

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

*September 7, 2000.*

*Resolved*, That the bill from the House of Representatives (H.R. 4733) entitled “An Act making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *fiscal year ending September 30, 2001, for energy and*
- 4 *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 of*  
13 *basic information pertaining to river and harbor, flood con-*  
14 *trol, shore protection, and related projects, restudy of au-*  
15 *thorized projects, miscellaneous investigations, and, when*  
16 *authorized by laws, surveys and detailed studies and plans*  
17 *and specifications of projects prior to construction,*  
18 *\$139,219,000, to remain available until expended, of which*  
19 *\$100,000 may be made available to carry out activities*  
20 *under the John Glenn Great Lakes Basin Program estab-*  
21 *lished under section 455 of the Water Resources Develop-*  
22 *ment Act of 1999 (42 U.S.C. 1962d–21), of which \$100,000*  
23 *may be made available to develop the Detroit River*  
24 *Masterplan under section 568 of the Water Resources Devel-*  
25 *opment Act of 1999 (113 Stat. 368), of which not less than*  
26 *\$1,000,000 shall be available for the conduct of activities*

1 *related to the selection, by the Secretary of the Army in*  
2 *cooperation with the Environmental Protection Agency, of*  
3 *a permanent disposal site for environmentally sound*  
4 *dredged material from navigational dredging projects in the*  
5 *State of Rhode Island, and of which \$100,000 shall be made*  
6 *available to carry out a reconnaissance study provided for*  
7 *by section 447 of the Water Resources Development Act of*  
8 *1999 (113 Stat. 329): Provided, That in conducting the*  
9 *Southwest Valley Flood Damage Reduction Study, Albu-*  
10 *querque, New Mexico, the Secretary of the Army, acting*  
11 *through the Chief of Engineers, shall include an evaluation*  
12 *of flood damage reduction measures that would otherwise*  
13 *be excluded from the feasibility analysis based on policies*  
14 *regarding the frequency of flooding, the drainage areas, and*  
15 *the amount of runoff: Provided further, That the Secretary*  
16 *of the Army, acting through the Chief of Engineers, is di-*  
17 *rected to use \$200,000, of funds appropriated herein for Re-*  
18 *search and Development, for a topographic/bathymetric*  
19 *mapping project for Coastal Louisiana in cooperation with*  
20 *the National Oceanic and Atmospheric Administration at*  
21 *the interagency Federal laboratory in Lafayette, Louisiana:*  
22 *Provided further, That \$50,000 provided herein shall be for*  
23 *erosion control studies in the Harding Lake watershed in*  
24 *Alaska.*

## 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 participation*  
6 *or under consideration for participation by States, local*  
7 *governments, or private groups) authorized or made eligible*  
8 *for selection by law (but such studies shall not constitute*  
9 *a commitment of the Government to construction),*  
10 *\$1,361,449,000, to remain available until expended, of*  
11 *which such sums as are necessary for the Federal share of*  
12 *construction costs for facilities under the Dredged Material*  
13 *Disposal Facilities program shall be derived from the Har-*  
14 *bor Maintenance Trust Fund, as authorized by Public Law*  
15 *104–303; and of which such sums as are necessary pursuant*  
16 *to Public Law 99–662 shall be derived from the Inland Wa-*  
17 *terways Trust Fund, for one-half of the costs of construction*  
18 *and rehabilitation of inland waterways projects, including*  
19 *rehabilitation costs for the Lock and Dam 24, Mississippi*  
20 *River, Illinois and Missouri; Lock and Dam 3, Mississippi*  
21 *River, Minnesota; London Locks and Dam; Kanawha*  
22 *River, West Virginia; and Lock and Dam 12, Mississippi*  
23 *River, Iowa projects; and of which funds are provided for*  
24 *the following projects in the amounts specified:*

1           *Indianapolis Central Waterfront, Indiana,*  
2           *\$4,000,000;*  
3           *Jackson County, Mississippi, \$2,000,000; and*  
4           *Upper Mingo County (including Mingo County*  
5           *Tributaries), Lower Mingo County (Kermit), Wayne*  
6           *County, and McDowell County, elements of the Levisa*  
7           *and Tug Forks of the Big Sandy River and Upper*  
8           *Cumberland River project in West Virginia,*  
9           *\$4,100,000:*

10 *Provided, That no part of any appropriation contained in*  
11 *this Act shall be expended or obligated to begin Phase II*  
12 *on the John Day Drawdown study or to initiate a study*  
13 *of the drawdown of McNary Dam unless authorized by law:*  
14 *Provided further, That the Secretary of the Army, acting*  
15 *through the Chief of Engineers, is directed hereafter to use*  
16 *available Construction, General funds in addition to fund-*  
17 *ing provided to Public Law 104–206 to complete design and*  
18 *construction of the Red River Regional Visitors Center in*  
19 *the vicinity of Shreveport, Louisiana at an estimated cost*  
20 *of \$6,000,000: Provided further, That section 101(b)(4) of*  
21 *the Water Resources Development Act of 1996, is amended*  
22 *by striking “total cost of \$8,600,000” and inserting in lieu*  
23 *thereof, “total cost of \$15,000,000”: Provided further, That*  
24 *the Secretary of the Army, acting through the Chief of Engi-*  
25 *neers, is directed to use \$3,000,000 of the funds appro-*

1 *priated herein for additional emergency bank stabilization*  
2 *measures at Galena, Alaska under the same terms and con-*  
3 *ditions as previous emergency bank stabilization work un-*  
4 *dertaken at Galena, Alaska pursuant to Section 116 of Pub-*  
5 *lic Law 99–190: Provided further, That with \$4,200,000 of*  
6 *the funds appropriated herein, the Secretary of the Army,*  
7 *acting through the Chief of Engineers, is directed to con-*  
8 *tinue construction of the Brunswick County Beaches, North*  
9 *Carolina-Ocean Isle Beach portion in accordance with the*  
10 *General Reevaluation Report approved by the Chief of En-*  
11 *gineers on May 15, 1998: Provided further, That the Sec-*  
12 *retary of the Army, acting through the Chief of Engineers,*  
13 *is directed to use not to exceed \$300,000 of funds appro-*  
14 *priated herein to reimburse the City of Renton, Washington,*  
15 *at full Federal expense, for mitigation expenses incurred for*  
16 *the flood control project constructed pursuant to 33 U.S.C.*  
17 *701s at Cedar River, City of Renton, Washington, as a re-*  
18 *sult of over-dredging by the Army Corps of Engineers: Pro-*  
19 *vided further, That the Secretary of the Army, acting*  
20 *through the Chief of Engineers, may use Construction, Gen-*  
21 *eral funding as directed in Public Law 105–62 and Public*  
22 *Law 105–245 to initiate construction of an emergency out-*  
23 *let from Devils Lake, North Dakota, to the Sheyenne River,*  
24 *except that the funds shall not become available unless the*  
25 *Secretary of the Army determines that an emergency (as*

1 *defined in section 102 of the Robert T. Stafford Disaster*  
2 *Relief and Emergency Assistance Act (42 U.S.C. 5122)) ex-*  
3 *ists with respect to the emergency need for the outlet and*  
4 *reports to Congress that the construction is technically*  
5 *sound, economically justified, and environmentally accept-*  
6 *able, and in compliance with the National Environmental*  
7 *Policy Act of 1969 (42 U.S.C. 4321 et seq.): Provided fur-*  
8 *ther, That the economic justification for the emergency out-*  
9 *let shall be prepared in accordance with the principles and*  
10 *guidelines for economic evaluation as required by regula-*  
11 *tions and procedures of the Army Corps of Engineers for*  
12 *all flood control projects, and that the economic justification*  
13 *be fully described, including the analysis of the benefits and*  
14 *costs, in the project plan documents: Provided further, That*  
15 *the plans for the emergency outlet shall be reviewed and,*  
16 *to be effective, shall contain assurances provided by the Sec-*  
17 *retary of State, after consultation with the International*  
18 *Joint Commission, that the project will not violate the re-*  
19 *quirements or intent of the Treaty Between the United*  
20 *States and Great Britain Relating to Boundary Waters Be-*  
21 *tween the United States and Canada, signed at Washington*  
22 *January 11, 1909 (36 Stat. 2448; TS 548) (commonly*  
23 *known as the “Boundary Waters Treaty of 1909”): Pro-*  
24 *vided further, That the Secretary of the Army shall submit*  
25 *the final plans and other documents for the emergency out-*

1 *let to Congress: Provided further, That no funds made avail-*  
 2 *able under this Act or any other Act for any fiscal year*  
 3 *may be used by the Secretary of the Army to carry out*  
 4 *the portion of the feasibility study of the Devils Lake Basin,*  
 5 *North Dakota, authorized under the Energy and Water De-*  
 6 *velopment Appropriations Act, 1993 (Public Law 102–*  
 7 *377), that addresses the needs of the area for stabilized lake*  
 8 *levels through inlet controls, or to otherwise study any facil-*  
 9 *ity or carry out any activity that would permit the transfer*  
 10 *of water from the Missouri River Basin into Devils Lake:*  
 11 *Provided further, That \$500,000 of the funding appro-*  
 12 *priated herein shall be used to undertake the Hay Creek,*  
 13 *Roseau County, Minnesota Flood Control Project under sec-*  
 14 *tion 206 funding.*

15 *FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES,*  
 16 *ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MIS-*  
 17 *SISSIPPI, MISSOURI, AND TENNESSEE*

18 *For expenses necessary for prosecuting work of flood*  
 19 *control, and rescue work, repair, restoration, or mainte-*  
 20 *nance of flood control projects threatened or destroyed by*  
 21 *flood, as authorized by law (33 U.S.C. 702a and 702g–1),*  
 22 *\$334,450,000, to remain available until expended: Pro-*  
 23 *vided, That the Secretary of the Army is directed to com-*  
 24 *plete his analysis and determination of Federal mainte-*  
 25 *nance of the Greenville Inner Harbor, Mississippi naviga-*  
 26 *tion project in accordance with Section 509 of the Water*

1 *Resources Development Act of 1996: Provided further, That*  
 2 *of the amounts made available under this heading for con-*  
 3 *struction, there shall be provided \$375,000 for Tributaries*  
 4 *in the Yazoo Basin of Mississippi, and \$45,000,000 for the*  
 5 *Mississippi River levees: Provided further, That of the*  
 6 *amounts made available under this heading for operation*  
 7 *and maintenance, there shall be provided \$6,747,000 for*  
 8 *Arkabutla Lake, \$4,376,000 for Enid Lake, \$5,280,000 for*  
 9 *Grenada Lake, and \$7,680,000 for Sardis Lake.*

10 *OPERATION AND MAINTENANCE, GENERAL*

11 *For expenses necessary for the preservation, operation,*  
 12 *maintenance, and care of existing river and harbor, flood*  
 13 *control, and related works, including such sums as may be*  
 14 *necessary for the maintenance of harbor channels provided*  
 15 *by a State, municipality or other public agency, outside*  
 16 *of harbor lines, and serving essential needs of general com-*  
 17 *merce and navigation; surveys and charting of northern*  
 18 *and northwestern lakes and connecting waters; clearing and*  
 19 *straightening channels; and removal of obstructions to navi-*  
 20 *gation, \$1,862,471,000, to remain available until expended,*  
 21 *of which such sums as become available in the Harbor*  
 22 *Maintenance Trust Fund, pursuant to Public Law 99-662,*  
 23 *may be derived from that Fund, of which such sums as be-*  
 24 *come available from the special account established by the*  
 25 *Land and Water Conservation Act of 1965, as amended (16*  
 26 *U.S.C. 460l), may be derived from that account for con-*

1 *struction, operation, and maintenance of outdoor recreation*  
2 *facilities, of which \$500,000 shall be available for mainte-*  
3 *nance and repair of the Sakonnet Harbor breakwater in*  
4 *Little Compton, Rhode Island, of which \$50,000 shall be*  
5 *used to carry out the feasibility study described in section*  
6 *109, and of which \$150,000 of funds made available for*  
7 *the Delaware River, Philadelphia to the Sea, shall be made*  
8 *available for the Philadelphia District of the Corps of Engi-*  
9 *neers to establish a program to allow the direct marketing*  
10 *of dredged material from the Delaware River Deepening*  
11 *Project to public agencies and private entities: Provided,*  
12 *That the Secretary of the Army, acting through the Chief*  
13 *of Engineers, from the funds provided herein for the oper-*  
14 *ation and maintenance of New York Harbor, New York, is*  
15 *directed to prepare the necessary documentation and ini-*  
16 *tiate removal of submerged obstructions and debris in the*  
17 *area previously marked by the Ambrose Light Tower in the*  
18 *interest of safe navigation: Provided further, That*  
19 *\$1,700,000 shall be used to implement environmental res-*  
20 *toration requirements as specified under the certification*  
21 *issued by the State of Florida under section 401 of the Fed-*  
22 *eral Water Pollution Control Act (33 U.S.C. 1341), dated*  
23 *October 1999 (permit number 0129424-001-DF), including*  
24 *\$1,200,000 for increased environmental dredging and*

1 \$500,000 for related environmental studies required by the  
2 water quality certification.

3 *REGULATORY PROGRAM*

4 *For expenses necessary for administration of laws per-*  
5 *taining to regulation of navigable waters and wetlands,*  
6 *\$120,000,000, to remain available until expended: Pro-*  
7 *vided, That the Secretary of the Army, acting through the*  
8 *Chief of Engineers, is directed to use funds appropriated*  
9 *herein to: (1) by March 1, 2001, supplement the report, Cost*  
10 *Analysis For the 1999 Proposal to Issue and Modify Na-*  
11 *tionwide Permits, to reflect the Nationwide Permits actu-*  
12 *ally issued on March 9, 2000, including changes in the acre-*  
13 *age limits, preconstruction notification requirements and*  
14 *general conditions between the rule proposed on July 21,*  
15 *1999, and the rule promulgated and published in the Fed-*  
16 *eral Register; (2) after consideration of the cost analysis*  
17 *for the 1999 proposal to issue and modify nationwide per-*  
18 *mits and the supplement prepared pursuant to this Act and*  
19 *by September 30, 2001, prepare, submit to Congress and*  
20 *publish in the Federal Register a Permit Processing Man-*  
21 *agement Plan by which the Corps of Engineers will handle*  
22 *the additional work associated with all projected increases*  
23 *in the number of individual permit applications and*  
24 *preconstruction notifications related to the new and replace-*  
25 *ment permits and general conditions. The Permit Proc-*  
26 *essing Management Plan shall include specific objective*

1 goals and criteria by which the Corps of Engineers' progress  
2 towards reducing any permit backlog can be measured; (3)  
3 beginning on December 31, 2001, and on a biannual basis  
4 thereafter, report to Congress and publish in the Federal  
5 Register, an analysis of the performance of its program as  
6 measured against the criteria set out in the Permit Proc-  
7 essing Management Plan; (4) implement a 1-year pilot pro-  
8 gram to publish quarterly on the U.S. Army Corps of Engi-  
9 neer's Regulatory Program website all Regulatory Analysis  
10 and Management Systems (RAMS) data for the South Pa-  
11 cific Division and North Atlantic Division beginning with-  
12 in 30 days of the enactment of this Act; and (5) publish  
13 in Division Office websites all findings, rulings, and deci-  
14 sions rendered under the administrative appeals process for  
15 the Corps of Engineers Regulatory Program as established  
16 in Public Law 106-60: Provided further, That, through the  
17 period ending on September 30, 2003, the Corps of Engi-  
18 neers shall allow any appellant to keep a verbatim record  
19 of the proceedings of the appeals conference under the afore-  
20 mentioned administrative appeals process: Provided fur-  
21 ther, That within 30 days of the enactment of this Act, the  
22 Secretary of the Army, acting through the Chief of Engi-  
23 neers, shall require all U.S. Army Corps of Engineers Divi-  
24 sions and Districts to record the date on which a Section  
25 404 individual permit application or nationwide permit

1 notification is filed with the Corps of Engineers: Provided  
 2 further, That the Corps of Engineers, when reporting per-  
 3 mit processing times, shall track both the date a permit ap-  
 4 plication is first received and the date the application is  
 5 considered complete, as well as the reason that the applica-  
 6 tion is not considered complete upon first submission.

7 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

8 For expenses necessary to clean up contamination  
 9 from sites throughout the United States resulting from work  
 10 performed as part of the Nation's early atomic energy pro-  
 11 gram, \$140,000,000, to remain available until expended.

12 GENERAL EXPENSES

13 For expenses necessary for general administration and  
 14 related functions in the Office of the Chief of Engineers and  
 15 offices of the Division Engineers; activities of the Coastal  
 16 Engineering Research Board, the Humphreys Engineer  
 17 Center Support Activity, the Water Resources Support Cen-  
 18 ter, and headquarters support functions at the USACE Fi-  
 19 nance Center, \$152,000,000, to remain available until ex-  
 20 pended: Provided, That no part of any other appropriation  
 21 provided in title I of this Act shall be available to fund  
 22 the activities of the Office of the Chief of Engineers or the  
 23 executive direction and management activities of the divi-  
 24 sion offices: Provided further, That none of these funds shall  
 25 be available to support an office of congressional affairs  
 26 within the executive office of the Chief of Engineers.

1 *REVOLVING FUND*

2 *Amounts in the Revolving fund are available for the*  
 3 *costs of relocating the U.S. Army Corps of Engineers head-*  
 4 *quarters to office space in the General Accounting Office*  
 5 *headquarters building in Washington, D.C.*

6 *ADMINISTRATIVE PROVISIONS*

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

13 *GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL*

14 *SEC. 101. Notwithstanding any other provisions of*  
 15 *law, no fully allocated funding policy shall be applied to*  
 16 *projects for which funds are identified in the Committee re-*  
 17 *ports accompanying this Act under the Construction, Gen-*  
 18 *eral; Operation and Maintenance, General; and Flood Con-*  
 19 *trol, Mississippi River and Tributaries, appropriation ac-*  
 20 *counts: Provided, That the Secretary of the Army, acting*  
 21 *through the Chief of Engineers, is directed to undertake*  
 22 *these projects using continuing contracts, as authorized in*  
 23 *section 10 of the Rivers and Harbors Act of September 22,*  
 24 *1922 (33 U.S.C. 621).*

25 *SEC. 102. Agreements proposed for execution by the As-*  
 26 *stant Secretary of the Army for Civil Works or the United*

1 *States Army Corps of Engineers after the date of the enact-*  
2 *ment of this Act pursuant to section 4 of the Rivers and*  
3 *Harbor Act of 1915, Public Law 64–291; section 11 of the*  
4 *River and Harbor Act of 1925, Public Law 68–585; the*  
5 *Civil Functions Appropriations Act, 1936, Public Law 75–*  
6 *208; section 215 of the Flood Control Act of 1968, as amend-*  
7 *ed, Public Law 90–483; sections 104, 203, and 204 of the*  
8 *Water Resources Development Act of 1986, as amended*  
9 *(Public Law 99–662); section 206 of the Water Resources*  
10 *Development Act of 1992, as amended, Public Law 102–*  
11 *580; section 211 of the Water Resources Development Act*  
12 *of 1996, Public Law 104–303, and any other specific project*  
13 *authority, shall be limited to credits and reimbursements*  
14 *per project not to exceed \$10,000,000 in each fiscal year,*  
15 *and total credits and reimbursements for all applicable*  
16 *projects not to exceed \$50,000,000 in each fiscal year.*

17       *SEC. 103. None of the funds made available in this*  
18 *Act may be used to revise the Missouri River Master Water*  
19 *Control Manual when it is made known to the Federal enti-*  
20 *ty or official to which the funds are made available that*  
21 *such revision provides for an increase in the springtime*  
22 *water release program during the spring heavy rainfall and*  
23 *snow melt period in States that have rivers draining into*  
24 *the Missouri River below the Gavins Point Dam.*

1       *SEC. 104. ST. GEORGES BRIDGE, DELAWARE. None of*  
2 *the funds made available by this Act may be used to carry*  
3 *out any activity relating to closure or removal of the St.*  
4 *Georges Bridge across the Chesapeake and Delaware Canal,*  
5 *Delaware, including a hearing or any other activity relat-*  
6 *ing to preparation of an environmental impact statement*  
7 *concerning the closure or removal.*

8       *SEC. 105. Of the funds appropriated in title I, Oper-*  
9 *ation and Maintenance, General, \$10,400,000 is available*  
10 *for the operation and maintenance of the Pascagoula Har-*  
11 *bor, Mississippi.*

12       *SEC. 106. Of the funds appropriated in title I, Con-*  
13 *struction General, \$200,000 is available for the Gulfport*  
14 *Harbor, Mississippi project for the Corps of Engineers to*  
15 *prepare a project study plan and to initiate a general re-*  
16 *evaluation report for the remaining authorized channel*  
17 *width dredging.*

18       *SEC. 107. Studies for Kihei Area Erosion, HI, shall*  
19 *include an analysis of the extent and causes of the shoreline*  
20 *erosion. Further, studies shall include an analysis of the*  
21 *total recreation and any other economic benefits accruing*  
22 *to the public to be derived from restoration of the shoreline.*  
23 *The results of this analysis shall be displayed in study docu-*  
24 *ments along with the traditional benefit-cost analysis.*

1       *SEC. 108. Studies for Waikiki Erosion Control, HI,*  
 2       *shall include an analysis of environmental resources that*  
 3       *have been, or may be, threatened by erosion of the shoreline.*  
 4       *Further, studies shall include an analysis of the total recre-*  
 5       *ation and any other economic benefits accruing to the pub-*  
 6       *lic to be derived from restoration of the shoreline. The re-*  
 7       *sults of this analysis shall be displayed in study documents*  
 8       *along with the traditional benefit-cost analysis.*

9       *SEC. 109. DELAWARE RIVER TO CHESAPEAKE BAY,*  
 10       *DELAWARE AND MARYLAND. (a) IN GENERAL.—The Sec-*  
 11       *retary of the Army, in cooperation with the Department*  
 12       *of Transportation of the State of Delaware, shall conduct*  
 13       *a study to determine the need for providing additional*  
 14       *crossing capacity across the Chesapeake and Delaware*  
 15       *Canal.*

16       *(b) REQUIRED ELEMENTS.—In carrying out sub-*  
 17       *section (a), the Secretary shall—*

18               *(1) analyze the need for providing additional*  
 19               *crossing capacity;*

20               *(2) analyze the timing, and establish a time-*  
 21               *frame, for satisfying any need for additional crossing*  
 22               *capacity determined under paragraph (1);*

23               *(3) analyze the feasibility, taking into account*  
 24               *the rate of development around the canal, of devel-*  
 25               *oping 1 or more crossing corridors to satisfy, within*

1        *the timeframe established under paragraph (2), the*  
 2        *need for additional crossing capacity with minimal*  
 3        *environmental impact.*

4        *SEC. 110. SENSE OF THE SENATE CONCERNING THE*  
 5        *DREDGING OF THE MAIN CHANNEL OF THE DELAWARE*  
 6        *RIVER. It is the sense of the Senate that—*

7                *(1) the Corps of Engineers should continue to ne-*  
 8        *gotiate in good faith with the State of Delaware to*  
 9        *address outstanding environmental permitting con-*  
 10        *cerns relating to the project for navigation, Delaware*  
 11        *River Mainstem and Channel Deepening, Delaware,*  
 12        *New Jersey, and Pennsylvania, authorized by section*  
 13        *101(6) of the Water Resources Development Act of*  
 14        *1992 (106 Stat. 4802) and modified by section 308 of*  
 15        *the Water Resources Development Act of 1999 (113*  
 16        *Stat. 300); and*

17                *(2) the Corps of Engineers and the State of Dela-*  
 18        *ware should resolve their differences through the nor-*  
 19        *mal State water quality permitting process.*

20        *SEC. 111. APPROPRIATION FOR ALTERNATIVE*  
 21        *NONOCEAN REMEDIATION SITES. The Secretary of the*  
 22        *Army may use up to \$1,000,000 of available funds to carry*  
 23        *out a nonocean alternative remediation demonstration*  
 24        *project for dredged material at the Historic Area Remedi-*  
 25        *ation Site.*

1       *SEC. 112. Within available funds under title I, the Sec-*  
2       *retary of the Army, acting through the Chief of Engineers,*  
3       *shall provide up to \$7,000,000 to replace and upgrade the*  
4       *dam in Kake, Alaska which collapsed July 2000, to provide*  
5       *drinking water and hydroelectricity.*

6                               *TITLE II*

7                               *DEPARTMENT OF THE INTERIOR*

8                               *CENTRAL UTAH PROJECT*

9                               *CENTRAL UTAH PROJECT COMPLETION ACCOUNT*

10       *For carrying out activities authorized by the Central*  
11       *Utah Project Completion Act, \$38,724,000, to remain avail-*  
12       *able until expended, of which \$19,158,000 shall be deposited*  
13       *into the Utah Reclamation Mitigation and Conservation*  
14       *Account: Provided, That of the amounts deposited into that*  
15       *account, \$5,000,000 shall be considered the Federal con-*  
16       *tribution authorized by paragraph 402(b)(2) of the Central*  
17       *Utah Project Completion Act and \$14,158,000 shall be*  
18       *available to the Utah Reclamation Mitigation and Con-*  
19       *servation Commission to carry out activities authorized*  
20       *under that Act.*

21       *In addition, for necessary expenses incurred in car-*  
22       *rying out related responsibilities of the Secretary of the In-*  
23       *terior, \$1,216,000, to remain available until expended.*

*BUREAU OF RECLAMATION*

*For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:*

*WATER AND RELATED RESOURCES*

*(INCLUDING TRANSFER OF FUNDS)*

*For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, \$655,192,000, to remain available until expended, of which \$1,916,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$38,667,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which \$16,000,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106–163; of which not more than 25 percent of the amount provided for drought emergency assistance may be used for financial assistance for*

1 the preparation of cooperative drought contingency plans  
2 under Title II of Public Law 102–250; and of which not  
3 more than \$500,000 is for high priority projects which shall  
4 be carried out by the Youth Conservation Corps, as author-  
5 ized by 16 U.S.C. 1706: Provided, That such transfers may  
6 be increased or decreased within the overall appropriation  
7 under this heading: Provided further, That of the total ap-  
8 propriated, the amount for program activities that can be  
9 financed by the Reclamation Fund or the Bureau of Rec-  
10 lamation special fee account established by 16 U.S.C. 460l–  
11 6a(i) shall be derived from that Fund or account: Provided  
12 further, That funds contributed under 43 U.S.C. 395 are  
13 available until expended for the purposes for which contrib-  
14 uted: Provided further, That funds advanced under 43  
15 U.S.C. 397a shall be credited to this account and are avail-  
16 able until expended for the same purposes as the sums ap-  
17 propriated under this heading: Provided further, That  
18 funds available for expenditure for the Departmental Irri-  
19 gation Drainage Program may be expended by the Bureau  
20 of Reclamation for site remediation on a non-reimbursable  
21 basis: Provided further, That section 301 of Public Law  
22 102–250, Reclamation States Emergency Drought Relief  
23 Act of 1991, as amended, is amended further by inserting  
24 “2000, and 2001” in lieu of “and 2000”: Provided further,  
25 That the amount authorized for Indian municipal, rural,

1 *and industrial water features by section 10 of Public Law*  
2 *89–108, as amended by section 8 of Public Law 99–294,*  
3 *section 1701(b) of Public Law 102–575, Public Law 105–*  
4 *245, and Public Law 106–60 is increased by \$2,000,000*  
5 *(October 1998 prices): Provided further, That the amount*  
6 *authorized for Minidoka Project North Side Pumping Divi-*  
7 *sion, Idaho, by section 5 of Public Law 81–864, is increased*  
8 *by \$2,805,000: Provided further, That the Reclamation*  
9 *Safety of Dams Act of 1978 (43 U.S.C. 509) is amended*  
10 *as follows: (1) by inserting in Section 4(c) after “1984,”*  
11 *and before “costs” the following: “and the additional*  
12 *\$95,000,000 further authorized to be appropriated by*  
13 *amendments to that Act in 2000,”; (2) by inserting in Sec-*  
14 *tion 5 after “levels),” and before “plus” the following: “and,*  
15 *effective October 1, 2000, not to exceed an additional*  
16 *\$95,000,000 (October 1, 2000, price levels),”; and (3) by*  
17 *striking “sixty days (which” and all that follows through*  
18 *“day certain)” and inserting in lieu thereof “30 calendar*  
19 *days”: Provided further, That \$2,300,000 of the funding*  
20 *provided herein shall be for the Albuquerque Metropolitan*  
21 *Area Water Reclamation and Reuse project authorized by*  
22 *title XVI of Public Law 102–575 to undertake phase II of*  
23 *the project.*

24 *BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT*

25 *For the cost of direct loans and/or grants, \$8,944,000,*  
26 *to remain available until expended, as authorized by the*

1 *Small Reclamation Projects Act of August 6, 1956, as*  
 2 *amended (43 U.S.C. 422a–422l): Provided, That such costs,*  
 3 *including the cost of modifying such loans, shall be as de-*  
 4 *fin ed in section 502 of the Congressional Budget Act of*  
 5 *1974, as amended: Provided further, That these funds are*  
 6 *available to subsidize gross obligations for the principal*  
 7 *amount of direct loans not to exceed \$27,000,000.*

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

14 *CENTRAL VALLEY PROJECT RESTORATION FUND*

15 *For carrying out the programs, projects, plans, and*  
 16 *habitat restoration, improvement, and acquisition provi-*  
 17 *sions of the Central Valley Project Improvement Act,*  
 18 *\$38,382,000, to be derived from such sums as may be col-*  
 19 *lected in the Central Valley Project Restoration Fund pur-*  
 20 *suant to sections 3407(d), 3404(c)(3), 3405(f), and*  
 21 *3406(c)(1) of Public Law 102–575, to remain available*  
 22 *until expended: Provided, That the Bureau of Reclamation*  
 23 *is directed to assess and collect the full amount of the addi-*  
 24 *tional mitigation and restoration payments authorized by*  
 25 *section 3407(d) of Public Law 102–575.*

## POLICY AND ADMINISTRATION

1  
2       *For necessary expenses of policy, administration, and*  
3 *related functions in the office of the Commissioner, the Den-*  
4 *ver office, and offices in the five regions of the Bureau of*  
5 *Reclamation, to remain available until expended,*  
6 *\$50,224,000, to be derived from the Reclamation Fund and*  
7 *be nonreimbursable as provided in 43 U.S.C. 377: Provided,*  
8 *That no part of any other appropriation in this Act shall*  
9 *be available for activities or functions budgeted as policy*  
10 *and administration expenses.*

## ADMINISTRATIVE PROVISIONS

11  
12       *SEC. 201. Appropriations for the Bureau of Reclama-*  
13 *tion shall be available for purchase of not to exceed four*  
14 *passenger motor vehicles for replacement only.*

15       *SEC. 202. Funds under this title for Drought Emer-*  
16 *gency Assistance shall be made available primarily for leas-*  
17 *ing of water for specified drought related purposes from*  
18 *willing lessors, in compliance with existing State laws and*  
19 *administered under State water priority allocation. Such*  
20 *leases may be entered into with an option to purchase: Pro-*  
21 *vided, That such purchase is approved by the State in*  
22 *which the purchase takes place and the purchase does not*  
23 *cause economic harm within the State in which the pur-*  
24 *chase is made.*

## GENERAL PROVISIONS

1

2       *SEC. 203. (a) For fiscal year 2001 and each fiscal year*  
3 *thereafter, the Secretary of the Interior shall continue the*  
4 *funding of monitoring and research, as authorized by sec-*  
5 *tion 1807 of the Grand Canyon Protection Act of 1992 (106*  
6 *Stat. 4672), at not more than \$7,687,000, adjusted to reflect*  
7 *changes in the Consumer Price Index for All Urban Con-*  
8 *sumers published by the Bureau of Labor Statistics of the*  
9 *Department of Labor.*

10       *(b) The activities to be funded as provided under sub-*  
11 *section (a) include activities required to meet the require-*  
12 *ments of subsections (a) and (b) of section 1805 of the*  
13 *Grand Canyon Protection Act of 1992 (106 Stat. 4672), in-*  
14 *cluding the requirements of the Biological Opinion on the*  
15 *Operation of Glen Canyon Dam and activities required by*  
16 *the Programmatic Agreement on Cultural and Historic*  
17 *Properties.*

18       *(c) To the extent that funding under subsection (a) is*  
19 *insufficient to pay the costs of the monitoring and research,*  
20 *the Secretary of the Interior may use funds appropriated*  
21 *to carry out section 8 of the Act of April 11, 1956 (com-*  
22 *monly known as the “Colorado River Storage Project Act”)*  
23 *(43 U.S.C. 620g), to pay those costs.*

24       *SEC. 204. Section 202 of Division B, Title I, Chapter*  
25 *2 of Public Law 106–246 is amended by adding at the end*

1 *the following: “This section shall be effective through Sep-*  
2 *tember 30, 2001.”.*

3       *SEC. 205. The Secretary of the Interior is authorized*  
4 *and directed to use not to exceed \$1,000,000 of the funds*  
5 *appropriated under title II to refund amounts received by*  
6 *the United States as payments for charges assessed by the*  
7 *Secretary prior to January 1, 1994 for failure to file cer-*  
8 *tain certification or reporting forms prior to the receipt of*  
9 *irrigation water, pursuant to sections 206 and 224(c) of*  
10 *the Reclamation Reform Act of 1982 (96 Stat. 1226, 1272;*  
11 *43 U.S.C. 390ff, 390ww(c)), including the amount of associ-*  
12 *ated interest assessed by the Secretary and paid to the*  
13 *United States pursuant to section 224(i) of the Reclamation*  
14 *Reform Act of 1982 (101 Stat. 1330–268; 43 U.S.C.*  
15 *390ww(i)).*

16       *SEC. 206. RECREATION DEVELOPMENT, BUREAU OF*  
17 *RECLAMATION, MONTANA PROJECTS. (a) IN GENERAL.—To*  
18 *provide a greater level of recreation management activities*  
19 *on reclamation project land and water areas within the*  
20 *State of Montana east of the Continental Divide (including*  
21 *the portion of the Yellowtail Unit of the Pick-Sloan Project*  
22 *located in Wyoming) necessary to meet the changing needs*  
23 *and expectations of the public, the Secretary of the Interior*  
24 *may—*

1           (1) *investigate, plan, construct, operate, and*  
 2           *maintain public recreational facilities on land with-*  
 3           *drawn or acquired for the projects;*

4           (2) *conserve the scenery, the natural, historic,*  
 5           *paleontologic, and archaeologic objects, and the wild-*  
 6           *life on the land;*

7           (3) *provide for public use and enjoyment of the*  
 8           *land and of the water areas created by a project by*  
 9           *such means as are consistent with but subordinate to*  
 10          *the purposes of the project; and*

11          (4) *investigate, plan, construct, operate, and*  
 12          *maintain facilities for the conservation of fish and*  
 13          *wildlife resources.*

14          (b) *COSTS.*—*The costs (including operation and main-*  
 15          *tenance costs) of carrying out subsection (a) shall be non-*  
 16          *reimbursable and nonreturnable under Federal reclamation*  
 17          *law.*

18          SEC. 207. CANYON FERRY RESERVOIR, MONTANA. (a)  
 19          APPRAISALS.—*Section 1004(c)(2)(B) of title X of division*  
 20          *C of the Omnibus Consolidated and Emergency Supple-*  
 21          *mental Appropriations Act, 1999 (112 Stat. 2681–713; 113*  
 22          *Stat. 1501A–307) is amended—*

23               (1) *in clause (i), by striking “be based on” and*  
 24               *inserting “use”;*

1           (2) *in clause (vi), by striking “Notwithstanding*  
 2           *any other provision of law,” and inserting “To the*  
 3           *extent consistent with the Uniform Appraisal Stand-*  
 4           *ards for Federal Land Acquisition,”; and*

5           (3) *by adding at the end the following:*

6           “(vii) *APPLICABILITY.—This subparagraph shall*  
 7           *apply to the extent that its application is practicable*  
 8           *and consistent with the Uniform Appraisal Stand-*  
 9           *ards for Federal Land Acquisition.”.*

10          (b) *TIMING.—Section 1004(f)(2) of title X of division*  
 11          *C of the Omnibus Consolidated and Emergency Supple-*  
 12          *mental Appropriations Act, 1999 (112 Stat. 2681–714; 113*  
 13          *Stat. 1501A–308) is amended by inserting after “Act,” the*  
 14          *following: “in accordance with all applicable law,”.*

15          (c) *INTEREST.—Section 1008(b) of title X of division*  
 16          *C of the Omnibus Consolidated and Emergency Supple-*  
 17          *mental Appropriations Act, 1999 (112 Stat. 2681–717; 113*  
 18          *Stat. 1501A–310) is amended by striking paragraph (4).*

19          *SEC. 208. Beginning in fiscal year 2000 and there-*  
 20          *after, any amounts provided for the Newlands Water Rights*  
 21          *Fund for purchasing and retiring water rights in the*  
 22          *Newlands Reclamation Project shall be non-reimbursable.*

23          *SEC. 209. USE OF COLORADO-BIG THOMPSON*  
 24          *PROJECT FACILITIES FOR NONPROJECT WATER. The Sec-*  
 25          *retary of the Interior may enter into contracts with the city*

1 *of Loveland, Colorado, or its Water and Power Department*  
 2 *or any other agency, public utility, or enterprise of the city,*  
 3 *providing for the use of facilities of the Colorado-Big*  
 4 *Thompson Project, Colorado, under the Act of February 21,*  
 5 *1911 (43 U.S.C. 523), for—*

6           (1) *the impounding, storage, and carriage of*  
 7 *nonproject water originating on the eastern slope of*  
 8 *the Rocky Mountains for domestic, municipal, indus-*  
 9 *trial, and other beneficial purposes; and*

10           (2) *the exchange of water originating on the east-*  
 11 *ern slope of the Rocky Mountains for the purposes*  
 12 *specified in paragraph (1), using facilities associated*  
 13 *with the Colorado-Big Thompson Project, Colorado.*

14       *SEC. 210. AMENDMENT TO IRRIGATION PROJECT CON-*  
 15 *TRACT EXTENSION ACT OF 1998. (a) Section 2(a) of the*  
 16 *Irrigation Project Contract Extension Act of 1998, Public*  
 17 *Law 105–293, is amended by striking the date “December*  
 18 *31, 2000”, and inserting in lieu thereof the date “December*  
 19 *31, 2003”; and*

20           (b) *Subsection 2(b) of the Irrigation Project Contract*  
 21 *Extension Act of 1998, Public Law 105–293, is amended*  
 22 *by—*

23           (1) *striking the phrase “not to go beyond Decem-*  
 24 *ber 31, 2001”, and inserting in lieu thereof the phrase*  
 25 *“not to go beyond December 31, 2003”; and*

(2) striking the phrase “terminates prior to December 31, 2000”, and inserting in lieu thereof “terminates prior to December 31, 2003”.

### *TITLE III*

#### *DEPARTMENT OF ENERGY*

#### *ENERGY PROGRAMS*

#### *ENERGY SUPPLY*

#### *(INCLUDING TRANSFER OF FUNDS)*

*For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 17 passenger motor vehicles for replacement only, \$691,520,000 to remain available until September 30, 2002, of which \$12,000,000 shall be derived by transfer from the United States Enrichment Corporation Fund, of which an appropriate amount shall be available for innovative projects in small rural communities in the Mississippi Delta, such as Morgan City, Mississippi, to demonstrate advanced alternative energy technologies, concerning which projects the Secretary of Energy*

1 shall submit to Congress a report not later than March 31,  
2 2001, and of which \$100,000 shall be made available to  
3 Western Biomass Energy LLC for an ethanol demonstra-  
4 tion project: Provided, That \$4,000,000 shall be made avail-  
5 able for the demonstration of an underground mining loco-  
6 motive and an earth loader powered by hydrogen at existing  
7 mining facilities within the State of Nevada. The dem-  
8 onstration is subject to a private sector industry cost-share  
9 of not less than equal amount, and a portion of these funds  
10 may also be used to acquire a prototype hydrogen fueling  
11 appliance to provide on-site hydrogen in the demonstration:  
12 Provided further, That \$5,000,000 shall be made available  
13 to support a project to demonstrate a commercial facility  
14 employing thermo-depolymerization technology at a site ad-  
15 jacent to the Nevada Test Site. The project shall proceed  
16 on a cost-share basis where Federal funding shall be  
17 matched in at least an equal amount with non-Federal  
18 funding: Provided further, That \$1,000,000 shall be made  
19 available for the Kotzebue wind project: Provided further,  
20 That \$2,000,000 shall be made available for the design and  
21 construction of a demonstration facility for regional bio-  
22 mass ethanol manufacturing in southeast Alaska: Provided  
23 further, That \$500,000 shall be made available for the bio-  
24 reactor landfill project to be administered by the Environ-  
25 mental Education and Research Foundation and Michigan

1 *State University: Provided further, That of the amount*  
 2 *available for wind energy systems, not less than \$5,000,000*  
 3 *shall be made available for small wind, including not less*  
 4 *than \$2,000,000 for the small wind turbine development*  
 5 *project: Provided further, That, in addition, royalties re-*  
 6 *ceived to compensate the Department of Energy for its par-*  
 7 *ticipation in the First-Of-A-Kind-Engineering program*  
 8 *shall be credited to this account to be available until Sep-*  
 9 *tember 30, 2002 for the purposes of Nuclear Energy, Science*  
 10 *and Technology activities: Provided further, That of the*  
 11 *amounts made available for energy supply \$1,000,000 shall*  
 12 *be available for the Office of Arctic Energy: Provided fur-*  
 13 *ther, That \$1,000,000 is provided to initiate planning of*  
 14 *a one MW dish engine field validation power project at*  
 15 *UNLV in Nevada: Provided further, That \$3,000,000 shall*  
 16 *be made available for technology development and dem-*  
 17 *onstration program in Combined Cooling, Heating and*  
 18 *Power Technology Development for Thermal Load Manage-*  
 19 *ment, District Energy Systems, and Distributed Genera-*  
 20 *tion, based upon natural gas, hydrogen, and renewable en-*  
 21 *ergy technologies. Further, the program is to be carried out*  
 22 *by the Oak Ridge National Laboratory through its Building*  
 23 *Equipment Technology Program.*

24 *NON-DEFENSE ENVIRONMENTAL MANAGEMENT*

25 *For Department of Energy expenses, including the*  
 26 *purchase, construction and acquisition of plant and capital*

1 *equipment and other expenses necessary for non-defense en-*  
 2 *vironmental management activities in carrying out the*  
 3 *purposes of the Department of Energy Organization Act (42*  
 4 *U.S.C. 7101 et seq.), including the acquisition or con-*  
 5 *demnation of any real property or any facility or for plant*  
 6 *or facility acquisition, construction or expansion,*  
 7 *\$309,141,000, to remain available until expended.*

8 *URANIUM ENRICHMENT DECONTAMINATION AND*  
 9 *DECOMMISSIONING FUND*

10 *For necessary expenses in carrying out uranium en-*  
 11 *richment facility decontamination and decommissioning,*  
 12 *remedial actions and other activities of title II of the Atom-*  
 13 *ic Energy Act of 1954 and title X, subtitle A of the Energy*  
 14 *Policy Act of 1992, \$297,778,000, to be derived from the*  
 15 *Fund, to remain available until expended: Provided, That*  
 16 *\$30,000,000 of amounts derived from the Fund for such ex-*  
 17 *penses shall be available in accordance with title X, subtitle*  
 18 *A, of the Energy Policy Act of 1992.*

19 *SCIENCE*

20 *For Department of Energy expenses including the pur-*  
 21 *chase, construction and acquisition of plant and capital*  
 22 *equipment, and other expenses necessary for science activi-*  
 23 *ties in carrying out the purposes of the Department of En-*  
 24 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*  
 25 *the acquisition or condemnation of any real property or*  
 26 *facility or for plant or facility acquisition, construction, or*

1 expansion, and purchase of not to exceed 58 passenger  
 2 motor vehicles for replacement only, \$2,870,112,000, to re-  
 3 main available until expended, of which \$500,000 shall be  
 4 available for participation by the Idaho National Engineer-  
 5 ing and Environmental Laboratory in the Greater Yellow-  
 6 stone Energy and Transportation Systems Study: Provided,  
 7 That \$3,000,000 shall be made available for high tempera-  
 8 ture superconductivity research at Boston College: Provided  
 9 further, That notwithstanding any other provision of law,  
 10 not to exceed \$51,163,000 of the funds appropriated herein  
 11 may be obligated for the Small Business Innovation Re-  
 12 search program and not to exceed \$3,069,000 of the funds  
 13 appropriated herein may be obligated for the Small Busi-  
 14 ness Technology Transfer program: Provided further, That  
 15 \$12,500,000 of the funds appropriated herein shall be avail-  
 16 able for Molecular Nuclear Medicine.

#### 17 NUCLEAR WASTE DISPOSAL

18 For nuclear waste disposal activities to carry out the  
 19 purposes of Public Law 97-425, as amended, including the  
 20 acquisition of real property or facility construction or ex-  
 21 pansion, \$59,175,000, to remain available until expended  
 22 and to be derived from the Nuclear Waste Fund: Provided,  
 23 That not to exceed \$2,500,000 may be provided to the State  
 24 of Nevada solely for expenditures, other than salaries and  
 25 expenses of State employees, to conduct scientific oversight  
 26 responsibilities pursuant to the Nuclear Waste Policy Act

1 of 1982, (Public Law 97-425) as amended: Provided fur-  
2 ther, That not to exceed \$5,887,000 may be provided to af-  
3 fected units of local governments, as defined in Public Law  
4 97-425, to conduct appropriate activities pursuant to the  
5 Act: Provided further, That the distribution of the funds  
6 as determined by the units of local government shall be ap-  
7 proved by the Department of Energy: Provided further,  
8 That the funds for the State of Nevada shall be made solely  
9 to the Nevada Division of Emergency Management by direct  
10 payment and units of local government by direct payment:  
11 Provided further, That within 90 days of the completion  
12 of each Federal fiscal year, the Nevada Division of Environ-  
13 mental Management and the Governor of the State of Ne-  
14 vada and each local entity shall provide certification to the  
15 Department of Energy, that all funds expended from such  
16 payments have been expended for activities authorized by  
17 Public Law 97-425. Failure to provide such certification  
18 shall cause such entity to be prohibited from any further  
19 funding provided for similar activities: Provided further,  
20 That none of the funds herein appropriated may be: (1)  
21 used directly or indirectly to influence legislative action on  
22 any matter pending before Congress or a State legislature  
23 or for lobbying activity as provided in 18 U.S.C. 1913; (2)  
24 used for litigation expenses; or (3) used to support multi-  
25 state efforts or other coalition building activities incon-

1 *sistent with the restrictions contained in this Act: Provided*  
 2 *further, That all proceeds and recoveries by the Secretary*  
 3 *in carrying out activities authorized by the Nuclear Waste*  
 4 *Policy Act of 1982 in Public Law 97-425, as amended, in-*  
 5 *cluding but not limited to, any proceeds from the sale of*  
 6 *assets, shall be available without further appropriation and*  
 7 *shall remain available until expended.*

8 *DEPARTMENTAL ADMINISTRATION*

9 *For salaries and expenses of the Department of Energy*  
 10 *necessary for departmental administration in carrying out*  
 11 *the purposes of the Department of Energy Organization Act*  
 12 *(42 U.S.C. 7101 et seq.), including the hire of passenger*  
 13 *motor vehicles and official reception and representation ex-*  
 14 *penses (not to exceed \$35,000), \$210,128,000, to remain*  
 15 *available until expended, plus such additional amounts as*  
 16 *necessary to cover increases in the estimated amount of cost*  
 17 *of work for others notwithstanding the provisions of the*  
 18 *Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided,*  
 19 *That such increases in cost of work are offset by revenue*  
 20 *increases of the same or greater amount, to remain avail-*  
 21 *able until expended: Provided further, That moneys received*  
 22 *by the Department for miscellaneous revenues estimated to*  
 23 *total \$128,762,000 in fiscal year 2001 may be retained and*  
 24 *used for operating expenses within this account, and may*  
 25 *remain available until expended, as authorized by section*  
 26 *201 of Public Law 95-238, notwithstanding the provisions*

1 of 31 U.S.C. 3302: Provided further, That the sum herein  
2 appropriated shall be reduced by the amount of miscella-  
3 neous revenues received during fiscal year 2001 so as to  
4 result in a final fiscal year 2001 appropriation from the  
5 General Fund estimated at not more than \$81,366,000.

6 OFFICE OF THE INSPECTOR GENERAL

7 For necessary expenses of the Office of the Inspector  
8 General in carrying out the provisions of the Inspector Gen-  
9 eral Act of 1978, as amended, \$28,988,000, to remain avail-  
10 able until expended.

11 ATOMIC ENERGY DEFENSE ACTIVITIES

12 NATIONAL NUCLEAR SECURITY ADMINISTRATION

13 WEAPONS ACTIVITIES

14 For Department of Energy expenses, including the  
15 purchase, construction and acquisition of plant and capital  
16 equipment and other incidental expenses necessary for  
17 atomic energy defense weapons activities in carrying out  
18 the purposes of the Department of Energy Organization Act  
19 (42 U.S.C. 7101 et seq.), including the acquisition or con-  
20 demnation of any real property or any facility or for plant  
21 or facility acquisition, construction, or expansion; and the  
22 purchase of passenger motor vehicles (not to exceed 12 for  
23 replacement only), \$4,883,289,000, to remain available  
24 until expended.

1                    *DEFENSE NUCLEAR NONPROLIFERATION*

2            *For Department of Energy expenses, including the*  
3 *purchase, construction and acquisition of plant and capital*  
4 *equipment and other incidental expenses necessary for*  
5 *atomic energy defense, Defense Nuclear Nonproliferation ac-*  
6 *tivities, in carrying out the purposes of the Department of*  
7 *Energy Organization Act (42 U.S.C. 7101 et seq.), includ-*  
8 *ing the acquisition or condemnation of any real property*  
9 *or any facility or for plant or facility acquisition, construc-*  
10 *tion, or expansion, \$908,967,000, to remain available until*  
11 *expended: Provided, That not to exceed \$5,000 may be used*  
12 *for official reception and representation expenses for na-*  
13 *tional security and nonproliferation (including trans-*  
14 *parency) activities in fiscal year 2001: Provided further,*  
15 *That \$2,000,000 shall be provided for equipment acquisi-*  
16 *tion for the Incorporated Research Institutions for Seis-*  
17 *mology (IRIS) PASSCAL Instrument Center.*

18                    *NAVAL REACTORS*

19            *For Department of Energy expenses, including the*  
20 *purchase, construction and acquisition of plant and capital*  
21 *equipment and other incidental expenses necessary for*  
22 *atomic energy defense, Naval Reactor activities, in carrying*  
23 *out the purposes of the Department of Energy Organization*  
24 *Act (42 U.S.C. 7101 et seq.), including the acquisition or*  
25 *condemnation of any real property or any facility or for*

1 *plant or facility acquisition, construction, or expansion,*  
 2 *\$694,600,000, to remain available until expended.*

3 *OFFICE OF THE ADMINISTRATOR*

4 *For necessary expenses of the Office of the Adminis-*  
 5 *trator of the National Nuclear Security Administration, in-*  
 6 *cluding official reception and representation expenses (not*  
 7 *to exceed \$5,000), \$10,000,000, to remain available until*  
 8 *expended.*

9 *OTHER DEFENSE RELATED ACTIVITIES*

10 *DEFENSE ENVIRONMENTAL RESTORATION AND WASTE*

11 *MANAGEMENT*

12 *For Department of Energy expenses, including the*  
 13 *purchase, construction and acquisition of plant and capital*  
 14 *equipment and other expenses necessary for atomic energy*  
 15 *defense environmental restoration and waste management*  
 16 *activities in carrying out the purposes of the Department*  
 17 *of Energy Organization Act (42 U.S.C. 7101 et seq.), in-*  
 18 *cluding the acquisition or condemnation of any real prop-*  
 19 *erty or any facility or for plant or facility acquisition, con-*  
 20 *struction, or expansion; and the purchase of 67 passenger*  
 21 *motor vehicles for replacement only, \$4,635,763,000, to re-*  
 22 *main available until expended: Provided, That \$3,000,000*  
 23 *shall be made available from within the funds provided for*  
 24 *Science and Technology to support a program to be man-*  
 25 *aged by the Carlsbad office of the Department of Energy,*  
 26 *in coordination with the United States-Mexico Border*

1 *Health Commission, to apply and demonstrate technologies*  
2 *to reduce hazardous waste streams that threaten public*  
3 *health and environmental security in order to advance the*  
4 *potential for commercialization of technologies relevant to*  
5 *the Department's clean-up mission: Provided further, That*  
6 *\$2,000,000 shall be made available from within the funds*  
7 *provided for Science and Technology to support a program*  
8 *to be managed by the Carlsbad office of the Department of*  
9 *Energy to implement a program to support the Materials*  
10 *Corridor Partnership Initiative.*

11 *DEFENSE FACILITIES CLOSURE PROJECTS*

12 *For expenses of the Department of Energy to accelerate*  
13 *the closure of defense environmental management sites, in-*  
14 *cluding the purchase, construction and acquisition of plant*  
15 *and capital equipment and other necessary expenses,*  
16 *\$1,082,297,000, to remain available until expended.*

17 *DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION*

18 *For Department of Energy expenses for privatization*  
19 *projects necessary for atomic energy defense environmental*  
20 *management activities authorized by the Department of*  
21 *Energy Organization Act (42 U.S.C. 7101 et seq.),*  
22 *\$324,000,000, to remain available until expended.*

23 *OTHER DEFENSE ACTIVITIES*

24 *For Department of Energy expenses, including the*  
25 *purchase, construction and acquisition of plant and capital*

1 *equipment and other expenses necessary for atomic energy*  
 2 *defense, other defense activities, in carrying out the pur-*  
 3 *poses of the Department of Energy Organization Act (42*  
 4 *U.S.C. 7101 et seq.), including the acquisition or con-*  
 5 *demnation of any real property or any facility or for plant*  
 6 *or facility acquisition, construction, or expansion,*  
 7 *\$579,463,000, to remain available until expended, of which*  
 8 *\$17,000,000 shall be for the Department of Energy Employ-*  
 9 *ees Compensation Initiative upon enactment of authoriza-*  
 10 *tion legislation into law.*

11 *DEFENSE NUCLEAR WASTE DISPOSAL*

12 *For nuclear waste disposal activities to carry out the*  
 13 *purposes of Public Law 97-425, as amended, including the*  
 14 *acquisition of real property or facility construction or ex-*  
 15 *pansion, \$292,000,000, to remain available until expended.*

16 *POWER MARKETING ADMINISTRATIONS*

17 *BONNEVILLE POWER ADMINISTRATION FUND*

18 *Expenditures from the Bonneville Power Administra-*  
 19 *tion Fund, established pursuant to Public Law 93-454, are*  
 20 *approved for the Nez Perce Tribe Resident Fish Substi-*  
 21 *tution Program, the Cour D'Alene Tribe Trout Production*  
 22 *facility, and for official reception and representation ex-*  
 23 *penses in an amount not to exceed \$1,500.*

24 *During fiscal year 2001, no new direct loan obliga-*  
 25 *tions may be made. Section 511 of the Energy and Water*

1 *Development Appropriations Act, 1997 (Public Law 104–*  
 2 *206), is amended by striking the last sentence and inserting,*  
 3 *“This authority shall expire September 30, 2005.”.*

4     *OPERATION AND MAINTENANCE, SOUTHEASTERN POWER*  
 5                                     *ADMINISTRATION*

6         *For necessary expenses of operation and maintenance*  
 7 *of power transmission facilities and of marketing electric*  
 8 *power and energy, including transmission wheeling and*  
 9 *ancillary services, pursuant to the provisions of section 5*  
 10 *of the Flood Control Act of 1944 (16 U.S.C. 825s), as ap-*  
 11 *plied to the southeastern power area, \$3,900,000, to remain*  
 12 *available until expended; in addition, notwithstanding the*  
 13 *provisions of 31 U.S.C. 3302, amounts collected by the*  
 14 *Southeastern Power Administration pursuant to the Flood*  
 15 *Control Act to recover purchase power and wheeling ex-*  
 16 *penses shall be credited to this account as offsetting collec-*  
 17 *tions, to remain available until expended for the sole pur-*  
 18 *pose of making purchase power and wheeling expenditures*  
 19 *as follows: for fiscal year 2001, up to \$34,463,000; for fiscal*  
 20 *year 2002, up to \$26,463,000; for fiscal year 2003, up to*  
 21 *\$20,000,000; and for fiscal year 2004, up to \$15,000,000.*

22     *OPERATION AND MAINTENANCE, SOUTHWESTERN POWER*  
 23                                     *ADMINISTRATION*

24                                     *(INCLUDING TRANSFER OF FUNDS)*

25         *For necessary expenses of operation and maintenance*  
 26 *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 of  
 6 the Flood Control Act of 1944 (16 U.S.C. 825s), as applied  
 7 to the southwestern power area, \$28,100,000, to remain  
 8 available until expended; in addition, notwithstanding the  
 9 provisions of 31 U.S.C. 3302, not to exceed \$4,200,000 in  
 10 reimbursements, to remain available until expended: Pro-  
 11 vided, That amounts collected by the Southwestern Power  
 12 Administration pursuant to the Flood Control Act to re-  
 13 cover purchase power and wheeling expenses shall be cred-  
 14 ited to this account as offsetting collections, to remain avail-  
 15 able until expended for the sole purpose of making purchase  
 16 power and wheeling expenditures as follows: for fiscal year  
 17 2001, up to \$288,000; for fiscal year 2002, up to \$288,000;  
 18 for fiscal year 2003, up to \$288,000; and for fiscal year  
 19 2004, up to \$288,000.

20 CONSTRUCTION, REHABILITATION, OPERATION AND

21 MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

22 For carrying out the functions authorized by title III,  
 23 section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C.  
 24 7152), and other related activities including conservation  
 25 and renewable resources programs as authorized, including  
 26 official reception and representation expenses in an amount

1 *not to exceed \$1,500, \$164,916,000, to remain available*  
 2 *until expended, of which \$154,616,000 shall be derived from*  
 3 *the Department of the Interior Reclamation Fund: Pro-*  
 4 *vided, That of the amount herein appropriated, \$5,950,000*  
 5 *is for deposit into the Utah Reclamation Mitigation and*  
 6 *Conservation Account pursuant to title IV of the Reclama-*  
 7 *tion Projects Authorization and Adjustment Act of 1992:*  
 8 *Provided further, That amounts collected by the Western*  
 9 *Area Power Administration pursuant to the Flood Control*  
 10 *Act of 1944 and the Reclamation Project Act of 1939 to*  
 11 *recover purchase power and wheeling expenses shall be cred-*  
 12 *ited to this account as offsetting collections, to remain avail-*  
 13 *able until expended for the sole purpose of making purchase*  
 14 *power and wheeling expenditures as follows: for fiscal year*  
 15 *2001, up to \$42,500,000; for fiscal year 2002, up to*  
 16 *\$33,500,000; for fiscal year 2003, up to \$30,000,000; and*  
 17 *for fiscal year 2004, up to \$20,000,000.*

18 *FALCON AND AMISTAD OPERATING AND MAINTENANCE*

19 *FUND*

20 *For operation, maintenance, and emergency costs for*  
 21 *the hydroelectric facilities at the Falcon and Amistad*  
 22 *Dams, \$2,670,000, to remain available until expended, and*  
 23 *to be derived from the Falcon and Amistad Operating and*  
 24 *Maintenance Fund of the Western Area Power Administra-*  
 25 *tion, as provided in section 423 of the Foreign Relations*  
 26 *Authorization Act, Fiscal Years 1994 and 1995.*

1        *FEDERAL ENERGY REGULATORY COMMISSION*2                    *SALARIES AND EXPENSES*

3        *For necessary expenses of the Federal Energy Regu-*  
4 *latory Commission to carry out the provisions of the De-*  
5 *partment of Energy Organization Act (42 U.S.C. 7101 et*  
6 *seq.), including services as authorized by 5 U.S.C. 3109,*  
7 *the hire of passenger motor vehicles, and official reception*  
8 *and representation expenses (not to exceed \$3,000),*  
9 *\$175,200,000, to remain available until expended: Pro-*  
10 *vided, That notwithstanding any other provision of law, not*  
11 *to exceed \$175,200,000 of revenues from fees and annual*  
12 *charges, and other services and collections in fiscal year*  
13 *2001 shall be retained and used for necessary 2001 expenses*  
14 *in this account, and shall remain available until expended:*  
15 *Provided further, That the sum herein appropriated from*  
16 *the General Fund shall be reduced as revenues are received*  
17 *during fiscal year 2001 so as to result in a final fiscal year*  
18 *2001 appropriation from the General Fund estimated at*  
19 *not more than \$0.*

20        *GENERAL PROVISIONS—DEPARTMENT OF*21                    *ENERGY*

22        *SEC. 301. (a) None of the funds appropriated by this*  
23 *Act for Department of Energy programs may be used to*  
24 *award, amend, or modify a contract in a manner that devi-*  
25 *ates from the Federal Acquisition Regulation unless, on a*

1 *case-by-case basis, a waiver to allow for such a deviation*  
2 *is granted.*

3       *(b) The Administrator of the National Nuclear Secu-*  
4 *rity Administration shall have the exclusive waiver author-*  
5 *ity for activities under “Atomic Energy Defense Activities,*  
6 *National Nuclear Security Administration” and may not*  
7 *delegate the authority to grant such a waiver. The Secretary*  
8 *of Energy shall have the exclusive waiver authority for all*  
9 *other activities which may not be delegated.*

10       *(c) At least 60 days before a contract award, amend-*  
11 *ment, or modification for which the Secretary intends to*  
12 *grant such a waiver as provided for in subsection (b), the*  
13 *Secretary shall submit to the Subcommittees on Energy and*  
14 *Water Development of the Committees on Appropriations*  
15 *of the House of Representatives and the Senate a report no-*  
16 *tifying the subcommittees of the waiver and setting forth*  
17 *the reasons for the waiver.*

18       *(d) At least 60 days before a contract award, amend-*  
19 *ment, or modification for which the Administrator of the*  
20 *National Nuclear Security Administration intends to grant*  
21 *such a waiver as provided in subsection (b), the Adminis-*  
22 *trator shall submit to the Subcommittees on Energy and*  
23 *Water Development of the Committees on Appropriations*  
24 *of the House of Representatives and the Senate a report no-*

1 *tifying the subcommittees of the waiver and setting forth*  
2 *the reasons for the waiver.*

3       *SEC. 302. (a) None of the funds appropriated by this*  
4 *Act under “Atomic Energy Defense Activities, National Nu-*  
5 *clear Security Administration” may be used to award,*  
6 *amend, or modify a contract in a manner that deviates*  
7 *from the Federal Acquisition Regulation, unless the Admin-*  
8 *istrator of the National Nuclear Security Administration*  
9 *grants, on a case-by-case basis, a waiver to allow for such*  
10 *a deviation. The Administrator may not delegate the au-*  
11 *thority to grant such a waiver.*

12       *(b) At least 60 days before a contract award, amend-*  
13 *ment, or modification for which the Administrator intends*  
14 *to grant such a waiver, the Administrator shall submit to*  
15 *the Subcommittees on Energy and Water Development of*  
16 *the Committees on Appropriations of the House of Rep-*  
17 *resentatives and the Senate a report notifying the sub-*  
18 *committees of the waiver and setting forth the reasons for*  
19 *the waiver.*

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

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

1           (2) provide enhanced severance payments or  
2           other benefits for employees of the Department of En-  
3           ergy, under section 3161 of the National Defense Au-  
4           thorization Act for Fiscal Year 1993 (Public Law  
5           102-484; 106 Stat. 2644; 42 U.S.C. 7274h).

6           SEC. 304. None of the funds appropriated by this Act  
7           may be used to prepare or initiate Requests For Proposals  
8           (RFPs) for a program if the program has not been funded  
9           by Congress.

10           (TRANSFERS OF UNEXPENDED BALANCES)

11          SEC. 305. The unexpended balances of prior appro-  
12          priations provided for activities in this Act may be trans-  
13          ferred to appropriation accounts for such activities estab-  
14          lished pursuant to this title. Balances so transferred may  
15          be merged with funds in the applicable established accounts  
16          and thereafter may be accounted for as one fund for the  
17          same time period as originally enacted.

18          SEC. 306. Notwithstanding 41 U.S.C. 254c(a), the Sec-  
19          retary of Energy may use funds appropriated by this Act  
20          to enter into or continue multi-year contracts for the acqui-  
21          sition of property or services under the head, “Energy Sup-  
22          ply” without obligating the estimated costs associated with  
23          any necessary cancellation or termination of the contract.  
24          The Secretary of Energy may pay costs of termination or  
25          cancellation from—

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

3           (2) appropriations currently available for pro-  
4           curement of the type of property or services concerned,  
5           and not otherwise obligated; or

6           (3) funds appropriated for those payments.

7           SEC. 307. Of the funds in this Act provided to govern-  
8           ment-owned, contractor-operated laboratories, up to 8 per-  
9           cent shall be available to be used for Laboratory Directed  
10          Research and Development: Provided, That the funds in the  
11          Environmental Management programs of the Department  
12          of Energy are available for Laboratory Directed Research  
13          and Development.

14          SEC. 308. (a) Of the funds appropriated by this title  
15          to the Department of Energy, not more than \$200,000,000  
16          shall be available for reimbursement of management and  
17          operating contractor travel expenses.

18          (b) Funds appropriated by this title to the Department  
19          of Energy may be used to reimburse a Department of En-  
20          ergy management and operating contractor for travel costs  
21          of its employees under the contract only to the extent that  
22          the contractor applies to its employees the same rates and  
23          amounts as those that apply to Federal employees under  
24          subchapter I of chapter 57 of title 5, United States Code,  
25          or rates and amounts established by the Secretary of En-

1 *ergy. The Secretary of Energy may provide exceptions to*  
2 *the reimbursement requirements of this section as the Sec-*  
3 *retary considers appropriate.*

4 *(c) The limitation in subsection (a) shall not apply*  
5 *to reimbursement of management and operating contractor*  
6 *travel expenses within the Laboratory Directed Research*  
7 *and Development program.*

8 *SEC. 309. (a) None of the funds for the National Nu-*  
9 *clear Security Administration in this Act or any future En-*  
10 *ergy and Water Development Appropriations Act may be*  
11 *expended after December 31 of each year under a covered*  
12 *contract unless the funds are expended in accordance with*  
13 *a Laboratory Funding Plan for Nuclear Security that has*  
14 *been approved by the Administrator of the National Nuclear*  
15 *Security Administration as part of the overall Laboratory*  
16 *Funding Plan required by section 310(a) of Public Law*  
17 *106–60. At the beginning of each fiscal year, the Adminis-*  
18 *trator shall issue directions to laboratories under a covered*  
19 *contract for the programs, projects, and activities of the Na-*  
20 *tional Nuclear Security Administration to be conducted at*  
21 *such laboratories in that fiscal year. The Administrator and*  
22 *the laboratories under a covered contract shall devise a Lab-*  
23 *oratory Funding Plan for Nuclear Security that identifies*  
24 *the resources needed to carry out these programs, projects,*  
25 *and activities. Funds shall be released to the Laboratories*

1 *only after the Secretary has approved the overall Labora-*  
2 *tory Funding Plan containing the Laboratory Funding*  
3 *Plan for Nuclear Security. The Secretary shall consult with*  
4 *the Administrator on the overall Laboratory Funding Plans*  
5 *for Los Alamos National Laboratory, Lawrence Livermore*  
6 *National Laboratory, and Sandia National Laboratories*  
7 *prior to approving them. The Administrator may provide*  
8 *exceptions to requirements pertaining to a Laboratory*  
9 *Funding Plan for Nuclear Security as the Administrator*  
10 *considers appropriate.*

11 *(b) For purposes of this section, “covered contract”*  
12 *means a contract for the management and operation of the*  
13 *following laboratories: Argonne National Laboratory,*  
14 *Brookhaven National Laboratory, Idaho National Engi-*  
15 *neering and Environmental Laboratory, Lawrence Berkeley*  
16 *National Laboratory, Lawrence Livermore National Lab-*  
17 *oratory, Los Alamos National Laboratory, Oak Ridge Na-*  
18 *tional Laboratory, Pacific Northwest National Laboratory,*  
19 *and Sandia National Laboratories.*

20 *SEC. 310. None of the funds provided in this Act may*  
21 *be used to establish or maintain independent centers at a*  
22 *Department of Energy laboratory or facility unless such*  
23 *funds have been specifically identified in the budget submis-*  
24 *sion.*

1       *SEC. 311. None of the funds made available in this*  
2       *or any other Act may be used to restart the High Flux*  
3       *Beam Reactor.*

4       *SEC. 312. None of the funds in this Act may be used*  
5       *to dispose of transuranic waste in the Waste Isolation Pilot*  
6       *Plant which contains concentrations of plutonium in excess*  
7       *of 20 percent by weight for the aggregate of any material*  
8       *category on the date of the enactment of this Act, or is gen-*  
9       *erated after such date.*

10       *SEC. 313. TERM OF OFFICE OF PERSON FIRST AP-*  
11       *POINTED AS UNDER SECRETARY FOR NUCLEAR SECURITY*  
12       *OF THE DEPARTMENT OF ENERGY. (a) LENGTH OF*  
13       *TERM.—The term of office as Under Secretary for Nuclear*  
14       *Security of the Department of Energy of the first person*  
15       *appointed to that position shall be three years.*

16       *(b) EXCLUSIVE REASONS FOR REMOVAL.—The exclu-*  
17       *sive reasons for removal from office as Under Secretary for*  
18       *Nuclear Security of the person described in subsection (a)*  
19       *shall be inefficiency, neglect of duty, or malfeasance in of-*  
20       *fice.*

21       *(c) POSITION DESCRIBED.—The position of Under*  
22       *Secretary for Nuclear Security of the Department of Energy*  
23       *referred to in this section is the position established by sub-*  
24       *section (c) of section 202 of the Department of Energy Orga-*  
25       *nization Act (42 U.S.C. 7132), as added by section 3202*

1 *of the National Nuclear Security Administration Act (title*  
 2 *XXXII of Public Law 106–65; 113 Stat. 954)).*

3       *SEC. 314. SCOPE OF AUTHORITY OF SECRETARY OF*  
 4 *ENERGY TO MODIFY ORGANIZATION OF NATIONAL NU-*  
 5 *CLEAR SECURITY ADMINISTRATION. (a) SCOPE OF AUTHOR-*  
 6 *ITY.—Subtitle A of the National Nuclear Security Adminis-*  
 7 *tration Act (title XXXII of Public Law 106–65; 113 Stat.*  
 8 *957; 50 U.S.C. 2401 et seq.) is amended by adding at the*  
 9 *end the following new section:*

10       **“SEC. 3219. SCOPE OF AUTHORITY OF SECRETARY OF EN-**  
 11                       **ERGY TO MODIFY ORGANIZATION OF ADMIN-**  
 12                       **ISTRATION.**

13       *“Notwithstanding the authority granted by section 643*  
 14 *of the Department of Energy Organization Act (42 U.S.C.*  
 15 *7253) or any other provision of law, the Secretary of En-*  
 16 *ergy may not establish, abolish, alter, consolidate, or dis-*  
 17 *continue any organizational unit or component, or transfer*  
 18 *any function, of the Administration, except as authorized*  
 19 *by subsection (b) or (c) of section 3291.”.*

20       *(b) CONFORMING AMENDMENTS.—Section 643 of the*  
 21 *Department of Energy Organization Act (42 U.S.C. 7253)*  
 22 *is amended—*

23               *(1) by striking “The Secretary” and inserting*  
 24       *“(a) Subject to subsection (b), the Secretary”; and*

1           (2) *by adding at the end the following new sub-*  
 2       *section:*

3       “(b) *The authority of the Secretary to establish, abol-*  
 4       *ish, alter, consolidate, or discontinue any organizational*  
 5       *unit or component of the National Nuclear Security Admin-*  
 6       *istration is governed by the provisions of section 3219 of*  
 7       *the National Nuclear Security Administration Act (title*  
 8       *XXXII of Public Law 106–65).”.*

9       *SEC. 315. PROHIBITION ON PAY OF PERSONNEL EN-*  
 10      *GAGED IN CONCURRENT SERVICE OR DUTIES INSIDE AND*  
 11      *OUTSIDE NATIONAL NUCLEAR SECURITY ADMINISTRATION.*  
 12      *Subtitle C of the National Nuclear Security Administration*  
 13      *Act (title XXXII of Public Law 106–65; 50 U.S.C. 2441*  
 14      *et seq.) is amended by adding at the end the following new*  
 15      *section:*

16      **“SEC. 3245. PROHIBITION ON PAY OF PERSONNEL ENGAGED**  
 17                           **IN CONCURRENT SERVICE OR DUTIES INSIDE**  
 18                           **AND OUTSIDE ADMINISTRATION.**

19       “(a) *Except as otherwise expressly provided by statute,*  
 20       *no funds authorized to be appropriated or otherwise made*  
 21       *available for the Department of Energy may be obligated*  
 22       *or utilized to pay the basic pay of an officer or employee*  
 23       *of the Department of Energy who—*

1           “(1) serves concurrently in a position in the Ad-  
2           ministration and a position outside the Administra-  
3           tion; or

4           “(2) performs concurrently the duties of a posi-  
5           tion in the Administration and the duties of a posi-  
6           tion outside the Administration.”

7           “(b) The provision of this section shall take effect 60  
8           days after the date of enactment of this section.”.

9           SEC. 316. *The Administrator of the National Nuclear*  
10          *Security Administration may authorize the plant manager*  
11          *of a covered nuclear weapons production plant to engage*  
12          *in research, development, and demonstration activities with*  
13          *respect to the engineering and manufacturing capabilities*  
14          *at such plant in order to maintain and enhance such capa-*  
15          *bilities at such plant: Provided, That of the amount allo-*  
16          *cated to a covered nuclear weapons production plant each*  
17          *fiscal year from amounts available to the Department of*  
18          *Energy for such fiscal year for national security programs,*  
19          *not more than an amount equal to 2 percent of such amount*  
20          *may be used for these activities: Provided further, That for*  
21          *purposes of this section, the term “covered nuclear weapons*  
22          *production plant” means the following:*

23                 (1) *The Kansas City Plant, Kansas City, Mis-*  
24                 *souri.*

25                 (2) *The Y-12 Plant, Oak Ridge, Tennessee.*

1           (3) *The Pantex Plant, Amarillo, Texas.*

2           *SEC. 317. LIMITING THE INCLUSION OF COSTS OF*  
 3 *PROTECTION OF, MITIGATION OF DAMAGE TO, AND EN-*  
 4 *HANCEMENT OF FISH AND WILDLIFE, WITHIN RATES*  
 5 *CHARGED BY THE BONNEVILLE POWER ADMINISTRATION,*  
 6 *TO THE RATE PERIOD IN WHICH THE COSTS ARE IN-*  
 7 *CURRED. Section 7 of the Pacific Northwest Electric Power*  
 8 *Planning and Conservation Act (16 U.S.C. 839e) is amend-*  
 9 *ed by adding at the end the following:*

10           “(n) *LIMITING THE INCLUSION OF COSTS OF PROTEC-*  
 11 *TION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT*  
 12 *OF FISH AND WILDLIFE, WITHIN RATES CHARGED BY THE*  
 13 *BONNEVILLE POWER ADMINISTRATION, TO THE RATE PE-*  
 14 *RIOD IN WHICH THE COSTS ARE INCURRED.—Notwith-*  
 15 *standing any other provision of this section, rates estab-*  
 16 *lished by the Administrator, under this section shall recover*  
 17 *costs for protection, mitigation and enhancement of fish and*  
 18 *wildlife, whether under the Pacific Northwest Electric*  
 19 *Power Planning and Conservation Act or any other Act,*  
 20 *not to exceed such amounts the Administrator forecasts will*  
 21 *be expended during the fiscal year 2002–2006 rate period,*  
 22 *while preserving the Administrator’s ability to establish ap-*  
 23 *propriate reserves and maintain a high Treasury payment*  
 24 *probability for the subsequent rate period.”.*

1        *SEC. 318. Notwithstanding any other law, and without*  
 2 *fiscal year limitation, each Federal Power Marketing Ad-*  
 3 *ministration is authorized to engage in activities and so-*  
 4 *licit, undertake and review studies and proposals relating*  
 5 *to the formation and operation of a regional transmission*  
 6 *organization.*

7        *SEC. 319. (a) LIMITATION ON TOTAL COST OF CON-*  
 8 *STRUCTION OF NATIONAL IGNITION FACILITY.—Notwith-*  
 9 *standing any other provision of law, the total amount that*  
 10 *may be expended for purposes of construction of the Na-*  
 11 *tional Ignition Facility, including conceptual and con-*  
 12 *struction design associated with the Facility, may not ex-*  
 13 *ceed \$74,100,000.*

14        *(b) INDEPENDENT REVIEW OF NATIONAL IGNITION FA-*  
 15 *CILITY.—(1) The Administrator of the National Nuclear Se-*  
 16 *curity Administration shall provide for an independent re-*  
 17 *view of the National Ignition Facility and the Inertial Con-*  
 18 *finement Fusion Program. The review shall be conducted*  
 19 *by the National Academy of Sciences.*

20        *(2) The review under paragraph (1) shall address the*  
 21 *following:*

22            *(A) Whether or not the National Ignition Facil-*  
 23 *ity is required in order to maintain the safety and*  
 24 *reliability of the current nuclear weapons stockpile.*

1           (B) *Whether or not alternatives to the National*  
2           *Ignition Facility could achieve the objective of main-*  
3           *taining the safety and reliability of the current nu-*  
4           *clear weapons stockpile.*

5           (C) *Any current technical problems with the Na-*  
6           *tional Ignition Facility, including the effects of such*  
7           *problems on the cost, schedule, or likely success of the*  
8           *National Ignition Facility project.*

9           (D) *The likely cost of the construction of the Na-*  
10          *tional Ignition facility, including any conceptual and*  
11          *construction design and manufacture associated with*  
12          *construction of the Facility.*

13          (E) *The potential effects of cost overruns in the*  
14          *construction of the National Ignition Facility on the*  
15          *stockpile stewardship program.*

16          (F) *The cost and advisability of scaling back the*  
17          *number of proposed beamlines at the National Igni-*  
18          *tion Facility.*

19          (3) *Not later than September 1, 2001, the Adminis-*  
20          *trator shall submit to Congress a report on the review con-*  
21          *ducted under this subsection. The report shall include the*  
22          *results of the review and such comments and recommenda-*  
23          *tions regarding the results of the review as the Adminis-*  
24          *trator considers appropriate.*

1        *SEC. 320. (a) FINDING.—Congress finds that the De-*  
 2        *partment of Energy is seeking innovative technologies for*  
 3        *the demilitarization of weapons components and the treat-*  
 4        *ment of mixed waste resulting from the demilitarization of*  
 5        *such components.*

6        *(b) EVALUATION OF ADAMS PROCESS.—The Secretary*  
 7        *of Energy shall conduct an evaluation of the so-called*  
 8        *“Adams process” currently being tested by the Department*  
 9        *of Energy at its Diagnostic Instrumentation and Analysis*  
 10       *Laboratory using funds of the Department of Defense.*

11       *(c) REPORT.—Not later than September 30, 2001, the*  
 12       *Secretary of Energy shall submit to Congress a report on*  
 13       *the evaluation conducted under subsection (b).*

14       *SEC. 321. REPORT ON NATIONAL ENERGY POLICY. (a)*  
 15       *FINDINGS.—Congress finds that—*

16                *(1) since July 1999—*

17                        *(A) diesel prices have increased nearly 40*  
 18                *percent;*

19                        *(B) liquid petroleum prices have increased*  
 20                *approximately 55 percent; and*

21                        *(C) gasoline prices have increased approxi-*  
 22                *mately 50 percent;*

23                *(2)(A) natural gas is the heating fuel for most*  
 24        *homes and commercial buildings; and*

1           (B) the price of natural gas increased 7.8 percent  
2           during June 2000 and has doubled since 1999;

3           (3) strong demand for gasoline and diesel fuel  
4           has resulted in inventories of home heating oil that  
5           are down 39 percent from a year ago;

6           (4) rising oil and natural gas prices are a sig-  
7           nificant factor in the 0.6 percent increase in the Con-  
8           sumer Price Index for June 2000 and the 3.7 percent  
9           increase over the past 12 months;

10          (5) demand for diesel fuel, liquid petroleum, and  
11          gasoline has continued to increase while supplies have  
12          decreased;

13          (6) the current energy crisis facing the United  
14          States has had and will continue to have a detri-  
15          mental impact on the economy;

16          (7) the price of energy greatly affects the input  
17          costs of farmers, truckers, and small businesses; and

18          (8) on July 21, 2000, in testimony before the  
19          Committee on Agriculture, Nutrition, and Forestry of  
20          the Senate, the Secretary of Energy stated that the  
21          Administration had developed and was in the process  
22          of finalizing a plan to address potential home heating  
23          oil and natural gas shortages.

24          (b) REPORT.—Not later than September 30, 2000, the  
25          Secretary of Energy shall submit to Congress a report de-

1 *tailing the Department of Energy's plan to address the high*  
2 *cost of home heating oil and natural gas.*

3 *SEC. 322. (a) FINDINGS.—The Senate makes the fol-*  
4 *lowing findings:*

5 *(1) The closure or downsizing of a Department*  
6 *of Energy facility can have serious economic impacts*  
7 *on communities that have been built around and in*  
8 *support of the facility.*

9 *(2) To mitigate the devastating impacts of the*  
10 *closure of Department of Energy facilities on sur-*  
11 *rounding communities, section 3161 of the National*  
12 *Defense Authorization Act for Fiscal Year 1993 (42*  
13 *U.S.C. 7274h) provides a mechanism for the provi-*  
14 *sion of financial assistance to such communities for*  
15 *redevelopment and to assist employees of such facili-*  
16 *ties in transferring to other employment.*

17 *(3) Limitations on the capacity of the Depart-*  
18 *ment of Energy to seek reprogramming of funds for*  
19 *worker and community assistance programs in re-*  
20 *sponse to the closure or downsizing of Department fa-*  
21 *cilities undermines the capability of the Department*  
22 *to respond appropriately to unforeseen contingencies.*

23 *(b) SENSE OF SENATE.—It is the sense of the Senate*  
24 *that, in agreeing to the conference report to accompany the*  
25 *bill H.R. 4733 of the 106th Congress, the conferees on the*

1 *part of the Senate should not recede to provisions or lan-*  
 2 *guage proposed by the House of Representatives that would*  
 3 *limit the capacity of the Department of Energy to augment*  
 4 *funds available for worker and community assistance*  
 5 *grants under section 3161 of the National Defense Author-*  
 6 *ization for Fiscal Year 1993 or under the provisions of the*  
 7 *USEC Privatization Act (subchapter A of chapter 1 of title*  
 8 *III of Public Law 104–134; 42 U.S.C. 2297h et seq.).*

9       *SEC. 323. REPORT ON IMPACTS OF A STATE-IMPOSED*  
 10 *LIMIT ON THE QUANTITY OF SPENT NUCLEAR FUEL THAT*  
 11 *MAY BE STORED ONSITE. (a) SECRETARY OF ENERGY.—*  
 12 *Not later than 90 days after the date of enactment of this*  
 13 *Act, the Secretary of Energy shall submit to Congress a re-*  
 14 *port containing a description of all alternatives that are*  
 15 *available to the Northern States Power Company and the*  
 16 *Federal Government to allow the Company to continue to*  
 17 *operate the Prairie Island Nuclear Generating Plant until*  
 18 *the end of the term of the license issued to the Company*  
 19 *by the Nuclear Regulatory Commission, in view of a law*  
 20 *of the State of Minnesota that limits the quantity of spent*  
 21 *nuclear fuel that may be stored at the Plant, assuming that*  
 22 *existing Federal and State laws remain unchanged.*

23       *SEC. 324. LIMITATION ON USE OF FUNDS TO PRO-*  
 24 *MOTE OR ADVERTISE PUBLIC TOURS. (a) IN GENERAL.—*  
 25 *Notwithstanding any other provision of law, no funds made*

1 *available under this title shall be used to promote or adver-*  
 2 *tise any public tour of the Yucca Mountain facility of the*  
 3 *Department of Energy.*

4 (b) *APPLICABILITY.*—Subsection (a) does not apply to  
 5 a public notice that is required by statute or regulation.

## 6 TITLE IV

### 7 INDEPENDENT AGENCIES

#### 8 APPALACHIAN REGIONAL COMMISSION

9 *For expenses necessary to carry out the programs au-*  
 10 *thorized by the Appalachian Regional Development Act of*  
 11 *1965, as amended, for necessary expenses for the Federal*  
 12 *Co-Chairman and the alternate on the Appalachian Re-*  
 13 *gional Commission, for payment of the Federal share of the*  
 14 *administrative expenses of the Commission, including serv-*  
 15 *ices as authorized by 5 U.S.C. 3109, and hire of passenger*  
 16 *motor vehicles, \$66,400,000, to remain available until ex-*  
 17 *pended.*

#### 18 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

##### 19 SALARIES AND EXPENSES

20 *For necessary expenses of the Defense Nuclear Facili-*  
 21 *ties Safety Board in carrying out activities authorized by*  
 22 *the Atomic Energy Act of 1954, as amended by Public Law*  
 23 *100–456, section 1441, \$18,500,000, to remain available*  
 24 *until expended.*

1 *DELTA REGIONAL AUTHORITY*

2 *SALARIES AND EXPENSES*

3 *For necessary expenses to establish the Delta Regional*  
4 *Authority and to carry out its activities, \$20,000,000, to*  
5 *remain available until expended, subject to enactment of*  
6 *authorization by law.*

7 *DENALI COMMISSION*

8 *For expenses of the Denali Commission including the*  
9 *purchase, construction and acquisition of plant and capital*  
10 *equipment as necessary and other expenses, \$30,000,000, to*  
11 *remain available until expended.*

12 *NUCLEAR REGULATORY COMMISSION*

13 *SALARIES AND EXPENSES*

14 *For necessary expenses of the Commission in carrying*  
15 *out the purposes of the Energy Reorganization Act of 1974,*  
16 *as amended, and the Atomic Energy Act of 1954, as amend-*  
17 *ed, including official representation expenses (not to exceed*  
18 *\$15,000), \$481,900,000, to remain available until expended:*  
19 *Provided, That of the amount appropriated herein,*  
20 *\$21,600,000 shall be derived from the Nuclear Waste Fund:*  
21 *Provided further, That revenues from licensing fees, inspec-*  
22 *tion services, and other services and collections estimated*  
23 *at \$457,100,000 in fiscal year 2001 shall be retained and*  
24 *used for necessary salaries and expenses in this account,*  
25 *notwithstanding 31 U.S.C. 3302, and shall remain avail-*

1 *able until expended: Provided further, That \$3,200,000 of*  
2 *the funds herein appropriated for regulatory reviews and*  
3 *assistance to other Federal agencies and States shall be ex-*  
4 *cluded from license fee revenues, notwithstanding 42 U.S.C.*  
5 *2214: Provided further, That the sum herein appropriated*  
6 *shall be reduced by the amount of revenues received during*  
7 *fiscal year 2001 so as to result in a final fiscal year 2001*  
8 *appropriation estimated at not more than \$24,800,000.*

9 *OFFICE OF INSPECTOR GENERAL*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For necessary expenses of the Office of Inspector Gen-*  
12 *eral in carrying out the provisions of the Inspector General*  
13 *Act of 1978, as amended, \$5,500,000, to remain available*  
14 *until expended: Provided, That revenues from licensing fees,*  
15 *inspection services, and other services and collections esti-*  
16 *mated at \$5,500,000 in fiscal year 2001 shall be retained*  
17 *and be available until expended, for necessary salaries and*  
18 *expenses in this account: Provided further, That the sum*  
19 *herein appropriated shall be reduced by the amount of reve-*  
20 *nues received during fiscal year 2001 so as to result in a*  
21 *final fiscal year 2001 appropriation estimated at not more*  
22 *than \$0.*

1            *NUCLEAR WASTE TECHNICAL REVIEW BOARD*

2                            *SALARIES AND EXPENSES*

3                            *(INCLUDING TRANSFER OF FUNDS)*

4            *For necessary expenses of the Nuclear Waste Technical*  
5 *Review Board, as authorized by Public Law 100–203, sec-*  
6 *tion 5051, \$3,000,000, to be derived from the Nuclear Waste*  
7 *Fund, and to remain available until expended.*

8            *GENERAL PROVISIONS—INDEPENDENT*

9                            *AGENCIES*

10          *SEC. 401. PRESIDENTIAL ENERGY COMMISSION. (a)*

11 *FINDINGS.—Congress finds that—*

12                    *(1) crude oil and natural gas account for two-*  
13 *thirds of America’s energy consumption;*

14                    *(2) in May 2000, United States natural gas*  
15 *stocks totaled 1,450 billion cubic feet, 36 percent below*  
16 *the normal natural gas inventory of 2,281 billion*  
17 *cubic feet;*

18                    *(3) in July 2000, United States crude oil inven-*  
19 *tories totaled 298,000,000 barrels, 11 percent below*  
20 *the 24-year average of 334,000,000 barrels;*

21                    *(4) in June 2000, distillate fuel (heating oil and*  
22 *diesel fuel) inventories totaled 103,700,000 barrels, 26*  
23 *percent below the 24-year average of 140,000,000 bar-*  
24 *rels;*

25                    *(5) combined shortages in inventories of natural*  
26 *gas, crude oil, and distillate stocks, coupled with*

1 *steady or increased demand, could cause supply and*  
 2 *price shocks that would likely have a severe impact on*  
 3 *consumers and the economy; and*

4 *(6) energy supply is a critical national security*  
 5 *issue.*

6 *(b) PRESIDENTIAL ENERGY COMMISSION.—*

7 *(1) ESTABLISHMENT.—*

8 *(A) IN GENERAL.—The President shall es-*  
 9 *tablish, from among a group of not fewer than*  
 10 *30 persons recommended jointly by the Speaker*  
 11 *and Minority Leader of the House of Representa-*  
 12 *tives and the Majority Leader and Minority*  
 13 *Leader of the Senate, a Presidential Energy*  
 14 *Commission (referred to in this section as the*  
 15 *“Commission”), which shall consist of between*  
 16 *15 and 21 representatives from among the fol-*  
 17 *lowing categories:*

18 *(i) Oil and natural gas producing*  
 19 *States.*

20 *(ii) States with no oil or natural gas*  
 21 *production.*

22 *(iii) Oil and natural gas industries.*

23 *(iv) Consumer groups focused on en-*  
 24 *ergy issues.*

25 *(v) Environmental groups.*

1                   (vi) *Experts and analysts familiar*  
2                   *with the supply and demand characteristics*  
3                   *of all energy sectors.*

4                   (vii) *The Energy Information Admin-*  
5                   *istration.*

6                   (B) *TIMING.*—*The appointments of the*  
7                   *members of the Commission shall be made not*  
8                   *later than 30 days after the date of enactment of*  
9                   *this Act.*

10                  (C) *PERIOD OF APPOINTMENT.*—*Members*  
11                  *shall be appointed for the life of the Commission.*  
12                  *Any vacancy in the Commission shall not affect*  
13                  *its powers, but shall be filled in the same man-*  
14                  *ner as the original appointment.*

15                  (D) *CHAIRPERSON.*—*The members of the*  
16                  *Commission shall appoint 1 of the members to*  
17                  *serve as Chairperson of the Commission.*

18                  (E) *INITIAL MEETING.*—*Not later than 30*  
19                  *days after the date on which all members of the*  
20                  *Commission have been appointed, the Commis-*  
21                  *sion shall hold its first meeting.*

22                  (F) *MEETINGS.*—*The Commission shall*  
23                  *meet at the call of the Chairperson.*

24                  (2) *DUTIES.*—

25                  (A) *IN GENERAL.*—*The Commission shall—*

1                   *(i) conduct a study, focusing primarily*  
2                   *on the oil and natural gas industries, of—*

3                   *(I) the status of inventories of*  
4                   *natural gas, crude oil, and distillate*  
5                   *fuel in the United States, including*  
6                   *trends and projections for those inven-*  
7                   *tories;*

8                   *(II) the causes for and con-*  
9                   *sequences of energy supply disruptions*  
10                  *and energy product shortages nation-*  
11                  *wide and in particular regions;*

12                  *(III) ways in which the United*  
13                  *States can become less dependent on*  
14                  *foreign oil supplies;*

15                  *(IV) ways in which the United*  
16                  *States can better manage and utilize*  
17                  *its domestic energy resources;*

18                  *(V) ways in which alternative en-*  
19                  *ergy supplies can be used to reduce de-*  
20                  *mand on traditional energy sectors;*

21                  *(VI) ways in which the United*  
22                  *States can reduce energy consumption;*

23                  *(VII) the status of, problems with,*  
24                  *and ways to improve—*

1                   (aa) transportation and de-  
2                   livery systems of energy resources  
3                   to locations throughout the United  
4                   States;

5                   (bb) refinery capacity and  
6                   utilization in the United States;  
7                   and

8                   (cc) natural gas, crude oil,  
9                   distillate fuel, and other energy-  
10                  related petroleum product storage  
11                  in the United States; and

12               (VIII) any other energy-related  
13               topic that the Commission considers  
14               pertinent; and

15               (ii) not later than 180 days after the  
16               date of enactment of this Act, submit to the  
17               President and Congress a report that  
18               contains—

19                   (I) a detailed statement of the  
20                   findings and conclusions of the Com-  
21                   mission; and

22                   (II) the recommendations of the  
23                   Commission for such legislation and  
24                   administrative actions as the Commis-  
25                   sion considers appropriate.

7       (c) *USE OF FUNDS.*—The Secretary of Energy shall  
8   use \$500,000 of funds appropriated to the Department of  
9   Energy to fund the Commission.

10 (d) *TERMINATION OF COMMISSION.*—*The Commission*  
11 *shall terminate on the date that is 90 days after the date*  
12 *on which the Commission submits its report under sub-*  
13 *section (b)(2)(A)(ii).*

15 *FISCAL YEAR 2000 SUPPLEMENTAL*  
16 *APPROPRIATIONS*  
17 *DEPARTMENT OF ENERGY*  
18 *ATOMIC ENERGY DEFENSE ACTIVITIES*  
19 *CERRO GRANDE FIRE ACTIVITIES*

20        *For necessary expenses for fiscal year 2000 to reme-*  
21 *diate damaged Department of Energy facilities and for*  
22 *other expenses associated with the Cerro Grande fire,*  
23 *\$203,460,000, to remain available until expended and to*  
24 *become available upon enactment, of which \$2,000,000 shall*  
25 *be made available to the United States Army Corps of Engi-*

1 *neers to undertake immediate measures to provide erosion*  
 2 *control and sediment protection to sewage lines, trails, and*  
 3 *bridges in Pueblo and Los Alamos Canyons downstream of*  
 4 *Diamond Drive in New Mexico: Provided, That the entire*  
 5 *amount shall be available only to the extent an official*  
 6 *budget request for \$204,000,000, that includes designation*  
 7 *of the entire amount of the request as an emergency require-*  
 8 *ment as defined in the Balanced Budget and Emergency*  
 9 *Deficit Control Act of 1985, as amended, is transmitted by*  
 10 *the President to the Congress: Provided further, That the*  
 11 *entire amount is designated by the Congress as an emer-*  
 12 *gency requirement pursuant to section 251(b)(2)(A) of the*  
 13 *Balanced Budget and Emergency Deficit Control Act of*  
 14 *1985, as amended.*

## 15 *TITLE VI*

### 16 *RESCISSION*

#### 17 *DEPARTMENT OF ENERGY*

#### 18 *DEFENSE NUCLEAR WASTE DISPOSAL*

##### 19 *(RESCISSION)*

20 *Of the funds appropriated in Public Law 104–46 for*  
 21 *interim storage of nuclear waste, \$85,000,000 are trans-*  
 22 *ferred to this heading and are hereby rescinded.*

1

## TITLE VII

2

## GENERAL PROVISIONS

3

SEC. 701. *None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.*

9

SEC. 702. (a) *PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.*

14

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

20

(c) *PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to*

23

24

25

1 *the United States that is not made in the United States,*  
2 *the person shall be ineligible to receive any contract or sub-*  
3 *contract made with funds made available in this Act, pur-*  
4 *suant to the debarment, suspension, and ineligibility proce-*  
5 *dures described in sections 9.400 through 9.409 of title 48,*  
6 *Code of Federal Regulations.*

7       *SEC. 703. (a) None of the funds appropriated or other-*  
8 *wise made available by this Act may be used to determine*  
9 *the final point of discharge for the interceptor drain for*  
10 *the San Luis Unit until development by the Secretary of*  
11 *the Interior and the State of California of a plan, which*  
12 *shall conform to the water quality standards of the State*  
13 *of California as approved by the Administrator of the Envi-*  
14 *ronmental Protection Agency, to minimize any detrimental*  
15 *effect of the San Luis drainage waters.*

16       *(b) The costs of the Kesterson Reservoir Cleanup Pro-*  
17 *gram and the costs of the San Joaquin Valley Drainage*  
18 *Program shall be classified by the Secretary of the Interior*  
19 *as reimbursable or nonreimbursable and collected until fully*  
20 *repaid pursuant to the “Cleanup Program—Alternative*  
21 *Repayment Plan” and the “SJVDP—Alternative Repay-*  
22 *ment Plan” described in the report entitled “Repayment*  
23 *Report, Kesterson Reservoir Cleanup Program and San*  
24 *Joaquin Valley Drainage Program, February 1995”, pre-*  
25 *pared by the Department of the Interior, Bureau of Rec-*

1 *lamation. Any future obligations of funds by the United*  
2 *States relating to, or providing for, drainage service or*  
3 *drainage studies for the San Luis Unit shall be fully reim-*  
4 *bursable by San Luis Unit beneficiaries of such service or*  
5 *studies pursuant to Federal Reclamation law.*

6 *SEC. 704. Section 6101(a)(3) of the Omnibus Budget*  
7 *Reconciliation Act of 1990, as amended (42 U.S.C.*  
8 *2214(a)(3)) and Public Law 106–60 (113 Stat. 501), is fur-*  
9 *ther amended by striking “September 30, 2000” and insert-*  
10 *ing “September 30, 2001”.*

11 *SEC. 705. None of the funds appropriated by this Act*  
12 *shall be used to propose or issue rules, regulations, decrees,*  
13 *or orders for the purpose of implementation, or in prepara-*  
14 *tion for implementation, of the Kyoto Protocol which was*  
15 *adopted on December 11, 1997, in Kyoto, Japan at the*  
16 *Third Conference of the Parties to the United Nations*  
17 *Framework Convention on Climate Change, which has not*  
18 *been submitted to the Senate for advice and consent to rati-*  
19 *fication pursuant to article II, section 2, clause 2, of the*  
20 *United States Constitution, and which has not entered into*  
21 *force pursuant to article 25 of the Protocol.*

22 *SEC. 706. (a) Sections 5105, 5106 and 5109 of Divi-*  
23 *sion B of an Act making appropriations for military con-*  
24 *struction, family housing, and base realignment and closure*  
25 *for the Department of Defense for the fiscal year ending*

1 *September 30, 2001, and for other purposes (Public Law*  
2 *106–246), are repealed.*

3 *(b) Subsection (a) shall take effect on the date of enact-*  
4 *ment of this Act.*

5 *SEC. 707. SALE OF MINERAL RIGHTS BY THE TEN-*  
6 *NESSEE VALLEY AUTHORITY. The Tennessee Valley Author-*  
7 *ity shall not proceed with the proposed sale of approxi-*  
8 *mately 40,000 acres of mineral rights in land within the*  
9 *Daniel Boone National Forest, Kentucky, until after the*  
10 *Tennessee Valley Authority completes an environmental im-*  
11 *pact statement under the National Environmental Policy*  
12 *Act of 1969 (42 U.S.C. 4321 et seq.).*

13 *SEC. 708. REPORT TO CONGRESS ON ELECTRICITY*  
14 *PRICES. (a) FINDINGS.—Congress finds that—*

15 *(1) California is currently experiencing an en-*  
16 *ergy crisis;*

17 *(2) rolling power outages are a serious possi-*  
18 *bility;*

19 *(3) wholesale electricity prices have soared, re-*  
20 *sulting in electrical bills that have increased as much*  
21 *as 300 percent in the San Diego area;*

22 *(4) small business owners and people on small or*  
23 *fixed incomes, especially senior citizens, are particu-*  
24 *larly suffering;*

1           (5) *the crisis is so severe that the County of San*  
 2           *Diego recently declared a financial state of emer-*  
 3           *gency; and*

4           (6) *the staff of the Federal Energy Regulatory*  
 5           *Commission (referred to in this section as the “Com-*  
 6           *mission”)* *is currently investigating the crisis and is*  
 7           *compiling a report to be presented to the Commission*  
 8           *not later than November 1, 2000.*

9           (b) *REPORT.—*

10           (1) *IN GENERAL.—The Commission shall—*

11                   (A) *continue the investigation into the cause*  
 12                   *of the summer price spike described in subsection*  
 13                   *(a); and*

14                   (B) *not later than December 1, 2000, sub-*  
 15                   *mit to Congress a report on the results of the in-*  
 16                   *vestigation.*

17           (2) *CONTENTS.—The report shall include—*

18                   (A) *data obtained from a hearing held by*  
 19                   *the Commission in San Diego;*

20                   (B) *identification of the causes of the San*  
 21                   *Diego price increases;*

22                   (C) *a determination whether California*  
 23                   *wholesale electricity markets are competitive;*

24                   (D) *a recommendation whether a regional*  
 25                   *price cap should be set in the Western States;*

1                   (E) a determination whether manipulation  
 2                   of prices has occurred at the wholesale level; and  
 3                   (F) a determination of the remedies, includ-  
 4                   ing legislation or regulations, that are necessary  
 5                   to correct the problem and prevent similar inci-  
 6                   dents in California or anywhere else in the  
 7                   United States.

8           SEC. 709. FUNDING OF THE COASTAL WETLANDS  
 9 PLANNING, PROTECTION AND RESTORATION ACT. Section  
 10 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), is  
 11 amended in the second sentence by striking “2000” and in-  
 12 serting “2009”.

13           SEC. 710. REDESIGNATION OF INTERSTATE SANITA-  
 14 TION COMMISSION AND DISTRICT. (a) INTERSTATE SANITA-  
 15 TION COMMISSION.—

16                   (1) IN GENERAL.—The district known as the  
 17                   “Interstate Sanitation Commission”, established by  
 18                   article III of the Tri-State Compact described in the  
 19                   Resolution entitled, “A Joint Resolution granting the  
 20                   consent of Congress to the States of New York, New  
 21                   Jersey, and Connecticut to enter into a compact for  
 22                   the creation of the Interstate Sanitation District and  
 23                   the establishment of the Interstate Sanitation Com-  
 24                   mission”, approved August 27, 1935 (49 Stat. 933),

1       is redesignated as the “Interstate Environmental  
2       Commission”.

3               (2) *REFERENCES*.—Any reference in a law, regu-  
4       lation, map, document, paper, or other record of the  
5       United States to the Interstate Sanitation Commis-  
6       sion shall be deemed to be a reference to the Interstate  
7       Environmental Commission.

8       (b) *INTERSTATE SANITATION DISTRICT*.—

9               (1) *IN GENERAL*.—The district known as the  
10       “Interstate Sanitation District”, established by article  
11       II of the Tri-State Compact described in the Resolu-  
12       tion entitled, “A Joint Resolution granting the con-  
13       sent of Congress to the States of New York, New Jer-  
14       sey, and Connecticut to enter into a compact for the  
15       creation of the Interstate Sanitation District and the  
16       establishment of the Interstate Sanitation Commis-  
17       sion”, approved August 27, 1935 (49 Stat. 932), is re-  
18       designated as the “Interstate Environmental Dis-  
19       trict”.

20               (2) *REFERENCES*.—Any reference in a law, regu-  
21       lation, map, document, paper, or other record of the  
22       United States to the Interstate Sanitation District  
23       shall be deemed to be a reference to the Interstate En-  
24       vironmental District.

1 *TITLE VIII*  
2 *DEPARTMENT OF THE TREASURY*  
3 *BUREAU OF THE PUBLIC DEBT*  
4 *SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 2001*  
5 *GIFTS TO THE UNITED STATES FOR REDUCTION OF THE*  
6 *PUBLIC DEBT*

7 *For deposit of an additional amount for fiscal year*  
8 *2001 into the account established under section 3113(d) of*  
9 *title 31, United States Code, to reduce the public debt,*  
10 *\$5,000,000,000.*

11 ***TITLE IX—NUCLEAR***  
12 ***REGULATORY COMMISSION***  
13 ***Subtitle A—Funding***  
14 ***SEC. 901. NUCLEAR REGULATORY COMMISSION ANNUAL***  
15 ***CHARGES.***

16 *Section 6101 of the Omnibus Budget Reconciliation*  
17 *Act of 1990 (42 U.S.C. 2214) is amended—*

18 *(1) in subsection (a)(3), by striking “September*  
19 *30, 1999” and inserting “September 20, 2005”; and*  
20 *(2) in subsection (c)—*

21 *(A) in paragraph (1), by inserting “or cer-*  
22 *tificate holder” after “licensee”; and*

23 *(B) by striking paragraph (2) and inserting*  
24 *the following:*

25 *“(2) AGGREGATE AMOUNT OF CHARGES.—*

1           “(A) *IN GENERAL.*—*The aggregate amount*  
 2           *of the annual charges collected from all licensees*  
 3           *and certificate holders in a fiscal year shall*  
 4           *equal an amount that approximates the percent-*  
 5           *ages of the budget authority of the Commission*  
 6           *for the fiscal year stated in subparagraph (B),*  
 7           *less—*

8                     “(i) *amounts collected under subsection*  
 9                     *(b) during the fiscal year; and*

10                    “(ii) *amounts appropriated to the*  
 11                    *Commission from the Nuclear Waste Fund*  
 12                    *for the fiscal year.*

13           “(B) *PERCENTAGES.*—*The percentages re-*  
 14           *ferred to in subparagraph (A) are—*

15                     “(i) *98 percent for fiscal year 2002;*

16                     “(ii) *96 percent for fiscal year 2003;*

17                     “(iii) *94 percent for fiscal year 2004;*

18                     “(iv) *92 percent for fiscal year 2005;*

19                     *and*

20                     “(v) *88 percent for fiscal year 2006.”.*

21 **SEC. 902. NUCLEAR REGULATORY COMMISSION AUTHORITY**  
 22 **OVER FORMER LICENSEES FOR DECOMMISS-**  
 23 **SIONING FUNDING.**

24           *Section 161i. of the Atomic Energy Act of 1954 (42*  
 25 *U.S.C. 2201(i)) is amended—*

1           (1) by striking “and (3)” and inserting “(3)”;

2           and

3           (2) by inserting before the semicolon at the end  
4           the following: “, and (4) to ensure that sufficient  
5           funds will be available for the decommissioning of  
6           any production or utilization facility licensed under  
7           section 103 or 104b., including standards and restric-  
8           tions governing the control, maintenance, use, and  
9           disbursement by any former licensee under this Act  
10          that has control over any fund for the decommis-  
11          sioning of the facility”.

12 **SEC. 903. COST RECOVERY FROM GOVERNMENT AGENCIES.**

13          Section 161w. of the Atomic Energy Act of 1954 (42  
14          U.S.C. 2201(w)) is amended—

15               (1) by striking “, or which operates any facility  
16               regulated or certified under section 1701 or 1702,”;

17               (2) by striking “483a” and inserting “9701”;  
18               and

19               (3) by inserting before the period at the end the  
20               following: “, and, commencing October 1, 2000, pre-  
21               scribe and collect from any other Government agency  
22               any fee, charge, or price that the Commission may re-  
23               quire in accordance with section 9701 of title 31,  
24               United States Code, or any other law”.

## 1        ***Subtitle B—Other Provisions***

### 2    ***SEC. 911. OFFICE LOCATION.***

3        *Section 23 of the Atomic Energy Act of 1954 (42*  
 4    *U.S.C. 2033) is amended by striking “; however, the Com-*  
 5    *mission shall maintain an office for the service of process*  
 6    *and papers within the District of Columbia”.*

### 7    ***SEC. 912. LICENSE PERIOD.***

8        *Section 103c. of the Atomic Energy Act of 1954 (42*  
 9    *U.S.C. 2133(c)) is amended—*

10            *(1) by striking “c. Each such” and inserting the*  
 11    *following:*

12            *“c. LICENSE PERIOD.—*

13                    *“(1) IN GENERAL.—Each such”; and*

14                    *(2) by adding at the end the following:*

15                    *“(2) COMBINED LICENSES.—In the case of a*  
 16    *combined construction and operating license issued*  
 17    *under section 185(b), the initial duration of the li-*  
 18    *cence may not exceed 40 years from the date on which*  
 19    *the Commission finds, before operation of the facility,*  
 20    *that the acceptance criteria required by section 185(b)*  
 21    *are met.”.*

### 22   ***SEC. 913. ELIMINATION OF NRC ANTITRUST REVIEWS.***

23        *Section 105 of the Atomic Energy Act of 1954 (42*  
 24    *U.S.C. 2135) is amended by adding at the end the following:*

1       “(d) *APPLICABILITY.*—Subsection (c) shall not apply  
 2 to an application for a license to construct or operate a  
 3 utilization facility under section 103 or 104(b) that is pend-  
 4 ing on or that is filed on or after the date of enactment  
 5 of this subsection.”.

6 **SEC. 914. GIFT ACCEPTANCE AUTHORITY.**

7       (a) *IN GENERAL.*—Section 161g. of the Atomic Energy  
 8 Act of 1954 (42 U.S.C. 2201(g)) is amended—

9               (1) by inserting “(1)” after “(g)”;

10              (2) by striking “this Act;” and inserting “this  
 11 Act; or”; and

12              (3) by adding at the end the following:

13               “(2) accept, hold, utilize, and administer gifts of  
 14 real and personal property (not including money) for  
 15 the purpose of aiding or facilitating the work of the  
 16 Nuclear Regulatory Commission.”.

17       (b) *CRITERIA FOR ACCEPTANCE OF GIFTS.*—

18              (1) *IN GENERAL.*—Chapter 14 of title I of the  
 19 Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.)  
 20 is amended by adding at the end the following:

21 **“SEC. 170C. CRITERIA FOR ACCEPTANCE OF GIFTS.**

22       “(a) *IN GENERAL.*—The Commission shall establish  
 23 written criteria for determining whether to accept gifts  
 24 under section 161g.(2).

1       “(b) *CONSIDERATIONS.*—*The criteria under subsection*  
 2 *(a) shall take into consideration whether the acceptance of*  
 3 *the gift would compromise the integrity of, or the appear-*  
 4 *ance of the integrity of, the Commission or any officer or*  
 5 *employee of the Commission.*”.

6               (2) *CONFORMING AND TECHNICAL AMEND-*  
 7 *MENTS.*—*The table of contents of chapter 14 of title*  
 8 *I of the Atomic Energy Act of 1954 (42 U.S.C. prec.*  
 9 *2011) is amended by adding at the end the following:*  
*“Sec. 170C. Criteria for acceptance of gifts.”.*

10 **SEC. 915. CARRYING OF FIREARMS BY LICENSEE EMPLOY-**  
 11 **EES.**

12       (a) *IN GENERAL.*—*Chapter 14 of title I of the Atomic*  
 13 *Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended*  
 14 *by section 914(b)(1)) is amended—*

15               (1) *in section 161, by striking subsection k. and*  
 16 *inserting the following:*

17       “(k) *authorize to carry a firearm in the performance*  
 18 *of official duties such of its members, officers, and employ-*  
 19 *ees, such of the employees of its contractors and subcontract-*  
 20 *tors (at any tier) engaged in the protection of property*  
 21 *under the jurisdiction of the United States located at facili-*  
 22 *ties owned by or contracted to the United States or being*  
 23 *transported to or from such facilities, and such of the em-*  
 24 *ployees of persons licensed or certified by the Commission*  
 25 *(including employees of contractors of licensees or certificate*

1 holders) engaged in the protection of facilities owned or op-  
 2 erated by a Commission licensee or certificate holder that  
 3 are designated by the Commission or in the protection of  
 4 property of significance to the common defense and security  
 5 located at facilities owned or operated by a Commission li-  
 6 censee or certificate holder or being transported to or from  
 7 such facilities, as the Commission considers necessary in the  
 8 interest of the common defense and security;” and

9 (2) by adding at the end the following:

10 **“SEC. 170D. CARRYING OF FIREARMS.**

11 “(a) *AUTHORITY TO MAKE ARREST.*—

12 “(1) *IN GENERAL.*—A person authorized under  
 13 section 161k. to carry a firearm may, while in the  
 14 performance of, and in connection with, official du-  
 15 ties, arrest an individual without a warrant for any  
 16 offense against the United States committed in the  
 17 presence of the person or for any felony under the  
 18 laws of the United States if the person has a reason-  
 19 able ground to believe that the individual has com-  
 20 mitted or is committing such a felony.

21 “(2) *LIMITATION.*—An employee of a contractor  
 22 or subcontractor or of a Commission licensee or cer-  
 23 tificate holder (or a contractor of a licensee or certifi-  
 24 cate holder) authorized to make an arrest under para-  
 25 graph (1) may make an arrest only—

1           “(A) *when the individual is within, or is in*  
2           *flight directly from, the area in which the offense*  
3           *was committed; and*

4           “(B) *in the enforcement of—*

5                 “(i) *a law regarding the property of*  
6                 *the United States in the custody of the De-*  
7                 *partment of Energy, the Nuclear Regulatory*  
8                 *Commission, or a contractor of the Depart-*  
9                 *ment of Energy or Nuclear Regulatory*  
10                *Commission or a licensee or certificate hold-*  
11                *er of the Commission;*

12               “(ii) *a law applicable to facilities*  
13               *owned or operated by a Commission licensee*  
14               *or certificate holder that are designated by*  
15               *the Commission under section 161k.;*

16               “(iii) *a law applicable to property of*  
17               *significance to the common defense and se-*  
18               *curity that is in the custody of a licensee or*  
19               *certificate holder or a contractor of a li-*  
20                *cencee or certificate holder of the Commis-*  
21                *sion; or*

22               “(iv) *any provision of this Act that*  
23               *subjects an offender to a fine, imprison-*  
24                *ment, or both.*

1           “(3) *OTHER AUTHORITY.*—*The arrest authority*  
 2           *conferred by this section is in addition to any arrest*  
 3           *authority under other law.*

4           “(4) *GUIDELINES.*—*The Secretary and the Com-*  
 5           *mission, with the approval of the Attorney General,*  
 6           *shall issue guidelines to implement section 161k. and*  
 7           *this subsection.”.*

8           (b) *CONFORMING AND TECHNICAL AMENDMENTS.*—  
 9           *The table of contents of chapter 14 of title I of the Atomic*  
 10          *Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended*  
 11          *by section 914(b)(2)) is amended by adding at the end the*  
 12          *following:*

*“Sec. 170D. Carrying of firearms.”.*

13       **SEC. 916. UNAUTHORIZED INTRODUCTION OF DANGEROUS**  
 14                               **WEAPONS.**

15          *Section 229a. of the Atomic Energy Act of 1954 (42*  
 16          *U.S.C. 2278a(a)) is amended in the first sentence by insert-*  
 17          *ing “or subject to the licensing authority of the Commission*  
 18          *or to certification by the Commission under this Act or any*  
 19          *other Act” before the period at the end.*

20       **SEC. 917. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.**

21          *Section 236a. of the Atomic Energy Act of 1954 (42*  
 22          *U.S.C. 2284(a)) is amended—*

23               (1) *in paragraph (2), by striking “storage facil-*  
 24               *ity” and inserting “storage, treatment, or disposal fa-*  
 25               *cility”;*

1           (2) *in paragraph (3)—*

2                   (A) *by striking “such a utilization facility”*  
3           *and inserting “a utilization facility licensed*  
4           *under this Act”; and*

5                   (B) *by striking “or” at the end;*

6           (3) *in paragraph (4)—*

7                   (A) *by striking “facility licensed” and in-*  
8           *serting “or nuclear fuel fabrication facility li-*  
9           *censed or certified”; and*

10                  (B) *by striking the period at the end and*  
11           *inserting “; or”; and*

12           (4) *by adding at the end the following:*

13                   “(5) *any production, utilization, waste storage,*  
14           *waste treatment, waste disposal, uranium enrichment,*  
15           *or nuclear fuel fabrication facility subject to licensing*  
16           *or certification under this Act during construction of*  
17           *the facility, if the person knows or reasonably should*  
18           *know that there is a significant possibility that the*  
19           *destruction or damage caused or attempted to be*  
20           *caused could adversely affect public health and safety*  
21           *during the operation of the facility.”.*

1        *This Act may be cited as the “Energy and Water De-*  
2 *velopment Appropriations Act, 2001”.*

Attest:

*Secretary.*

106TH CONGRESS  
2D SESSION

**H. R. 4733**

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**AMENDMENT**

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