

Calendar No. 327

105TH CONGRESS
2^D SESSION**H. R. 4060****[Report No. 105-581]**

Making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 1998

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

A BILL

Making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 1999, for energy and
6 water development, and for other purposes, namely:

1 TITLE I
2 DEPARTMENT OF DEFENSE—CIVIL
3 DEPARTMENT OF THE ARMY
4 CORPS OF ENGINEERS—CIVIL

5 The following appropriations shall be expended under
6 the direction of the Secretary of the Army and the super-
7 vision of the Chief of Engineers for authorized civil func-
8 tions of the Department of the Army pertaining to rivers
9 and harbors, flood control, beach erosion, and related pur-
10 poses.

11 GENERAL INVESTIGATIONS

12 For expenses necessary for the collection and study
13 of basic information pertaining to river and harbor, flood
14 control, shore protection, and related projects, restudy of
15 authorized projects, miscellaneous investigations, and,
16 when authorized by laws, surveys and detailed studies and
17 plans and specifications of projects prior to construction,
18 \$162,823,000, to remain available until expended, of
19 which funds are provided for the following projects in the
20 amounts specified:

21 Delaware Bay Coastline, Delaware and New
22 Jersey, \$570,000;

23 Tampa Harbor, Alafia Channel, Florida,
24 \$200,000;

1 Barnegat Inlet to Little Egg Harbor Inlet, New
2 Jersey, \$322,000;

3 Brigantine Inlet to Great Egg Harbor Inlet,
4 New Jersey, \$313,000;

5 Great Egg Harbor Inlet to Townsends Inlet,
6 New Jersey, \$300,000;

7 Lower Cape May Meadows—Cape May Point,
8 New Jersey, \$100,000;

9 Manasquan Inlet to Barnegat Inlet, New Jer-
10 sey, \$400,000;

11 Raritan Bay to Sandy Hook Bay, New Jersey,
12 \$1,100,000;

13 Townsends Inlet to Cape May Inlet, New Jer-
14 sey, \$500,000: *Provided*, That the Secretary of the
15 Army, acting through the Chief of Engineers, is di-
16 rected to use \$700,000 of the funds appropriated in
17 Public Law 102–377 for the Red River Waterway,
18 Shreveport, Louisiana, to Daingerfield, Texas,
19 project for the feasibility phase of the Red River
20 Navigation, Southwest Arkansas, study: *Provided*
21 *further*, That the Secretary of the Army is directed
22 to use \$500,000 of the funds appropriated herein to
23 implement section 211(f)(7) of Public Law 104–303
24 (110 Stat. 3684) and to reimburse the non-Federal
25 sponsor a portion of the Federal share of project

1 costs for the Hunting Bayou element of the project
2 for flood control, Buffalo Bayou and tributaries,
3 Texas: *Provided further*, That the Secretary of the
4 Army is directed to use \$300,000 of the funds ap-
5 propriated herein to implement section 211(f)(8) of
6 Public Law 104–303 (110 Stat. 3684) and to reim-
7 burse the non-Federal sponsor a portion of the Fed-
8 eral share of project costs for the project for flood
9 control, White Oak Bayou watershed, Texas.

10 CONSTRUCTION, GENERAL

11 For the prosecution of river and harbor, flood control,
12 shore protection, and related projects authorized by laws;
13 and detailed studies, and plans and specifications, of
14 projects (including those for development with participa-
15 tion or under consideration for participation by States,
16 local governments, or private groups) authorized or made
17 eligible for selection by law (but such studies shall not con-
18 stitute a commitment of the Government to construction),
19 \$1,456,529,000, to remain available until expended, of
20 which such sums as are necessary for the Federal share
21 of construction costs for facilities under the Dredged Ma-
22 terial Disposal Facilities program shall be derived from
23 the Harbor Maintenance Trust Fund, as authorized by
24 Public Law 104–303; and of which such sums as are nec-
25 essary pursuant to Public Law 99–662 shall be derived

1 from the Inland Waterways Trust Fund, for one-half of
2 the costs of construction and rehabilitation of inland wa-
3 terways projects, including rehabilitation costs for the
4 Lock and Dam 25, Mississippi River, Illinois and Mis-
5 souri; Lock and Dam 14, Mississippi River, Iowa; Lock
6 and Dam 24, Part 1, Mississippi River, Illinois and Mis-
7 souri; and Lock and Dam 3, Mississippi River, Minnesota,
8 projects, and of which funds are provided for the following
9 projects in the amounts specified:

10 Norco Bluffs, California, \$4,400,000;

11 Tybee Island, Georgia, \$1,200,000;

12 Indianapolis Central Waterfront, Indiana,
13 \$4,000,000;

14 Indiana Shoreline Erosion, Indiana, \$700,000;

15 Ohio River Flood Protection, Indiana,
16 \$1,700,000;

17 Harlan/Clover Fork, Williamsburg,
18 Middlesboro, Martin County, Pike County, and
19 Town of Martin elements of the Levisa and Tug
20 Forks of the Big Sandy River and Upper Cum-
21 berland River, Kentucky, \$26,730,000;

22 Southern and Eastern Kentucky, Kentucky,
23 \$4,000,000;

24 Lake Pontchartrain and Vicinity (Hurricane
25 Protection), Louisiana, \$18,000,000;

1 Lake Pontchartrain (Jefferson Parish)
2 Stormwater Discharge, Louisiana, \$3,000,000;
3 Southeast Louisiana, Louisiana, \$85,200,000;
4 Jackson County, Mississippi, \$7,000,000;
5 Passaic River Streambank Restoration, New
6 Jersey, \$5,000,000;
7 Lackawanna River, Olyphant, Pennsylvania,
8 \$14,400,000;
9 Lackawanna River, Scranton, Pennsylvania,
10 \$43,551,000;
11 South Central Pennsylvania Environment Im-
12 provement Program, \$45,000,000, of which
13 \$15,000,000 shall be available only for water-related
14 environmental infrastructure and resource protection
15 and development projects in Lackawanna, Lycoming,
16 Susquehanna, Wyoming, Pike, and Monroe counties
17 in Pennsylvania in accordance with the purposes of
18 subsection (a) and requirements of subsections (b)
19 through (e) of section 313 of the Water Resources
20 Development Act of 1992, as amended;
21 Wallisville Lake, Texas, \$5,500,000;
22 Virginia Beach, Virginia (Hurricane Protec-
23 tion), \$13,000,000;
24 West Virginia and Pennsylvania Flood Control,
25 West Virginia and Pennsylvania, \$750,000: *Pro-*

1 *vided*, That the Secretary of the Army is directed to
2 incorporate the economic analyses for the Green
3 Ridge and Plot sections of the Lackawanna River,
4 Scranton, Pennsylvania, project with the economic
5 analysis for the Albright Street section of the
6 project, and to cost-share and implement these com-
7 bined sections as a single project with no separable
8 elements, except that each section may be under-
9 taken individually when the non-Federal sponsor
10 provides the applicable local cooperation require-
11 ments; *Provided further*, That any funds heretofore
12 appropriated and made available in Public Law 103-
13 126 for projects associated with the restoration of
14 the Lackawanna River Basin Greenway Corridor,
15 Pennsylvania, may be utilized by the Secretary of
16 the Army in carrying out other projects and activi-
17 ties on the Lackawanna River in Pennsylvania; *Pro-*
18 *vided further*, That the Secretary of the Army is di-
19 rected to use \$6,000,000 of the funds appropriated
20 herein to implement section 211(f)(6) of Public Law
21 104-303 (110 Stat. 3683) and to reimburse the
22 non-Federal sponsor a portion of the Federal share
23 of project construction costs for the flood control
24 components comprising the Brays Bayou element of

1 the project for flood control, Buffalo Bayou and trib-
2 utaries, Texas.

3 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES,
4 ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MIS-
5 SISSIPPI, MISSOURI, AND TENNESSEE

6 For expenses necessary for prosecuting work of flood
7 control, and rescue work, repair, restoration, or mainte-
8 nance of flood control projects threatened or destroyed by
9 flood, as authorized by law (33 U.S.C. 702a, 702g-1),
10 \$312,077,000, to remain available until expended.

11 OPERATION AND MAINTENANCE, GENERAL

12 For expenses necessary for the preservation, oper-
13 ation, maintenance, and care of existing river and harbor,
14 flood control, and related works, including such sums as
15 may be necessary for the maintenance of harbor channels
16 provided by a State, municipality or other public agency,
17 outside of harbor lines, and serving essential needs of gen-
18 eral commerce and navigation; surveys and charting of
19 northern and northwestern lakes and connecting waters;
20 clearing and straightening channels; and removal of ob-
21 structions to navigation, \$1,637,719,000, to remain avail-
22 able until expended, of which such sums as become avail-
23 able in the Harbor Maintenance Trust Fund, pursuant to
24 Public Law 99-662, may be derived from that Fund, and
25 of which such sums as become available from the special

1 other appropriation provided in title I of this Act shall
2 be available to fund the activities of the Office of the Chief
3 of Engineers or the executive direction and management
4 activities of the division offices: *Provided further*, That
5 none of these funds shall be available to support an office
6 of congressional affairs within the executive office of the
7 Chief of Engineers.

8 ADMINISTRATIVE PROVISION

9 Appropriations in this title shall be available for offi-
10 cial reception and representation expenses (not to exceed
11 \$5,000); and during the current fiscal year the Revolving
12 Fund, Corps of Engineers, shall be available for purchase
13 (not to exceed 100 for replacement only) and hire of pas-
14 senger motor vehicles.

15 TITLE II

16 DEPARTMENT OF THE INTERIOR

17 CENTRAL UTAH PROJECT

18 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

19 For carrying out activities authorized by the Central
20 Utah Project Completion Act, and for activities related to
21 the Uintah and Upaleo Units authorized by 43 U.S.C.
22 620, \$39,665,000, to remain available until expended, of
23 which \$15,476,000 shall be deposited into the Utah Rec-
24 lamation Mitigation and Conservation Account: *Provided*,
25 That of the amounts deposited into that account,

1 \$5,000,000 shall be considered the Federal contribution
2 authorized by paragraph 402(b)(2) of the Central Utah
3 Project Completion Act and \$10,476,000 shall be available
4 to the Utah Reclamation Mitigation and Conservation
5 Commission to carry out activities authorized under that
6 Act.

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

10 BUREAU OF RECLAMATION

11 For carrying out the functions of the Bureau of Rec-
12 lamation as provided in the Federal reclamation laws (Act
13 of June 17, 1902, 32 Stat. 388, and Acts amendatory
14 thereof or supplementary thereto) and other Acts applica-
15 ble to that Bureau as follows:

16 WATER AND RELATED RESOURCES

17 (INCLUDING TRANSFER OF FUNDS)

18 For management, development, and restoration of
19 water and related natural resources and for related activi-
20 ties, including the operation, maintenance and rehabilita-
21 tion of reclamation and other facilities, participation in
22 fulfilling related Federal responsibilities to Native Ameri-
23 cans, and related grants to, and cooperative and other
24 agreements with, State and local governments, Indian
25 Tribes, and others, \$622,054,000, to remain available
26 until expended, of which \$1,873,000 shall be available for

1 transfer to the Upper Colorado River Basin Fund and
2 \$49,908,000 shall be available for transfer to the Lower
3 Colorado River Basin Development Fund, and of which
4 such amounts as may be necessary may be advanced to
5 the Colorado River Dam Fund: *Provided*, That such trans-
6 fers may be increased or decreased within the overall ap-
7 propriation under this heading: *Provided further*, That of
8 the total appropriated, the amount for program activities
9 that can be financed by the Reclamation Fund or the Bu-
10 reau of Reclamation special fee account established by 16
11 U.S.C. 46016a(i) shall be derived from that Fund or ac-
12 count: *Provided further*, That funds contributed under 43
13 U.S.C. 395 are available until expended for the purposes
14 for which contributed: *Provided further*, That funds ad-
15 vanced under 43 U.S.C. 397a shall be credited to this ac-
16 count and are available until expended for the same pur-
17 poses as the sums appropriated under this heading: *Pro-*
18 *vided further*, That of the total appropriated, \$25,800,000
19 shall be derived by transfer of unexpended balances from
20 the Bureau of Reclamation Working Capital Fund.

21 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

22 For the cost of direct loans and/or grants,
23 \$12,000,000, to remain available until expended, as au-
24 thorized by the Small Reclamation Projects Act of August
25 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided*,
26 That such costs, including the cost of modifying such

1 loans, shall be as defined in section 502 of the Congres-
2 sional Budget Act of 1974: *Provided further*, That these
3 funds are available to subsidize gross obligations for the
4 principal amount of direct loans not to exceed
5 \$38,000,000.

6 In addition, for administrative expenses necessary to
7 carry out the program for direct loans and/or grants,
8 \$425,000, to remain available until expended: *Provided*,
9 That of the total sums appropriated, the amount of pro-
10 gram activities that can be financed by the Reclamation
11 Fund shall be derived from that Fund.

12 CENTRAL VALLEY PROJECT RESTORATION FUND

13 For carrying out the programs, projects, plans, and
14 habitat restoration, improvement, and acquisition provi-
15 sions of the Central Valley Project Improvement Act,
16 \$33,130,000, to be derived from such sums as may be col-
17 lected in the Central Valley Project Restoration Fund pur-
18 suant to sections 3407(d), 3404(c)(3), 3405(f), and
19 3406(c)(1) of Public Law 102-575, to remain available
20 until expended: *Provided*, That the Bureau of Reclamation
21 is directed to assess and collect the full amount of the
22 additional mitigation and restoration payments authorized
23 by section 3407(d) of Public Law 102-575.

1 CALIFORNIA BAY-DELTA ECOSYSTEM RESTORATION
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses of the Department of the In-
4 terior and other participating Federal agencies in carrying
5 out the California Bay-Delta Environmental Enhancement
6 and Water Security Act consistent with plans to be ap-
7 proved by the Secretary of the Interior, in consultation
8 with such Federal agencies, \$75,000,000, to remain avail-
9 able until expended, of which such amounts as may be nec-
10 essary to conform with such plans shall be transferred to
11 appropriate accounts of such Federal agencies: *Provided*,
12 That such funds may be obligated only as non-Federal
13 sources provide their share in accordance with the cost-
14 sharing agreement required under section 102(d) of such
15 Act: *Provided further*, That such funds may be obligated
16 prior to the completion of a final programmatic environ-
17 mental impact statement only if: (1) consistent with 40
18 CFR 1506.1(c); and (2) used for purposes that the Sec-
19 retary finds are of sufficiently high priority to warrant
20 such an expenditure.

21 POLICY AND ADMINISTRATION

22 For necessary expenses of policy, administration, and
23 related functions in the office of the Commissioner, the
24 Denver office, and offices in the five regions of the Bureau
25 of Reclamation, to remain available until expended,
26 \$46,000,000, to be derived from the Reclamation Fund

1 and be nonreimbursable as provided in 43 U.S.C. 377:
2 *Provided*, That no part of any other appropriation in this
3 Act shall be available for activities or functions budgeted
4 as policy and administration expenses.

5 ADMINISTRATIVE PROVISION

6 Appropriations for the Bureau of Reclamation shall
7 be available for purchase of not to exceed six passenger
8 motor vehicles for replacement only.

9 TITLE III

10 DEPARTMENT OF ENERGY

11 ENERGY PROGRAMS

12 ENERGY SUPPLY

13 For expenses of the Department of Energy activities
14 including the purchase, construction and acquisition of
15 plant and capital equipment and other expenses necessary
16 for energy supply, and uranium supply and enrichment ac-
17 tivities in carrying out the purposes of the Department
18 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
19 cluding the acquisition or condemnation of any real prop-
20 erty or any facility or for plant or facility acquisition, con-
21 struction, or expansion; and the purchase of not to exceed
22 22 passenger motor vehicles for replacement only,
23 \$882,834,000, of which not to exceed \$3,000 may be used
24 for official reception and representation expenses for
25 transparency activities.

1 for science activities in carrying out the purposes of the
2 Department of Energy Organization Act (42 U.S.C. 7101
3 et seq.), including the acquisition or condemnation of any
4 real property or facility or for plant or facility acquisition,
5 construction, or expansion, and purchase of not to exceed
6 5 passenger motor vehicles for replacement only,
7 \$2,399,500,000, to remain available until expended: *Pro-*
8 *vided*, That in addition, \$7,600,000 of the unobligated bal-
9 ances originally available for Superconducting Super
10 Collider termination activities shall be made available for
11 other activities under this heading.

12 NUCLEAR WASTE DISPOSAL FUND

13 For nuclear waste disposal activities to carry out the
14 purposes of Public Law 97–425, as amended, including
15 the acquisition of real property or facility construction or
16 expansion, \$160,000,000, to remain available until ex-
17 pended, to be derived from the Nuclear Waste Fund: *Pro-*
18 *vided*, That none of the funds provided herein shall be dis-
19 tributed to the State of Nevada or affected units of local
20 government (as defined by Public Law 97–425) by direct
21 payment, grant, or other means, for financial assistance
22 under section 116 of the Nuclear Waste Policy Act of
23 1982, as amended: *Provided further*, That the foregoing
24 proviso shall not apply to payments in lieu of taxes under

1 section 116(c)(3)(A) of the Nuclear Waste Policy Act of
2 1982, as amended.

3 DEPARTMENTAL ADMINISTRATION

4 For salaries and expenses of the Department of En-
5 ergy necessary for departmental administration in carry-
6 ing out the purposes of the Department of Energy Organi-
7 zation Act (42 U.S.C. 7101 et seq.), including the hire
8 of passenger motor vehicles and official reception and rep-
9 resentation expenses (not to exceed \$5,000),
10 \$175,365,000, to remain available until expended, plus
11 such additional amounts as necessary to cover increases
12 in the estimated amount of cost of work for others not-
13 withstanding the provisions of the Anti-Deficiency Act (31
14 U.S.C. 1511 et seq.): *Provided*, That such increases in cost
15 of work are offset by revenue increases of the same or
16 greater amount, to remain available until expended: *Pro-*
17 *vided further*, That moneys received by the Department
18 for miscellaneous revenues estimated to total
19 \$136,530,000 in fiscal year 1999 may be retained and
20 used for operating expenses within this account, and may
21 remain available until expended, as authorized by section
22 201 of Public Law 95-238, notwithstanding the provisions
23 of 31 U.S.C. 3302: *Provided further*, That the sum herein
24 appropriated shall be reduced by the amount of mis-
25 cellaneous revenues received during fiscal year 1999 so as

1 to result in a final fiscal year 1999 appropriation from
2 the General Fund estimated at not more than
3 \$38,835,000.

4 OFFICE OF THE INSPECTOR GENERAL

5 For necessary expenses of the Office of the Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, as amended, \$14,500,000, to remain
8 available until expended.

9 ATOMIC ENERGY DEFENSE ACTIVITIES

10 WEAPONS ACTIVITIES

11 For Department of Energy expenses, including the
12 purchase, construction and acquisition of plant and capital
13 equipment and other incidental expenses necessary for
14 atomic energy defense weapons activities in carrying out
15 the purposes of the Department of Energy Organization
16 Act (42 U.S.C. 7101 et seq.), including the acquisition or
17 condemnation of any real property or any facility or for
18 plant or facility acquisition, construction, or expansion;
19 the purchase of not to exceed one fixed wing aircraft; and
20 the purchase of passenger motor vehicles (not to exceed
21 32 for replacement only, and one bus), \$4,142,100,000,
22 to remain available until expended.

1 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE
2 MANAGEMENT

3 For Department of Energy expenses, including the
4 purchase, construction and acquisition of plant and capital
5 equipment and other expenses necessary for atomic energy
6 defense environmental restoration and waste management
7 activities in carrying out the purposes of the Department
8 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
9 cluding the acquisition or condemnation of any real prop-
10 erty or any facility or for plant or facility acquisition, con-
11 struction, or expansion; and the purchase of passenger
12 motor vehicles (not to exceed 3 new sedans and 6 for re-
13 placement only, of which 3 are sedans, 2 are buses, and
14 1 is an ambulance), \$4,358,554,000, to remain available
15 until expended.

16 DEFENSE FACILITIES CLOSURE PROJECTS

17 For expenses of the Department of Energy to acceler-
18 ate the closure of defense environmental management
19 sites, including the purchase, construction and acquisition
20 of plant and capital equipment and other necessary ex-
21 penses, \$1,038,240,000, to remain available until ex-
22 pended.

1 DEFENSE ENVIRONMENTAL MANAGEMENT

2 PRIVATIZATION

3 For Department of Energy expenses for privatization
4 projects necessary for atomic energy defense environ-
5 mental management activities authorized by the Depart-
6 ment of Energy Organization Act (42 U.S.C. 7101, et
7 seq.), \$286,857,000, to remain available until expended.

8 OTHER DEFENSE ACTIVITIES

9 For Department of Energy expenses, including the
10 purchase, construction and acquisition of plant and capital
11 equipment and other expenses necessary for atomic energy
12 defense, other defense activities, in carrying out the pur-
13 poses of the Department of Energy Organization Act (42
14 U.S.C. 7101, et seq.), including the acquisition or con-
15 demnation of any real property or any facility or for plant
16 or facility acquisition, construction, or expansion,
17 \$1,761,260,000, to remain available until expended.

18 DEFENSE NUCLEAR WASTE DISPOSAL

19 For nuclear waste disposal activities to carry out the
20 purposes of Public Law 97-425, as amended, including
21 the acquisition of real property or facility construction or
22 expansion, \$190,000,000, to remain available until ex-
23 pended.

1 POWER MARKETING ADMINISTRATIONS

2 BONNEVILLE POWER ADMINISTRATION FUND

3 Expenditures from the Bonneville Power Administra-
4 tion Fund, established pursuant to Public Law 93-454,
5 are approved for official reception and representation ex-
6 penses in an amount not to exceed \$1,500.

7 During fiscal year 1999, no new direct loan obliga-
8 tions may be made.

9 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
10 ADMINISTRATION

11 For necessary expenses of operation and maintenance
12 of power transmission facilities and of marketing electric
13 power and energy pursuant to the provisions of section
14 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
15 applied to the southeastern power area, \$8,500,000, to re-
16 main available until expended; in addition, notwithstand-
17 ing 31 U.S.C. 3302, not to exceed \$28,000,000 in reim-
18 bursements, of which \$20,000,000 is for transmission
19 wheeling and ancillary services and \$8,000,000 is for
20 power purchases at the Richard B. Russell Project, to re-
21 main available until expended.

22 OPERATION AND MAINTENANCE, SOUTHWESTERN
23 POWER ADMINISTRATION

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

1 power and energy, and for construction and acquisition of
2 transmission lines, substations and appurtenant facilities,
3 and for administrative expenses, including official recep-
4 tion and representation expenses in an amount not to ex-
5 ceed \$1,500 in carrying out the provisions of section 5
6 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
7 applied to the southwestern power area, \$24,710,000, to
8 remain available until expended; in addition, notwith-
9 standing the provisions of 31 U.S.C. 3302, not to exceed
10 \$4,200,000 in reimbursements, to remain available until
11 expended.

12 CONSTRUCTION, REHABILITATION, OPERATION AND
13 MAINTENANCE, WESTERN AREA POWER ADMINIS-
14 TRATION

15 For carrying out the functions authorized by title III,
16 section 302(a)(1)(E) of the Act of August 4, 1977 (42
17 U.S.C. 7152), and other related activities including con-
18 servation and renewable resources programs as author-
19 ized, including official reception and representation ex-
20 penses in an amount not to exceed \$1,500, \$205,000,000,
21 to remain available until expended, of which \$195,787,000
22 shall be derived from the Department of the Interior Rec-
23 lamation Fund: *Provided*, That of the amount herein ap-
24 propriated, \$5,036,000 is for deposit into the Utah Rec-
25 lamation Mitigation and Conservation Account pursuant

1 to title IV of the Reclamation Projects Authorization and
2 Adjustment Act of 1992.

3 FALCON AND AMISTAD OPERATING AND MAINTENANCE
4 FUND

5 For operation, maintenance, and emergency costs for
6 the hydroelectric facilities at the Falcon and Amistad
7 Dams, \$970,000, to remain available until expended, and
8 to be derived from the Falcon and Amistad Operating and
9 Maintenance Fund of the Western Area Power Adminis-
10 tration, as provided in section 423 of the Foreign Rela-
11 tions Authorization Act, Fiscal Years 1994 and 1995.

12 FEDERAL ENERGY REGULATORY COMMISSION
13 SALARIES AND EXPENSES

14 For necessary expenses of the Federal Energy Regu-
15 latory Commission to carry out the provisions of the De-
16 partment of Energy Organization Act (42 U.S.C. 7101 et
17 seq.), including services as authorized by 5 U.S.C. 3109,
18 the hire of passenger motor vehicles, and official reception
19 and representation expenses (not to exceed \$3,000),
20 \$166,500,000, to remain available until expended: *Pro-*
21 *vided*, That notwithstanding any other provision of law,
22 not to exceed \$166,500,000 of revenues from fees and an-
23 nual charges, and other services and collections in fiscal
24 year 1999 shall be retained and used for necessary ex-
25 penses in this account, and shall remain available until

1 expended: *Provided further*, That the sum herein appro-
2 priated from the General Fund shall be reduced as reve-
3 nues are received during fiscal year 1999 so as to result
4 in a final fiscal year 1999 appropriation from the General
5 Fund estimated at not more than \$0.

6 GENERAL PROVISIONS

7 DEPARTMENT OF ENERGY

8 SEC. 301. (a) None of the funds appropriated by this
9 Act or any prior appropriations Act may be used to award
10 a management and operating contract unless such con-
11 tract is awarded using competitive procedures or the Sec-
12 retary of Energy grants, on a case-by-case basis, a waiver
13 to allow for such a deviation. The Secretary may not dele-
14 gate the authority to grant such a waiver.

15 (b) At least 60 days before a contract award, amend-
16 ment, or modification for which the Secretary intends to
17 grant such a waiver, the Secretary shall submit to the
18 Subcommittees on Energy and Water Development of the
19 Committees on Appropriations of the House of Represent-
20 atives and the Senate a report notifying the subcommit-
21 tees of the waiver and setting forth the reasons for the
22 waiver.

23 SEC. 302. (a) None of the funds appropriated by this
24 Act or any prior appropriations Act may be used to award,
25 amend, or modify a contract in a manner that deviates

1 from the Federal Acquisition Regulation, unless the Sec-
2 retary of Energy grants, on a case-by-case basis, a waiver
3 to allow for such a deviation. The Secretary may not dele-
4 gate the authority to grant such a waiver.

5 (b) At least 60 days before a contract award, amend-
6 ment, or modification for which the Secretary intends to
7 grant such a waiver, the Secretary shall submit to the
8 Subcommittees on Energy and Water Development of the
9 Committees on Appropriations of the House of Represent-
10 atives and the Senate a report notifying the subcommit-
11 tees of the waiver and setting forth the reasons for the
12 waiver.

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

15 (1) develop or implement a workforce restruc-
16 turing plan that covers employees of the Department
17 of Energy; or

18 (2) provide enhanced severance payments or
19 other benefits for employees of the Department of
20 Energy; under section 3161 of the National Defense
21 Authorization Act for Fiscal Year 1993 (Public Law
22 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

23 SEC. 304. None of the funds appropriated by this Act
24 or any prior appropriations Act may be used to augment
25 the \$29,800,000 made available for obligation by this Act

1 for severance payments and other benefits and community
2 assistance grants under section 3161 of the National De-
3 fense Authorization Act for Fiscal Year 1993 (Public Law
4 102-484; 106 Stat. 2644; 42 U.S.C. 7274h).

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

9 SEC. 306. (a) Except as provided in subsection (b),
10 none of the funds appropriated by this Act or any prior
11 appropriations Act may be used by any program, project,
12 or activity of the Department of Energy to produce or pro-
13 vide articles or services for the purpose of selling the arti-
14 cles or services to a person outside the Federal Govern-
15 ment, unless the Secretary of Energy determines that the
16 articles or services are not available from a commercial
17 source in the United States.

18 (b) Subsection (a) does not apply to the transmission
19 and sale of electricity by any Federal power marketing ad-
20 ministration.

21 (TRANSFERS OF UNEXPENDED BALANCES)

22 SEC. 307. The unexpended balances of prior appro-
23 priations provided for activities in this Act may be trans-
24 ferred to appropriation accounts for such activities estab-
25 lished pursuant to this title. Balances so transferred may
26 be merged with funds in the applicable established ac-

1 counts and thereafter may be accounted for as one fund
2 for the same time period as originally enacted.

3 TITLE IV

4 INDEPENDENT AGENCIES

5 APPALACHIAN REGIONAL COMMISSION

6 For expenses necessary to carry out the programs au-
7 thorized by the Appalachian Regional Development Act of
8 1965, as amended, notwithstanding section 405 of said
9 Act, for necessary expenses for the Federal Co-Chairman
10 and the alternate on the Appalachian Regional Commis-
11 sion, for payment of the Federal share of the administra-
12 tive expenses of the Commission, including services as au-
13 thorized by 5 U.S.C. 3109, and hire of passenger motor
14 vehicles, \$65,900,000, to remain available until expended.

15 DEFENSE NUCLEAR FACILITIES SAFETY

16 BOARD

17 SALARIES AND EXPENSES

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

1 NUCLEAR REGULATORY COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Commission in carry-
4 ing out the purposes of the Energy Reorganization Act
5 of 1974, as amended, and the Atomic Energy Act of 1954,
6 as amended, including official representation expenses
7 (not to exceed \$5,000); \$462,700,000, to remain available
8 until expended: *Provided*, That of the amount appro-
9 priated herein, \$14,800,000 shall be derived from the Nu-
10 clear Waste Fund: *Provided further*, That revenues from
11 licensing fees, inspection services, and other services and
12 collections estimated at \$444,700,000 in fiscal year 1999
13 shall be retained and used for necessary salaries and ex-
14 penses in this account, notwithstanding 31 U.S.C. 3302,
15 and shall remain available until expended: *Provided fur-*
16 *ther*, That \$3,200,000 of the funds herein appropriated
17 for regulatory reviews and other assistance provided to the
18 Department of Energy and other Federal agencies shall
19 be excluded from license fee revenues, notwithstanding 42
20 U.S.C. 2214: *Provided further*, That the sum herein ap-
21 propriated shall be reduced by the amount of revenues re-
22 ceived during fiscal year 1999 so as to result in a final
23 fiscal year 1999 appropriation estimated at not more than
24 \$18,000,000.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978, as amended, \$4,800,000, to remain
5 available until expended: *Provided*, That the sum herein
6 appropriated shall be reduced by the amount of revenues
7 received during fiscal year 1999 so as to result in a final
8 fiscal year 1999 appropriation estimated at not more than
9 \$0.

10 NUCLEAR WASTE TECHNICAL REVIEW BOARD

11 SALARIES AND EXPENSES

12 For necessary expenses of the Nuclear Waste Tech-
13 nical Review Board, as authorized by Public Law 100-
14 203, section 5051, \$2,600,000, to be derived from the Nu-
15 clear Waste Fund, and to remain available until expended.

16 TITLE V—GENERAL PROVISIONS

17 SEC. 501. None of the funds appropriated by this Act
18 may be used in any way, directly or indirectly, to influence
19 congressional action on any legislation or appropriation
20 matters pending before Congress, other than to commu-
21 nicate to Members of Congress as described in section
22 1913 of title 18, United States Code.

23 SEC. 502. (a) PURCHASE OF AMERICAN-MADE
24 EQUIPMENT AND PRODUCTS.—It is the sense of the Con-
25 gress that, to the greatest extent practicable, all equip-

1 ment and products purchased with funds made available
2 in this Act should be American-made.

3 (b) NOTICE REQUIREMENT.—In providing financial
4 assistance to, or entering into any contract with, any en-
5 tity using funds made available in this Act, the head of
6 each Federal agency, to the greatest extent practicable,
7 shall provide to such entity a notice describing the state-
8 ment made in subsection (a) by the Congress.

9 (c) PROHIBITION OF CONTRACTS WITH PERSONS
10 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—
11 If it has been finally determined by a court or Federal
12 agency that any person intentionally affixed a label bear-
13 ing a “Made in America” inscription, or any inscription
14 with the same meaning, to any product sold in or shipped
15 to the United States that is not made in the United
16 States, the person shall be ineligible to receive any con-
17 tract or subcontract made with funds made available in
18 this Act, pursuant to the debarment, suspension, and ineli-
19 gibility procedures described in sections 9.400 through
20 9.409 of title 48, Code of Federal Regulations.

21 SEC. 503. (a) None of the funds appropriated or oth-
22 erwise made available by this Act may be used to deter-
23 mine the final point of discharge for the interceptor drain
24 for the San Luis Unit until development by the Secretary
25 of the Interior and the State of California of a plan, which

1 shall conform to the water quality standards of the State
2 of California as approved by the Administrator of the En-
3 vironmental Protection Agency, to minimize any detrimen-
4 tal effect of the San Luis drainage waters.

5 (b) The costs of the Kesterson Reservoir Cleanup
6 Program and the costs of the San Joaquin Valley Drain-
7 age Program shall be classified by the Secretary of the
8 Interior as reimbursable or nonreimbursable and collected
9 until fully repaid pursuant to the “Cleanup Program—
10 Alternative Repayment Plan” and the “SJVDP—Alter-
11 native Repayment Plan” described in the report entitled
12 “Repayment Report, Kesterson Reservoir Cleanup Pro-
13 gram and San Joaquin Valley Drainage Program, Feb-
14 ruary 1995”, prepared by the Department of the Interior,
15 Bureau of Reclamation. Any future obligations of funds
16 by the United States relating to, or providing for, drainage
17 service or drainage studies for the San Luis Unit shall
18 be fully reimbursable by San Luis Unit beneficiaries of
19 such service or studies pursuant to Federal Reclamation
20 law.

21 SEC. 504. None of the funds made available in this
22 or any other Act may be used to restart the High Flux
23 Beam Reactor.

24 SEC. 505. Section 6101(a)(3) of the Omnibus Budget
25 Reconciliation Act of 1990, as amended, (42 U.S.C.

1 2214(a)(3)) is amended by striking “September 30, 1998”
2 and inserting “September 30, 1999”.

3 SEC. 506. (a) Funds appropriated for “Nuclear Reg-
4 ulatory Commission—Salaries and Expenses” shall be
5 available to the Commission for the following additional
6 purposes:

7 (1) Employment of aliens.

8 (2) Services authorized by section 3109 of title
9 5, United States Code.

10 (3) Publication and dissemination of atomic in-
11 formation.

12 (4) Purchase, repair, and cleaning of uniforms.

13 (5) Reimbursements to the General Services
14 Administration for security guard services.

15 (6) Hire of passenger motor vehicles and air-
16 craft.

17 (7) Transfers of funds to other agencies of the
18 Federal Government for the performance of the
19 work for which such funds are appropriated, and
20 such transferred funds may be merged with the ap-
21 propriations to which they are transferred.

22 (8) Transfers to the Office of Inspector General
23 of the Commission, not to exceed an additional
24 amount equal to 5 percent of the amount otherwise
25 appropriated to the Office for the fiscal year. Notice

1 of such transfers shall be submitted to the Commit-
2 tees on Appropriations.

3 (b) Funds appropriated for “Nuclear Regulatory
4 Commission—Office of Inspector General” shall be avail-
5 able to the Office for the additional purposes described
6 in paragraphs (2) and (7) of subsection (a).

7 (c) Moneys received by the Commission for the coop-
8 erative nuclear research program, services rendered to
9 State governments, foreign governments, and inter-
10 national organizations, and the material and information
11 access authorization programs, including criminal history
12 checks under section 149 of the Atomic Energy Act of
13 1954 (42 U.S.C. 2169) may be retained and used for sala-
14 ries and expenses associated with those activities, notwith-
15 standing 31 U.S.C. 3302, and shall remain available until
16 expended.

17 (d) This section shall apply to fiscal year 1999 and
18 each succeeding fiscal year.

19 SEC. 507. Sec. 505 of Public Law 102–377, the Fis-
20 cal Year 1993 Energy and Water Development Appropria-
21 tions Act, and section 208 of Public Law 99–349, the Ur-
22 gent Supplemental Appropriations Act, 1986, are re-
23 pealed.

24 IMPLEMENTATION OF EXTERNAL REGULATION

25 SEC. 508. (a) TRANSFER OF AUTHORITY.—Notwith-
26 standing any other provision of law, no later than March

1 31, 1999, the Department of Energy shall not implement
2 and enforce its own regulatory system, through rules, reg-
3 ulations, orders, or standards, with regard to the Ernest
4 Orlando Lawrence Berkeley National Laboratory for envi-
5 ronment, safety, and health, but shall be regulated by the
6 appropriate Federal, State, and local agencies as provided
7 by the applicable Federal, State, and local laws and regu-
8 lations: *Provided*, That for this facility, the Department
9 shall be deemed to be a “person” under the Atomic En-
10 ergy Act of 1954, as amended.

11 (b) DEPARTMENT OF ENERGY REPORTING REQUIRE-
12 MENT.—By October 31, 1998, the Secretary of Energy
13 shall transmit to the Congress a plan for termination of
14 its authority to regulate its contractors and to self-regu-
15 late its own operations in the areas of environment, safety,
16 and health at the facility named in section (a). The report
17 shall include—

18 (1) A detailed transition plan, giving the sched-
19 ule for termination of self-regulation authority as
20 outlined in section (a), including the activities to be
21 coordinated with the Nuclear Regulatory Commis-
22 sion (NRC) and the Occupational Safety and Health
23 Administration (OSHA);

24 (2) A description of any issues remaining to be
25 resolved with the NRC and OSHA or other external

1 regulators, and a timetable for resolving such issues
2 before March 31, 1999; and

3 (3) An estimate of the current annual cost of
4 administering and implementing self-regulation of
5 environment, safety, and health activities at all De-
6 partment of Energy facilities, and an estimate of the
7 number of Federal and contractor employees cur-
8 rently administering and implementing self-regula-
9 tion of environment, safety and health activities at
10 each of the facilities. For the Lawrence Berkeley
11 National Laboratory, there should also be an esti-
12 mate of the cost of the external regulators based on
13 the pilot project of simulated NRC regulation which
14 has already been conducted; an estimate of the cost
15 and number of Federal and contractor employees
16 currently administering and implementing self-regu-
17 lation of environment, safety and health activities at
18 the Laboratory; and an estimate of the extent and
19 schedule by which the Department and Laboratory
20 staffs will be reduced as a result of implementation
21 of section (a).

22 (c) NUCLEAR REGULATORY COMMISSION REPORTING
23 REQUIREMENT.—By January 30, 1999, the Chairman of
24 the Nuclear Regulatory Commission shall submit to Con-
25 gress a plan for regulating accelerator-produced radio-

1 active material, and ionizing radiation generating ma-
2 chines at Department of Energy facilities. The report
3 shall:

4 (1) Recommend what statutory changes, if any,
5 would be needed to provide the Commission with the
6 authority to regulate accelerator use at Department
7 of Energy facilities;

8 (2) Identify what additional Commission re-
9 sources would be needed to accomplish such regula-
10 tion; and

11 (3) Identify any existing technical or regulatory
12 obstacles to the Commission regulation of accelera-
13 tor use.

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

Calendar No. 327

105TH CONGRESS
2^D SESSION

H. R. 4060

[Report No. 105-581]

A BILL

Making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes.

JUNE 16, 1998

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