *development, establish priorities, approve project and grant*  
21 *proposals, and administer funds appropriated to the Com-*  
22 *mission. It shall solicit project proposals to modernize in-*  
23 *frastructure from local governments and other organiza-*  
24 *tions. The Commission is authorized to adopt rules and reg-*  
25 *ulations governing its conduct, appoint and fix compensa-*

1 *tion of staff to assist the Commission, accept and use gifts*  
2 *or donations, and enter into and perform contracts, leases,*  
3 *or cooperative agreements. Administrative expenses of the*  
4 *Commission shall be paid by the Federal Government and*  
5 *may not exceed 5 percent of any funds appropriated under*  
6 *this Act. The Commission and its grantees shall maintain*  
7 *accurate and complete records which shall be available for*  
8 *audit and examination by the Comptroller General or his*  
9 *designee. The Commission shall submit an annual report*  
10 *six months after the conclusion of the fiscal year which shall*  
11 *be submitted to the President, the Chairmen of the House*  
12 *and Senate Appropriations Committees, and the Governor*  
13 *of Alaska.*

14 *(d) SPECIAL FUNCTIONS.—*

15 *(1) RURAL UTILITIES.—In carrying out its other*  
16 *functions, the Denali Commission should provide as-*  
17 *sistance as appropriate and seek to avoid duplication*  
18 *and to complement the water and wastewater pro-*  
19 *grams under section 306D of the Consolidated Farm*  
20 *and Rural Development Act (7 U.S.C. 1926d) and*  
21 *under section 303 of the Safe Drinking Water Act*  
22 *Amendments of 1996 (33 U.S.C. 1263a).*

23 *(2) BULK FUEL TANKS.—The Denali Commis-*  
24 *sion, in consultation with the Commandant of the*  
25 *United States Coast Guard, shall develop a program*

1       to provide for the repair or replacement of bulk fuel  
2       storage tanks in Alaska which are not in compliance  
3       with Federal law, including the Oil Pollution Act of  
4       1990, or State law.

5       SEC. 605. INSPECTOR GENERAL. Section 8G of the In-  
6       specter General Act of 1978, as amended (5 U.S.C. appen-  
7       dix 3 section 8G) is amended in subsection (a)(2) thereof  
8       by adding after “the Corporation for Public Broadcasting”,  
9       “the Denali Commission,”.

10       SEC. 606. AUTHORIZATION OF APPROPRIATIONS. There  
11       are authorized to be appropriated to the Denali Commission  
12       to carry out this Act and for necessary expenses including  
13       staff, \$20,000,000 in fiscal year 1999 and such sums as  
14       may be necessary for each of fiscal years 2000 through 2003.

15       This Act may be cited as the “Energy and Water De-  
16       velopment Appropriations Act, 1999”.

Attest:

Secretary.

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4060**

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**AMENDMENT**

HR 4060 EAS—2

HR 4060 EAS—3

HR 4060 EAS—4

HR 4060 EAS—5