

Union Calendar No. 147

106TH CONGRESS
1ST SESSION

H. R. 2605

[Report No. 106-253]

Making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 1999

Mr. PACKARD, 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, 2000, 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, 2000, 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 \$158,993,000, to remain available until expended: *Pro-*
19 *vided*, That the Secretary of the Army, acting through the
20 Chief of Engineers, is directed to use the remaining unob-
21 ligated funds appropriated in Public Law 102–377 for the
22 Red River Waterway, Shreveport, Louisiana, to
23 Daingerfield, Texas, project for the feasibility phase of the
24 Red River Navigation, Southwest Arkansas, study.

CONSTRUCTION, GENERAL

1
2 For the prosecution of river and harbor, flood control,
3 shore protection, and related projects authorized by laws;
4 and detailed studies, and plans and specifications, of
5 projects (including those for development with participa-
6 tion or under consideration for participation by States,
7 local governments, or private groups) authorized or made
8 eligible for selection by law (but such studies shall not con-
9 stitute a commitment of the Government to construction),
10 \$1,412,591,000, to remain available until expended, of
11 which such sums as are necessary for the Federal share
12 of construction costs for facilities under the Dredged Ma-
13 terial Disposal Facilities program shall be derived from
14 the Harbor Maintenance Trust Fund, as authorized by
15 Public Law 104–303; and of which such sums as are nec-
16 essary pursuant to Public Law 99–662 shall be derived
17 from the Inland Waterways Trust Fund, for one-half of
18 the costs of construction and rehabilitation of inland wa-
19 terways projects, including rehabilitation costs for the
20 Lock and Dam 25, Mississippi River, Illinois and Mis-
21 souri; Lock and Dam 14, Mississippi River, Iowa; Lock
22 and Dam 24, Mississippi River, Illinois and Missouri; and
23 Lock and Dam 3, Mississippi River, Minnesota; London
24 Locks and Dam; Kanawha River, West Virginia; and Lock
25 and Dam 12, Mississippi River, Iowa, projects; and of

1 which funds are provided for the following projects in the
2 amounts specified:

3 Indianapolis Central Waterfront, Indiana,
4 \$10,991,000;

5 Harlan/Clover Fork, Pike County, Middlesboro,
6 Martin County, Pike County Tug Forks Tributaries,
7 Bell County, Harlan County, and Town of Martin
8 elements of the Levisa and Tug Forks of the Big
9 Sandy River and Upper Cumberland River project in
10 Kentucky, \$14,050,000; and

11 Passaic River Streambank Restoration, New
12 Jersey, \$8,000,000.

13 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES,
14 ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MIS-
15 SISSIPPI, MISSOURI, AND TENNESSEE

16 For expenses necessary for prosecuting work of flood
17 control, and rescue work, repair, restoration, or mainte-
18 nance of flood control projects threatened or destroyed by
19 flood, as authorized by law (33 U.S.C. 702a, 702g-1),
20 \$313,324,000, to remain available until expended.

21 OPERATION AND MAINTENANCE, GENERAL

22 For expenses necessary for the preservation, oper-
23 ation, maintenance, and care of existing river and harbor,
24 flood control, and related works, including such sums as
25 may be necessary for the maintenance of harbor channels

1 provided by a State, municipality or other public agency,
2 outside of harbor lines, and serving essential needs of gen-
3 eral commerce and navigation; surveys and charting of
4 northern and northwestern lakes and connecting waters;
5 clearing and straightening channels; and removal of ob-
6 structions to navigation, \$1,888,481,000, to remain avail-
7 able until expended, of which such sums as become avail-
8 able in the Harbor Maintenance Trust Fund, pursuant to
9 Public Law 99–662, may be derived from that Fund, and
10 of which such sums as become available from the special
11 account established by the Land and Water Conservation
12 Act of 1965, as amended (16 U.S.C. 460l), may be derived
13 from that account for construction, operation, and mainte-
14 nance of outdoor recreation facilities.

15 REGULATORY PROGRAM

16 For expenses necessary for administration of laws
17 pertaining to regulation of navigable waters and wetlands,
18 \$117,000,000, to remain available until expended: *Pro-*
19 *vided*, That the Secretary of the Army, acting through the
20 Chief of Engineers, is directed to use \$5,000,000 of funds
21 appropriated herein to fully implement an administrative
22 appeals process for the Corps of Engineers Regulatory
23 Program, which administrative appeals process shall pro-
24 vide for a single-level appeal of jurisdictional determina-
25 tions, the results of which shall be considered final agency

1 action under the Administrative Procedures Act: *Provided*
2 *further*, That the Secretary of the Army, acting through
3 the Chief of Engineers, shall, using funds provided herein,
4 prepare studies and analyses of the impacts on Regulatory
5 Branch workload and on cost of compliance by the regu-
6 lated community of proposed replacement permits for the
7 nationwide permit 26 under section 404 of the Clean
8 Water Act: *Provided further*, That none of the funds made
9 available under this Act may be used by the Secretary of
10 the Army to promulgate or implement such replacement
11 permits unless and until the Secretary of the Army, acting
12 through the Chief of Engineers, has submitted the afore-
13 mentioned report to the Committees on Appropriations of
14 the House and Senate, the Transportation and Infrastruc-
15 ture Committee of the House, and the Committee on Envi-
16 ronment and Public Works of the Senate: *Provided fur-*
17 *ther*, That the Secretary of the Army, acting through the
18 Chief of Engineers, shall not terminate the current nation-
19 wide permit 26 unless and until the aforementioned report
20 has been submitted to the Committees on Appropriations
21 of the House and Senate, the Transportation and Infra-
22 structure Committee of the House, and the Committee on
23 Environment and Public Works of the Senate.

1 FORMERLY UTILIZED SITES REMEDIAL ACTION
2 PROGRAM
3 (INCLUDING TRANSFER OF FUNDS)

4 For expenses necessary to clean up contamination
5 from sites throughout the United States resulting from
6 work performed as part of the Nation’s early atomic en-
7 ergy program, \$150,000,000, to remain available until ex-
8 pended: *Provided*, That the United States Army Corps of
9 Engineers under this program shall undertake the fol-
10 lowing functions and activities to be performed at eligible
11 sites where remediation has not been completed: sampling
12 and assessment of contaminated areas, characterization of
13 site conditions, determination of the nature and extent of
14 contamination, selection of the necessary and appropriate
15 response actions as the lead Federal agency, cleanup and
16 closeout of sites, and any other functions and activities
17 determined by the Chief of Engineers as necessary for car-
18 rying out this program, including the acquisition of real
19 estate interests where necessary, which may be transferred
20 upon completion of remediation to the administrative ju-
21 risdiction of the Department of Energy: *Provided further*,
22 That response actions by the United States Army Corps
23 of Engineers under this program shall be subject to the
24 Comprehensive Environmental Response, Compensation
25 and Liability Act (42 U.S.C. 9601 et seq.), and the Na-

1 tional Oil and Hazardous Substances Pollution Contin-
2 gency Plan, 40 CFR, Chapter 1, Part 300: *Provided fur-*
3 *ther*, That these provisions do not alter, curtail or limit
4 the authorities, functions or responsibilities of other agen-
5 cies under CERCLA or, except as stated herein, under the
6 Atomic Energy Act (42 U.S.C. 2011 et seq.): *Provided fur-*
7 *ther*, That any sums recovered under CERCLA or other
8 authority from a liable party, contractor, insurer, surety,
9 or other person for any expenditures by the Army Corps
10 of Engineers or the Department of Energy for response
11 actions under the Formerly Utilized Sites Remedial Action
12 Program shall be credited to this account and will be avail-
13 able until expended for response action costs for any eligi-
14 ble site: *Provided further*, That the Secretary of Energy
15 may exercise the authority of 42 U.S.C. 2208 to make
16 payments in lieu of taxes for Federally-owned property
17 where Formerly Utilized Sites Remedial Action Program
18 activities are conducted, regardless of which Federal agen-
19 cy has administrative jurisdiction over the property and
20 notwithstanding references to “the activities of the Com-
21 mission” in 42 U.S.C. 2208: *Provided further*, That the
22 unexpended balances of prior appropriations provided for
23 these activities in this Act or any previous Energy and
24 Water Development Appropriations Act may be trans-
25 ferred to and merged with this appropriation account, and

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

3 GENERAL EXPENSES

4 For expenses necessary for general administration
5 and related functions in the Office of the Chief of Engi-
6 neers and offices of the Division Engineers; activities of
7 the Coastal Engineering Research Board, the Humphreys
8 Engineer Center Support Activity, the Water Resources
9 Support Center, and headquarters support functions at
10 the USACE Finance Center; \$148,000,000, to remain
11 available until expended: *Provided*, That no part of any
12 other appropriation provided in title I of this Act shall
13 be available to fund the activities of the Office of the Chief
14 of Engineers or the executive direction and management
15 activities of the division offices: *Provided further*, That
16 none of these funds shall be available to support an office
17 of congressional affairs within the executive office of the
18 Chief of Engineers; *Provided further*, That none of these
19 funds shall be used to support more than one regional of-
20 fice in each Corps of Engineers division, which office shall
21 serve as divisional headquarters.

22 ADMINISTRATIVE PROVISION

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

1 Fund, Corps of Engineers, shall be available for purchase
2 (not to exceed 100 for replacement only) and hire of pas-
3 senger motor vehicles.

4 TITLE II

5 DEPARTMENT OF THE INTERIOR

6 CENTRAL UTAH PROJECT

7 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

8 For carrying out activities authorized by the Central
9 Utah Project Completion Act, and for activities related to
10 the Uintah and Upalco Units authorized by 43 U.S.C.
11 620, \$35,907,000, to remain available until expended, of
12 which \$15,476,000 shall be deposited into the Utah Rec-
13 lamation Mitigation and Conservation Account: *Provided,*
14 That of the amounts deposited into that account,
15 \$5,000,000 shall be considered the Federal contribution
16 authorized by paragraph 402(b)(2) of the Central Utah
17 Project Completion Act and \$10,476,000 shall be available
18 to the Utah Reclamation Mitigation and Conservation
19 Commission to carry out activities authorized under that
20 Act.

21 In addition, for necessary expenses incurred in car-
22 rying out related responsibilities of the Secretary of the
23 Interior, \$1,283,000, to remain available until expended.

1 BUREAU OF RECLAMATION

2 The following appropriations shall be expended to
3 execute authorized functions of the Bureau of Reclama-
4 tion:

5 WATER AND RELATED RESOURCES
6 (INCLUDING TRANSFER OF FUNDS)

7 For management, development, and restoration of
8 water and related natural resources and for related activi-
9 ties, including the operation, maintenance and rehabilita-
10 tion of reclamation and other facilities, participation in
11 fulfilling related Federal responsibilities to Native Ameri-
12 cans, and related grants to, and cooperative and other
13 agreements with, State and local governments, Indian
14 Tribes, and others, \$604,910,000, to remain available
15 until expended, of which \$2,247,000 shall be available for
16 transfer to the Upper Colorado River Basin Fund and
17 \$24,089,000 shall be available for transfer to the Lower
18 Colorado River Basin Development Fund, and of which
19 such amounts as may be necessary may be advanced to
20 the Colorado River Dam Fund: *Provided*, That such trans-
21 fers may be increased or decreased within the overall ap-
22 propriation under this heading: *Provided further*, That of
23 the total appropriated, the amount for program activities
24 that can be financed by the Reclamation Fund or the Bu-
25 reau of Reclamation special fee account established by 16
26 U.S.C. 4601-6a(i) shall be derived from that Fund or ac-

1 count: *Provided further*, That funds contributed under 43
2 U.S.C. 395 are available until expended for the purposes
3 for which contributed: *Provided further*, That funds ad-
4 vanced under 43 U.S.C. 397a shall be credited to this ac-
5 count and are available until expended for the same pur-
6 poses as the sums appropriated under this heading: *Pro-*
7 *vided further*, That funds available for expenditure for the
8 Departmental Irrigation Drainage Program may be ex-
9 pended by the Bureau of Reclamation for site remediation
10 on a non-reimbursable basis.

11 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

12 For the cost of direct loans and/or grants,
13 \$12,000,000, to remain available until expended, as au-
14 thorized by the Small Reclamation Projects Act of August
15 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided*,
16 That such costs, including the cost of modifying such
17 loans, shall be as defined in section 502 of the Congres-
18 sional Budget Act of 1974, as amended: *Provided further*,
19 That these funds are available to subsidize gross obliga-
20 tions for the principal amount of direct loans not to exceed
21 \$43,000,000.

22 In addition, for administrative expenses necessary to
23 carry out the program for direct loans and/or grants,
24 \$425,000, to remain available until expended: *Provided*,
25 That of the total sums appropriated, the amount of pro-

1 gram activities that can be financed by the Reclamation
2 Fund shall be derived from that Fund.

3 CENTRAL VALLEY PROJECT RESTORATION FUND

4 For carrying out the programs, projects, plans, and
5 habitat restoration, improvement, and acquisition provi-
6 sions of the Central Valley Project Improvement Act,
7 \$47,346,000, to be derived from such sums as may be col-
8 lected in the Central Valley Project Restoration Fund pur-
9 suant to sections 3407(d), 3404(c)(3), 3405(f), and
10 3406(c)(1) of Public Law 102-575, to remain available
11 until expended: *Provided*, That the Bureau of Reclamation
12 is directed to assess and collect the full amount of the
13 additional mitigation and restoration payments authorized
14 by section 3407(d) of Public Law 102-575.

15 CALIFORNIA BAY-DELTA RESTORATION

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses of the Department of the In-
18 terior and other participating Federal agencies in carrying
19 out ecosystem restoration activities pursuant to the Cali-
20 fornia Bay-Delta Environmental Enhancement Act and
21 other activities that are in accord with the CALFED Bay-
22 Delta Program, including projects to improve water use
23 efficiency, water quality, groundwater storage, surface
24 storage, levees, conveyance, and watershed management,
25 consistent with plans to be approved by the Secretary of
26 the Interior, in consultation with such Federal agencies,

1 \$75,000,000, to remain available until expended, of which
2 \$45,000,000 shall be used for ecosystem restoration activi-
3 ties and \$30,000,000 shall be used for such other activi-
4 ties, and of which such amounts as may be necessary to
5 conform with such plans shall be transferred to appro-
6 priate accounts of such Federal agencies: *Provided*, That
7 no more than \$7,000,000 of the funds appropriated herein
8 may be used for planning and management activities asso-
9 ciated with developing the overall CALFED Bay-Delta
10 Program and coordinating its staged implementation: *Pro-*
11 *vided further*, That funds for ecosystem restoration activi-
12 ties may be obligated only as non-Federal sources provide
13 their share in accordance with the cost-sharing agreement
14 required under section 1101(d) of such Act, and that
15 funds for such other activities may be obligated only as
16 non-Federal sources provide their share in a manner con-
17 sistent with such cost-sharing agreement: *Provided fur-*
18 *ther*, That such funds may be obligated prior to the com-
19 pletion of a final programmatic environmental impact
20 statement only if: (1) consistent with 40 CFR 1506.1(c);
21 and (2) used for purposes that the Secretary finds are of
22 sufficiently high priority to warrant such an expenditure.

23 POLICY AND ADMINISTRATION

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

1 of Reclamation, to remain available until expended,
2 \$45,000,000, to be derived from the Reclamation Fund
3 and be nonreimbursable as provided in 43 U.S.C. 377:
4 *Provided*, That no part of any other appropriation in this
5 Act shall be available for activities or functions budgeted
6 as policy and administration expenses.

7 ADMINISTRATIVE PROVISION

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

11 TITLE III

12 DEPARTMENT OF ENERGY

13 ENERGY PROGRAMS

14 ENERGY SUPPLY

15 (INCLUDING TRANSFER OF FUNDS)

16 For Department of Energy expenses including the
17 purchase, construction and acquisition of plant and capital
18 equipment, and other expenses necessary for energy sup-
19 ply, and uranium supply and enrichment activities in car-
20 rying out the purposes of the Department of Energy Orga-
21 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
22 sition or condemnation of any real property or any facility
23 or for plant or facility acquisition, construction, or expan-
24 sion; and the purchase of not to exceed one passenger
25 motor vehicle for replacement only, \$583,399,953, of
26 which \$820,953 shall be derived by transfer from the Geo-

1 thermal Resources Development Fund, and of which
2 \$5,000,000 shall be derived by transfer from the United
3 States Enrichment Corporation Fund.

4 NON-DEFENSE ENVIRONMENTAL MANAGEMENT

5 For Department of Energy expenses, including the
6 purchase, construction and acquisition of plant and capital
7 equipment and other expenses necessary for non-defense
8 environmental management activities in carrying out the
9 purposes of the Department of Energy Organization Act
10 (42 U.S.C. 7101 et seq.), including the acquisition or con-
11 demnation of any real property or any facility or for plant
12 or facility acquisition, construction or expansion,
13 \$327,223,000, to remain available until expended.

14 URANIUM ENRICHMENT DECONTAMINATION AND
15 DECOMMISSIONING FUND

16 For necessary expenses in carrying out uranium en-
17 richment facility decontamination and decommissioning,
18 remedial actions and other activities of title II of the
19 Atomic Energy Act of 1954 and title X, subtitle A of the
20 Energy Policy Act of 1992, \$240,198,000, to be derived
21 from the Fund, to remain available until expended: *Pro-*
22 *vided*, That \$30,000,000 of amounts derived from the
23 Fund for such expenses shall be available in accordance
24 with title X, subtitle A, of the Energy Policy Act of 1992.

1 SCIENCE

2 For Department of Energy expenses including the
3 purchase, construction and acquisition of plant and capital
4 equipment, and other expenses necessary for science ac-
5 tivities in carrying out the purposes of the Department
6 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
7 cluding the acquisition or condemnation of any real prop-
8 erty or facility or for plant or facility acquisition, construc-
9 tion, or expansion, and purchase of not to exceed six pas-
10 senger motor vehicles for replacement only,
11 \$2,718,647,000, to remain available until expended.

12 NUCLEAR WASTE DISPOSAL

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, \$169,000,000, to remain available until ex-
17 pended, to be derived from the Nuclear Waste Fund: *Pro-*
18 *vided*, That none of the funds provided therein shall be
19 distributed to the State of Nevada or affected units of
20 local government (as defined by Public Law 97-425) by
21 direct payment, grant, or other means, for financial assist-
22 ance under section 116 of the Nuclear Waste Policy Act
23 of 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 car-
6 rying out the purposes of the Department of Energy Orga-
7 nization 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 \$35,000),
10 \$193,769,000, 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
15 cost of work are offset by revenue increases of the same
16 or greater amount, to remain available until expended:
17 *Provided further*, That moneys received by the Department
18 for miscellaneous revenues estimated to total
19 \$106,887,000 in fiscal year 2000 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 miscella-
25 neous revenues received during fiscal year 2000 so as to

1 result in a final fiscal year 2000 appropriation from the
2 General Fund estimated at not more than \$86,882,000.

3 OFFICE OF THE INSPECTOR GENERAL

4 For necessary expenses of the Office of the Inspector
5 General in carrying out the provisions of the Inspector
6 General Act of 1978, as amended, \$30,000,000, to remain
7 available until expended.

8 ATOMIC ENERGY DEFENSE ACTIVITIES

9 WEAPONS ACTIVITIES

10 For Department of Energy expenses, including the
11 purchase, construction and acquisition of plant and capital
12 equipment and other incidental expenses necessary for
13 atomic energy defense weapons activities in carrying out
14 the purposes of the Department of Energy Organization
15 Act (42 U.S.C. 7101 et seq.), including the acquisition or
16 condemnation of any real property or any facility or for
17 plant or facility acquisition, construction, or expansion;
18 and the purchase of passenger motor vehicles (not to ex-
19 ceed three for replacement only, \$4,000,000,000, to re-
20 main available until expended: *Provided*, That, of this
21 amount, \$1,000,000,000 shall not be available for obliga-
22 tion or expenditure until after June 30, 2000, and until
23 legislation has been enacted restructuring the national se-
24 curity programs of the Department of Energy or estab-

1 lishing an independent agency for national security pro-
2 grams.

3 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE
4 MANAGEMENT

5 For Department of Energy expenses, including the
6 purchase, construction and acquisition of plant and capital
7 equipment and other expenses necessary for atomic energy
8 defense environmental restoration and waste management
9 activities in carrying out the purposes of the Department
10 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
11 cluding the acquisition or condemnation of any real prop-
12 erty or any facility or for plant or facility acquisition, con-
13 struction, or expansion; and the purchase of 35 passenger
14 motor vehicles for replacement only, \$4,157,758,000, to
15 remain available until expended.

16 DEFENSE FACILITIES CLOSURE PROJECTS

17 For expenses of the Department of Energy to accel-
18 erate 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, \$1,054,492,000, 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.), \$228,000,000, 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 \$1,651,809,000, to remain available until expended: *Pro-*
18 *vided*, That not to exceed \$5,000 may be used for official
19 reception and representation expenses for national secu-
20 rity and nonproliferation activities.

21 DEFENSE NUCLEAR WASTE DISPOSAL

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

1 expansion, \$112,000,000, to remain available until ex-
2 pended.

3 POWER MARKETING ADMINISTRATIONS

4 BONNEVILLE POWER ADMINISTRATION FUND

5 Expenditures from the Bonneville Power Administra-
6 tion Fund, established pursuant to Public Law 93-454,
7 are approved for the Northeast Oregon Hatchery Master
8 Plan, and for official reception and representation ex-
9 penses in an amount not to exceed \$1,500.

10 During fiscal year 2000, no new direct loan obliga-
11 tions may be made.

12 OPERATION AND MAINTENANCE, SOUTHWESTERN

13 POWER ADMINISTRATION

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses of operation and maintenance
16 of power transmission facilities and of marketing electric
17 power and energy, and for construction and acquisition of
18 transmission lines, substations and appurtenant facilities,
19 and for administrative expenses, including official recep-
20 tion and representation expenses in an amount not to ex-
21 ceed \$1,500 in carrying out the provisions of section 5
22 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
23 applied to the southwestern power area, \$27,940,000, to
24 remain available until expended, of which \$773,000 shall
25 be derived by transfer from unobligated balances in “Op-

1 eration and Maintenance, Southeastern Power Adminis-
2 tration”; in addition, notwithstanding the provisions of 31
3 U.S.C. 3302, not to exceed \$4,200,000 in reimbursements,
4 to remain available until expended.

5 CONSTRUCTION, REHABILITATION, OPERATION AND
6 MAINTENANCE, WESTERN AREA POWER ADMINIS-
7 TRATION

8 For carrying out the functions authorized by title III,
9 section 302(a)(1)(E) of the Act of August 4, 1977 (42
10 U.S.C. 7152), and other related activities including con-
11 servation and renewable resources programs as author-
12 ized, including official reception and representation ex-
13 penses in an amount not to exceed \$1,500, \$171,471,000,
14 to remain available until expended, of which \$160,286,000
15 shall be derived from the Department of the Interior Rec-
16 lamation Fund: *Provided*, That of the amount herein ap-
17 propriated, \$5,036,000 is for deposit into the Utah Rec-
18 lamation Mitigation and Conservation Account pursuant
19 to title IV of the Reclamation Projects Authorization and
20 Adjustment Act of 1992.

21 FALCON AND AMISTAD OPERATING AND MAINTENANCE
22 FUND

23 For operation, maintenance, and emergency costs for
24 the hydroelectric facilities at the Falcon and Amistad
25 Dams, \$1,309,000, to remain available until expended,

1 and to be derived from the Falcon and Amistad Operating
2 and Maintenance Fund of the Western Area Power Ad-
3 ministration, as provided in section 423 of the Foreign
4 Relations Authorization Act, Fiscal Years 1994 and 1995.

5 FEDERAL ENERGY REGULATORY COMMISSION

6 SALARIES AND EXPENSES

7 For necessary expenses of the Federal Energy Regu-
8 latory Commission to carry out the provisions of the De-
9 partment of Energy Organization Act (42 U.S.C. 7101 et
10 seq.), including services as authorized by 5 U.S.C. 3109,
11 the hire of passenger motor vehicles, and official reception
12 and representation expenses (not to exceed \$3,000),
13 \$174,950,000, to remain available until expended: *Pro-*
14 *vided*, That notwithstanding any other provision of law,
15 not to exceed \$174,950,000 of revenues from fees and an-
16 nual charges, and other services and collections in fiscal
17 year 2000 shall be retained and used for necessary ex-
18 penses in this account, and shall remain available until
19 expended: *Provided further*, That the sum herein appro-
20 priated from the General Fund shall be reduced as reve-
21 nues are received during fiscal year 2000 so as to result
22 in a final fiscal year 2000 appropriation from the General
23 Fund estimated at not more than \$0.

1 GENERAL PROVISIONS

2 SEC. 301. (a) None of the funds appropriated by this
3 Act may be used to award a management and operating
4 contract unless such contract is awarded using competitive
5 procedures or the Secretary of Energy grants, on a case-
6 by-case basis, a waiver to allow for such a deviation. The
7 Secretary may not delegate the authority to grant such
8 a waiver.

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

17 SEC. 302. (a) None of the funds appropriated by this
18 Act may be used to award, amend, or modify a contract
19 in a manner that deviates from the Federal Acquisition
20 Regulation, unless the Secretary of Energy grants, on a
21 case-by-case basis, a waiver to allow for such a deviation.
22 The Secretary may not delegate the authority to grant
23 such a waiver.

24 (b) At least 60 days before a contract award, amend-
25 ment, or modification for which the Secretary intends to

1 grant such a waiver, the Secretary shall submit to the
2 Subcommittees on Energy and Water Development of the
3 Committees on Appropriations of the House of Represent-
4 atives and the Senate a report notifying the subcommit-
5 tees of the waiver and setting forth the reasons for the
6 waiver.

7 SEC. 303. None of the funds appropriated by this Act
8 may be used to—

9 (1) develop or implement a workforce restruc-
10 turing plan that covers employees of the Department
11 of Energy; or

12 (2) provide enhanced severance payments or
13 other benefits for employees of the Department of
14 Energy;

15 under section 3161 of the National Defense Authorization
16 Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.
17 2644; 42 U.S.C. 7274h).

18 SEC. 304. None of the funds appropriated by this Act
19 may be used to augment the \$20,000,000 made available
20 for obligation by this Act for severance payments and
21 other benefits and community assistance grants under sec-
22 tion 3161 of the National Defense Authorization Act for
23 Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644;
24 42 U.S.C. 7274h).

1 SEC. 305. None of the funds appropriated by this Act
2 may be used to prepare or initiate Requests For Proposals
3 (RFPs) for a program if the program has not been funded
4 by Congress.

5 (TRANSFERS OF UNEXPENDED BALANCES)

6 SEC. 306. The unexpended balances of prior appro-
7 priations provided for activities in this Act may be trans-
8 ferred to appropriation accounts for such activities estab-
9 lished pursuant to this title. Balances so transferred may
10 be merged with funds in the applicable established ac-
11 counts and thereafter may be accounted for as one fund
12 for the same time period as originally enacted.

13 SEC. 307. Notwithstanding 41 U.S.C. 254e(a), the
14 Secretary of Energy may use funds appropriated by this
15 Act to enter into or continue multi-year contracts for the
16 acquisition of property or services under the head, “En-
17 ergy Supply” without obligating the estimated costs asso-
18 ciated with any necessary cancellation or termination of
19 the contract. The Secretary of Energy may pay costs of
20 termination or cancellation from—

21 (1) appropriations originally available for the
22 performance of the contract concerned;

23 (2) appropriations currently available for pro-
24 curement of the type of property or services con-
25 cerned, and not otherwise obligated; or

26 (3) funds appropriated for those payments.

1 Sec. 308. None of the funds in this Act may be used
2 for Laboratory Directed Research and Development or Di-
3 rector’s Discretionary Research and Development.

4 Sec. 309. Of the funds appropriated by this title to
5 the Department of Energy, not more than \$125,000,000
6 shall be available for reimbursement of contractor travel
7 expenses.

8 Sec. 310. (a) None of the funds in this Act or any
9 future Energy and Water Development Appropriations
10 Act may be expended under a covered contract unless the
11 funds are expended in accordance with a Laboratory
12 Funding Plan that has been approved by the Secretary
13 of Energy. The Plan shall be submitted on a quarterly
14 basis, or at such intervals as may be prescribed by the
15 Secretary. The Secretary’s approval of the Plan may in-
16 clude adjusting or deleting particular items or categories
17 of items proposed in the Plan.

18 (b) For purposes of this section, “covered contract”
19 means a contract for the management and operation of
20 the Los Alamos National Laboratory, Lawrence Liver-
21 more National Laboratory, or Sandia National Labora-
22 tories.

23 Sec. 311. As part of the Department of Energy’s ap-
24 proval of laboratory funding for Los Alamos National
25 Laboratory, Lawrence Livermore National Laboratory,

1 and Sandia National Laboratories, the Secretary shall re-
2 view and approve the incentive structure for contractor
3 fees, the amounts of award fees to be made available for
4 the next year, the salaries of first and second tier labora-
5 tory management, and the overhead costs.

6 Sec. 312. None of the funds provided in this Act may
7 be used to establish or maintain independent centers at
8 a Department of Energy laboratory or facility unless such
9 funds have been specifically identified in the budget sub-
10 mission.

11 Sec. 313. None of the funds provided in this Act may
12 be used to waive overhead or added factor charges for
13 work performed for other Federal agencies or for other
14 Department of Energy programs.

15 Sec. 314. Sec. 505 of Public Law 102-377, the Fiscal
16 Year 1993 Energy and Water Development Appropria-
17 tions Act, and section 208 of Public Law 99-349, the Ur-
18 gent Supplemental Appropriations Act, 1986, are re-
19 pealed.

20 SEC. 315. None of the funds made available in this
21 or any other Act may be used to restart the High Flux
22 Beam Reactor.

23 SEC. 316. None of the funds provided in this or any
24 other Act may be used by the Federal power marketing
25 administrations for construction, expansion or upgrades of

1 fiber optic telecommunication lines, associated facilities or
2 purchase of equipment directly related to such efforts, ex-
3 cept for fiber optic cable that is necessary for the foresee-
4 able future for internal management of programs of the
5 Federal power marketing administrations. Federal power
6 marketing administrations shall apply any reduction in
7 spending resulting from the restrictions in the section to
8 the reduction of debt of the Federal power marketing ad-
9 ministration.

10 SEC. 317. None of the funds provided in this or any
11 other Act may be used by the Federal power marketing
12 administrations to:

- 13 (1) rent or sell construction equipment;
14 (2) provide construction, equipment, operation,
15 maintenance or repair services;
16 (3) perform contract construction work;
17 (4) provide a construction engineering service;
18 or

- 19 (5) provide financing or leasing services for con-
20 struction, maintenance, operational or engineering
21 services to any private utility, wholesale or retail
22 customer (other than those existing retail customers
23 served by the Federal power marketing administra-
24 tion prior to the date of enactment of this provi-
25 sion), publicly-owned utility, Federal agency, or state

1 or local government entity. The Federal power mar-
2 keting administrations may provide equipment or a
3 service to a private contractor that is engaged in
4 electrical work on an electrical utility project of the
5 Federal power marketing administration. As used in
6 this section, the term “used construction equipment”
7 means construction equipment that has been in serv-
8 ice for more than 2,500 hours. Any Federal power
9 marketing administration may dispose of used con-
10 struction equipment by means of a public auction
11 conducted by a private entity that is independent of
12 the Federal power marketing administration. Fed-
13 eral power marketing administrations shall apply all
14 proceeds of a disposition of used construction equip-
15 ment to the reduction of debt of the Federal power
16 marketing administration.

17 TITLE IV

18 INDEPENDENT AGENCIES

19 APPALACHIAN REGIONAL COMMISSION

20 For expenses necessary to carry out the programs au-
21 thorized by the Appalachian Regional Development Act of
22 1965, as amended, for necessary expenses for the Federal
23 Co-Chairman and the alternate on the Appalachian Re-
24 gional Commission, for payment of the Federal share of
25 the administrative expenses of the Commission, including

1 services as authorized by 5 U.S.C. 3109, and hire of pas-
2 senger motor vehicles, \$60,000,000, to remain available
3 until expended.

4 DEFENSE NUCLEAR FACILITIES SAFETY

5 BOARD

6 SALARIES AND EXPENSES

7 For necessary expenses of the Defense Nuclear Fa-
8 cilities Safety Board in carrying out activities authorized
9 by the Atomic Energy Act of 1954, as amended by Public
10 Law 100–456, section 1441, \$16,500,000, to remain
11 available until expended.

12 DENALI COMMISSION

13 (RESCISSION)

14 Of the funds made available under this heading in
15 Public Law 105–245, \$18,000,000 is rescinded.

16 NUCLEAR REGULATORY COMMISSION

17 SALARIES AND EXPENSES

18 For necessary expenses of the Commission in car-
19 rying out the purposes of the Energy Reorganization Act
20 of 1974, as amended, and the Atomic Energy Act of 1954,
21 as amended, including official representation expenses
22 (not to exceed \$15,000), \$455,400,000, to remain avail-
23 able until expended: *Provided*, That of the amount appro-
24 priated herein, \$19,150,000 shall be derived from the Nu-
25 clear Waste Fund: *Provided further*, That revenues from

1 licensing fees, inspection services, and other services and
2 collections estimated at \$432,400,000 in fiscal year 2000
3 shall be retained and used for necessary salaries and ex-
4 penses in this account, notwithstanding 31 U.S.C. 3302,
5 and shall remain available until expended: *Provided fur-*
6 *ther*, That \$3,850,000 of the funds herein appropriated
7 for regulatory reviews and other assistance provided to the
8 Department of Energy and other Federal agencies shall
9 be excluded from license fee revenues, notwithstanding 42
10 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 2000 so as to result in a final
13 fiscal year 2000 appropriation estimated at not more than
14 \$23,000,000.

15 OFFICE OF INSPECTOR GENERAL

16 For necessary expenses of the Office of Inspector
17 General in carrying out the provisions of the Inspector
18 General Act of 1978, as amended, \$6,000,000, to remain
19 available until expended: *Provided*, That the sum herein
20 appropriated shall be reduced by the amount of revenues
21 received during fiscal year 2000 so as to result in a final
22 fiscal year 2000 appropriation estimated at not more than
23 \$0.

1 NUCLEAR WASTE TECHNICAL REVIEW BOARD
2 SALARIES AND EXPENSES

3 For necessary expenses of the Nuclear Waste Tech-
4 nical Review Board, as authorized by Public Law 100-
5 203, section 5051, \$2,600,000, to be derived from the Nu-
6 clear Waste Fund, and to remain available until expended.

7 TITLE V—GENERAL PROVISIONS

8 SEC. 501. None of the funds appropriated by this Act
9 may be used in any way, directly or indirectly, to influence
10 congressional action on any legislation or appropriation
11 matters pending before Congress, other than to commu-
12 nicate to Members of Congress as described in section
13 1913 of title 18, United States Code.

14 SEC. 502. (a) PURCHASE OF AMERICAN-MADE
15 EQUIPMENT AND PRODUCTS.—It is the sense of the Con-
16 gress that, to the greatest extent practicable, all equip-
17 ment and products purchased with funds made available
18 in this Act should be American-made.

19 (b) NOTICE REQUIREMENT.—In providing financial
20 assistance to, or entering into any contract with, any enti-
21 ty using funds made available in this Act, the head of each
22 Federal agency, to the greatest extent practicable, shall
23 provide to such entity a notice describing the statement
24 made in subsection (a) by the Congress.

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

13 SEC. 503. (a) None of the funds appropriated or oth-
14 erwise made available by this Act may be used to deter-
15 mine the final point of discharge for the interceptor drain
16 for the San Luis Unit until development by the Secretary
17 of 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 En-
20 vironmental Protection Agency, to minimize any detri-
21 mental effect of the San Luis drainage waters.

22 (b) The costs of the Kesterson Reservoir Cleanup
23 Program and the costs of the San Joaquin Valley Drain-
24 age Program shall be classified by the Secretary of the
25 Interior as reimbursable or nonreimbursable and collected

1 until fully repaid pursuant to the “Cleanup Program—
2 Alternative Repayment Plan” and the “SJVDP—Alter-
3 native Repayment Plan” described in the report entitled
4 “Repayment Report, Kesterson Reservoir Cleanup Pro-
5 gram and San Joaquin Valley Drainage Program, Feb-
6 ruary 1995”, prepared by the Department of the Interior,
7 Bureau of Reclamation. Any future obligations of funds
8 by the United States relating to, or providing for, drainage
9 service or drainage studies for the San Luis Unit shall
10 be fully reimbursable by San Luis Unit beneficiaries of
11 such service or studies pursuant to Federal Reclamation
12 law.

13 SEC. 504. Section 6101(a)(3) of the Omnibus Budget
14 Reconciliation Act of 1990, as amended, (42 U.S.C.
15 2214(a)(3)) is amended by striking “September 30, 1999”
16 and inserting “September 30, 2000”.

17 SEC. 505. Title VI, division C, of Public Law 105–
18 277, Making Omnibus Consolidated and Emergency Sup-
19 plemental Appropriations for Fiscal Year 1999, is re-
20 pealed.

21 SEC. 506. Title III, division C, of Public Law 105–
22 277, Making Omnibus Consolidated and Emergency Sup-
23 plemental Appropriations for Fiscal Year 1999 and sec-
24 tion 105 of Public Law 106–31, the 1999 Emergency Sup-
25 plemental Appropriations Act, are repealed.

1 SEC. 507. Section 211(e)(2)(A) of the Water Re-
2 sources Development Act of 1996 (Public Law 104–303,
3 110 Stat. 3682) is amended by striking “in advance in
4 appropriations Acts”.

5 SEC. 508. None of the funds appropriated by this Act
6 shall be used to propose or issue rules, regulations, de-
7 crees, or orders for the purpose of implementation, or in
8 preparation for implementation, of the Kyoto Protocol
9 which was adopted on December 11, 1997, in Kyoto,
10 Japan at the Third Conference of the Parties to the
11 United Nations Framework Convention on Climate
12 Change, which has not been submitted to the Senate for
13 advice and consent to ratification pursuant to article II,
14 section 2, clause 2, of the United States Constitution, and
15 which has not entered into force pursuant to article 25
16 of the Protocol.

17 This Act may be cited as the “Energy and Water De-
18 velopment Appropriations Act, 2000”.

Union Calendar No. 147

106TH CONGRESS
1ST Session

H. R. 2605

[Report No. 106-253]

A BILL

Making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.

JULY 23, 1999

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