

106TH CONGRESS
2D SESSION

H. R. 4733

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 2000

Ordered to be printed with the amendments of the Senate numbered

AN ACT

Making appropriations for energy and water development
for the fiscal year ending September 30, 2001, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 ~~*(1) That the following sums are appropriated, out of any*~~
4 ~~*money in the Treasury not otherwise appropriated, for the*~~
5 ~~*fiscal year ending September 30, 2001, for energy and*~~
6 ~~*water development, and for other purposes, namely:*~~

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

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

11 GENERAL INVESTIGATIONS

12 For expenses necessary for the collection and study
13 of basic information pertaining to river and harbor, flood
14 control, shore protection, and related projects, restudy of
15 authorized projects, miscellaneous investigations, and,
16 when authorized by laws, surveys and detailed studies and
17 plans and specifications of projects prior to construction,
18 \$153,327,000, to remain available until expended: *Pro-*
19 *vided*, That in conducting the Southwest Valley Flood
20 Damage Reduction, Albuquerque, New Mexico, study, the
21 Secretary of the Army, acting through the Chief of Engi-
22 neers, shall include an evaluation of flood damage reduc-
23 tion measures that would otherwise be excluded from fea-
24 sibility analysis based on restrictive policies regarding the

1 frequency of flooding, the drainage area, and the amount
 2 of runoff.

3 ~~CONSTRUCTION, GENERAL~~

4 For the prosecution of river and harbor, flood control,
 5 shore protection, and related projects authorized by laws;
 6 and detailed studies, and plans and specifications, of
 7 projects (including those for development with participa-
 8 tion or under consideration for participation by States,
 9 local governments, or private groups) authorized or made
 10 eligible for selection by law (but such studies shall not con-
 11 stitute a commitment of the Government to construction),
 12 \$1,378,430,000, to remain available until expended, of
 13 which such sums as are necessary for the Federal share
 14 of construction costs for facilities under the Dredged Ma-
 15 terial Disposal Facilities program shall be derived from
 16 the Harbor Maintenance Trust Fund, as authorized by
 17 Public Law 104-303; and of which such sums as are nec-
 18 essary pursuant to Public Law 99-662 shall be derived
 19 from the Inland Waterways Trust Fund, for one-half of
 20 the costs of construction and rehabilitation of inland wa-
 21 terways projects, including rehabilitation costs for the
 22 Lock and Dam 12, Mississippi River, Iowa; Lock and Dam
 23 24, Mississippi River, Illinois and Missouri; Lock and
 24 Dam 3, Mississippi River, Minnesota; and London Locks
 25 and Dam, and Kanawha River, West Virginia, projects;

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

3 San Timoteo Creek (Santa Ana River Mainstem),
4 California, \$5,000,000;

5 Indianapolis Central Waterfront, Indiana,
6 \$7,000,000;

7 Southern and Eastern Kentucky, Kentucky,
8 \$4,000,000; and

9 Clover Fork, Middlesboro, Town of Martin, Pike
10 County (including Levisa Fork and Tug Fork Tribu-
11 taries), Bell County, Martin County, and Harlan County,
12 Kentucky, elements of the Levisa and Tug Forks of the
13 Big Sandy River and Upper Cumberland River, Kentucky,
14 \$19,000,000: *Provided*, That the Secretary of the Army,
15 acting through the Chief of Engineers, is directed to pro-
16 ceed with planning, engineering, design and construction
17 of the Town of Martin, Kentucky, element, in accordance
18 with Plan A as set forth in the preliminary draft Detailed
19 Project Report, Appendix T of the General Plan of the
20 Huntington District Commander: *Provided further*, That
21 using \$900,000 of the funds appropriated herein, the Sec-
22 retary of the Army, acting through the Chief of Engineers,
23 is directed to undertake the Bowie County Levee project,
24 which is defined as Alternative B Local Sponsor Option,
25 in the Corps of Engineers document entitled Bowie Coun-

1 ty Local Flood Protection, Red River, Texas, Project De-
 2 sign Memorandum No. 1, Bowie County Levee, dated
 3 April 1997.

4 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES;
 5 ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MIS-
 6 SSISSIPPI, MISSOURI, AND TENNESSEE

7 For expenses necessary for prosecuting work of flood
 8 control, and rescue work, repair, restoration, or mainte-
 9 nance of flood control projects threatened or destroyed by
 10 flood, as authorized by law (~~33~~ U.S.C. 702a and 702g-
 11 1), \$323,350,000, to remain available until expended.

12 OPERATION AND MAINTENANCE, GENERAL

13 For expenses necessary for the preservation, oper-
 14 ation, maintenance, and care of existing river and harbor,
 15 flood control, and related works, including such sums as
 16 may be necessary for the maintenance of harbor channels
 17 provided by a State, municipality or other public agency,
 18 outside of harbor lines, and serving essential needs of gen-
 19 eral commerce and navigation; surveys and charting of
 20 northern and northwestern lakes and connecting waters;
 21 clearing and straightening channels; and removal of ob-
 22 structions to navigation, \$1,854,000,000, to remain avail-
 23 able until expended, of which such sums as become avail-
 24 able in the Harbor Maintenance Trust Fund, pursuant to
 25 Public Law 99-662, may be derived from that Fund, and

1 of which such sums as become available from the special
2 account established by the Land and Water Conservation
3 Act of 1965, as amended (16 U.S.C. 4601), may be derived
4 from that account for construction, operation, and mainte-
5 nance of outdoor recreation facilities.

6 REGULATORY PROGRAM

7 For expenses necessary for administration of laws
8 pertaining to regulation of navigable waters and wetlands,
9 \$125,000,000, to remain available until expended: *Pro-*
10 *vided*, That the Secretary of the Army, acting through the
11 Chief of Engineers, is directed to use funds appropriated
12 herein to: (1) by March 1, 2001, supplement the report,
13 Cost Analysis For the 1999 Proposal to Issue and Modify
14 Nationwide Permits, to reflect the Nationwide Permits ac-
15 tually issued on March 9, 2000, including changes in the
16 acreage limits, preconstruction notification requirements
17 and general conditions between the rule proposed on July
18 21, 1999, and the rule promulgated and published in the
19 Federal Register; (2) after consideration of the cost anal-
20 ysis for the 1999 proposal to issue and modify nationwide
21 permits and the supplement prepared pursuant to this Act
22 and by September 30, 2001, prepare, submit to Congress
23 and publish in the Federal Register a Permit Processing
24 Management Plan by which the Corps of Engineers will
25 handle the additional work associated with all projected

1 increases in the number of individual permit applications
2 and preconstruction notifications related to the new and
3 replacement permits and general conditions. The Permit
4 Processing Management Plan shall include specific objec-
5 tive goals and criteria by which the Corps of Engineers'
6 progress towards reducing any permit backlog can be
7 measured; (3) beginning on December 31, 2001, and on
8 a biannual basis thereafter, report to Congress and pub-
9 lish in the Federal Register, an analysis of the perform-
10 ance of its program as measured against the criteria set
11 out in the Permit Processing Management Plan; (4) im-
12 plement a 1-year pilot program to publish quarterly on
13 the U.S. Army Corps of Engineer's Regulatory Program
14 website all Regulatory Analysis and Management Systems
15 (RAMS) data for the South Pacific Division and North
16 Atlantic Division beginning within 30 days of the enact-
17 ment of this Act; and (5) publish in Division Office
18 websites all findings, rulings, and decisions rendered
19 under the administrative appeals process for the Corps of
20 Engineers Regulatory Program as established in Public
21 Law 106-60: *Provided further*, That, through the period
22 ending on September 30, 2003, the Corps of Engineers
23 shall allow any appellant to keep a verbatim record of the
24 proceedings of the appeals conference under the aforemen-
25 tioned administrative appeals process: *Provided further*,

1 That within 30 days of the enactment of this Act, the Sec-
2 retary of the Army, acting through the Chief of Engineers,
3 shall require all U.S. Army Corps of Engineers Divisions
4 and Districts to record the date on which a Section 404
5 individual permit application or nationwide permit notifi-
6 cation is filed with the Corps of Engineers: *Provided fur-*
7 *ther*, That the Corps of Engineers, when reporting permit
8 processing times, shall track both the date a permit appli-
9 cation is first received and the date the application is con-
10 sidered complete, as well as the reason that the application
11 is not considered complete upon first submission.

12 FORMERLY UTILIZED SITES REMEDIAL ACTION

13 PROGRAM

14 For expenses necessary to clean up contamination
15 from sites throughout the United States resulting from
16 work performed as part of the Nation's early atomic en-
17 ergy program, \$140,000,000, to remain available until ex-
18 pended.

19 GENERAL EXPENSES

20 For expenses necessary for general administration
21 and related functions in the Office of the Chief of Engi-
22 neers and offices of the Division Engineers; activities of
23 the Coastal Engineering Research Board, the Humphreys
24 Engineer Center Support Activity, the Water Resources
25 Support Center, and headquarters support functions at

1 the USACE Finance Center, \$149,500,000, to remain
 2 available until expended: *Provided*, That no part of any
 3 other appropriation provided in title I of this Act shall
 4 be available to fund the activities of the Office of the Chief
 5 of Engineers or the executive direction and management
 6 activities of the division offices: *Provided further*, That
 7 none of these funds shall be available to support an office
 8 of congressional affairs within the executive office of the
 9 Chief of Engineers.

10 REVOLVING FUND

11 Amounts in the Revolving Fund are available for the
 12 costs of relocating the U.S. Army Corps of Engineers
 13 headquarters to office space in the General Accounting Of-
 14 fice headquarters building in Washington, D.C.

15 ADMINISTRATIVE PROVISIONS

16 Appropriations in this title shall be available for offi-
 17 cial reception and representation expenses (not to exceed
 18 \$5,000); and during the current fiscal year the Revolving
 19 Fund, Corps of Engineers, shall be available for purchase
 20 (not to exceed 100 for replacement only) and hire of pas-
 21 senger motor vehicles.

22 GENERAL PROVISIONS

23 CORPS OF ENGINEERS—CIVIL

24 SEC. 101. 16 U.S.C. 777e(a) is amended in the sec-
 25 ond sentence by striking “2000” and inserting “2001”.

1 ~~SEC. 102.~~ (a) The Secretary of the Army shall enter
2 into an agreement with the City of Grand Prairie, Texas,
3 wherein the City agrees to assume all of the responsibil-
4 ities of the Trinity River Authority of Texas under Con-
5 tract No. ~~DACW63-76-C-0166~~, other than financial re-
6 sponsibilities, except as provided for in subsection (c) of
7 this section. The Trinity River Authority shall be relieved
8 of all of its financial responsibilities under the Contract
9 as of the date the Secretary of the Army enters into the
10 agreement with the City.

11 (b) In consideration of the agreement referred to in
12 subsection (a), the City shall pay the Federal Government
13 a total of \$4,290,000 in two installments, one in the
14 amount of \$2,150,000, which shall be due and payable no
15 later than December 1, 2000, and one in the amount of
16 \$2,140,000, which shall be due and payable no later than
17 December 1, 2003.

18 (c) The agreement executed pursuant to subsection
19 (a) shall include a provision requiring the City to assume
20 all costs associated with operation and maintenance of the
21 recreation facilities included in the Contract referred to
22 in that subsection.

1 TITLE II
2 DEPARTMENT OF THE INTERIOR
3 CENTRAL UTAH PROJECT

4 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

5 For carrying out activities authorized by the Central
6 Utah Project Completion Act, \$38,724,000, to remain
7 available until expended, of which \$19,158,000 shall be
8 deposited into the Utah Reclamation Mitigation and Con-
9 servation Account: *Provided*, That of the amounts depos-
10 ited into that account, \$5,000,000 shall be considered the
11 Federal contribution authorized by paragraph 402(b)(2)
12 of the Central Utah Project Completion Act and
13 \$14,158,000 shall be available to the Utah Reclamation
14 Mitigation and Conservation Commission to carry out ac-
15 tivities authorized under that Act.

16 In addition, for necessary expenses incurred in car-
17 rying out related responsibilities of the Secretary of the
18 Interior, \$1,216,000, to remain available until expended.

19 BUREAU OF RECLAMATION

20 The following appropriations shall be expended to
21 execute authorized functions of the Bureau of Reclama-
22 tion:

23 WATER AND RELATED RESOURCES
24 (INCLUDING TRANSFER OF FUNDS)

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

1 ties, including the operation, maintenance and rehabilita-
2 tion of reclamation and other facilities, participation in
3 fulfilling related Federal responsibilities to Native Ameri-
4 cans, and related grants to, and cooperative and other
5 agreements with, State and local governments, Indian
6 tribes, and others, \$635,777,000, to remain available until
7 expended, of which \$1,916,000 shall be available for trans-
8 fer to the Upper Colorado River Basin Fund and
9 \$39,467,000 shall be available for transfer to the Lower
10 Colorado River Basin Development Fund; of which such
11 amounts as may be necessary may be advanced to the Col-
12 orado River Dam Fund; and of which not to exceed
13 \$200,000 is for financial assistance for the preparation
14 of cooperative drought contingency plans under title II of
15 Public Law 102-250: *Provided*, That such transfers may
16 be increased or decreased within the overall appropriation
17 under this heading: *Provided further*, That of the total ap-
18 propriated, the amount for program activities that can be
19 financed by the Reclamation Fund or the Bureau of Rec-
20 lamation special fee account established by 16 U.S.C.
21 4601-6a(i) shall be derived from that Fund or account:
22 *Provided further*, That funds contributed under 43 U.S.C.
23 395 are available until expended for the purposes for
24 which contributed: *Provided further*, That funds advanced
25 under 43 U.S.C. 397a shall be credited to this account

1 and are available until expended for the same purposes
 2 as the sums appropriated under this heading: *Provided*
 3 *further*, That funds available for expenditure for the De-
 4 partmental Irrigation Drainage Program may be expended
 5 by the Bureau of Reclamation for site remediation on a
 6 non-reimbursable basis: *Provided further*, That section
 7 301 of Public Law 102-250, Reclamation States Emer-
 8 gency Drought Relief Act of 1991, as amended, is amend-
 9 ed further by inserting “2000, and 2001” in lieu of “and
 10 2000”: *Provided further*, That the amount authorized for
 11 Minidoka Project North Side Pumping Division, Idaho, by
 12 section 5 of Public Law 81-864, is increased by
 13 \$2,805,000: *Provided further*, That none of the funds ap-
 14 propriated in this Act may be used by the Bureau of Rec-
 15 lamation for closure of the Auburn Dam, California, diver-
 16 sion tunnel or restoration of the American River channel
 17 through the Auburn Dam construction site.

18 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

19 For the cost of direct loans and/or grants,
 20 \$8,944,000, to remain available until expended, as author-
 21 ized by the Small Reclamation Projects Act of August 6,
 22 1956, as amended (43 U.S.C. 422a-422i): *Provided*, That
 23 such costs, including the cost of modifying such loans,
 24 shall be as defined in section 502 of the Congressional
 25 Budget Act of 1974, as amended: *Provided further*, That
 26 these funds are available to subsidize gross obligations for

1 the principal amount of direct loans not to exceed
2 \$27,000,000.

3 In addition, for administrative expenses necessary to
4 carry out the program for direct loans and/or grants,
5 \$425,000, to remain available until expended: *Provided*,
6 That of the total sums appropriated, the amount of pro-
7 gram activities that can be financed by the Reclamation
8 Fund shall be derived from that Fund.

9 CENTRAL VALLEY PROJECT RESTORATION FUND

10 For carrying out the programs, projects, plans, and
11 habitat restoration, improvement, and acquisition provi-
12 sions of the Central Valley Project Improvement Act,
13 \$38,382,000, to be derived from such sums as may be col-
14 lected in the Central Valley Project Restoration Fund pur-
15 suant to sections 3407(d), 3404(e)(3), 3405(f), and
16 3406(e)(1) of Public Law 102-575, to remain available
17 until expended: *Provided*, That the Bureau of Reclamation
18 is directed to assess and collect the full amount of the
19 additional mitigation and restoration payments authorized
20 by section 3407(d) of Public Law 102-575.

21 POLICY AND ADMINISTRATION

22 For necessary expenses of policy, administration, and
23 related functions in the office of the Commissioner, the
24 Denver office, and offices in the five regions of the Bureau
25 of Reclamation, to remain available until expended,
26 \$47,000,000, to be derived from the Reclamation Fund

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

5 ADMINISTRATIVE PROVISION

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

9 GENERAL PROVISIONS

10 DEPARTMENT OF THE INTERIOR

11 ~~SEC. 201.~~ None of the funds appropriated or other-
 12 wise made available by this or any other Act may be used
 13 to pay the salaries and expenses of personnel to purchase
 14 or lease water in the Middle Rio Grande or the Carlsbad
 15 Projects in New Mexico unless said purchase or lease is
 16 in compliance with the purchase requirements of section
 17 ~~202~~ of Public Law 106-60.

18 ~~SEC. 202.~~ The Secretary of the Interior is authorized
 19 to assess and collect annually from Central Valley Project
 20 (CVP) water and power contractors the sum of \$540,000
 21 (June 2000 price levels), and to remit that amount annu-
 22 ally to the Trinity Public Utilities District (TPUD). This
 23 assessment shall be payable 70 percent by CVP Preference
 24 Power Customers and 30 percent by CVP Water Contrac-
 25 tors. The CVP Water Contractor share of this assessment
 26 shall be collected by the Secretary through established Bu-

1 reau of Reclamation (Reclamation) Operation and Mainte-
 2 nance ratesetting practices. The CVP Power Contractor
 3 share of this assessment shall be assessed by Reclamation
 4 to the Western Area Power Administration, Sierra Nevada
 5 Region (Western), and collected by Western through es-
 6 tablished power ratesetting practices. The authorized
 7 amount collected shall be paid annually to the TPUD.

8 TITLE III

9 DEPARTMENT OF ENERGY

10 ENERGY PROGRAMS

11 ENERGY SUPPLY

12 For Department of Energy expenses including the
 13 purchase, construction and acquisition of plant and capital
 14 equipment, and other expenses necessary for energy sup-
 15 ply, and uranium supply and enrichment activities in ear-
 16 rying out the purposes of the Department of Energy Orga-
 17 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
 18 sition or condemnation of any real property or any facility
 19 or for plant or facility acquisition, construction, or expan-
 20 sion; and the purchase of not to exceed 17 passenger
 21 motor vehicles for replacement only, \$576,482,000 (in-
 22 creased by \$40,000,000) to remain available until ex-
 23 pended: *Provided*, That, in addition, royalties received to
 24 compensate the Department of Energy for its participa-
 25 tion in the First-Of-A-Kind-Engineering program shall be

1 credited to this account to be available until September
2 30, 2002, for the purposes of Nuclear Energy, Science and
3 Technology activities.

4 ~~NON-DEFENSE ENVIRONMENTAL MANAGEMENT~~

5 For Department of Energy expenses, including the
6 purchase, construction and acquisition of plant and capital
7 equipment and other expenses necessary for non-defense
8 environmental management activities in carrying out the
9 purposes of the Department of Energy Organization Act
10 (42 U.S.C. 7101 et seq.), including the acquisition or con-
11 demnation of any real property or any facility or for plant
12 or facility acquisition, construction or expansion,
13 \$281,001,000, to remain available until expended.

14 ~~URANIUM FACILITIES MAINTENANCE AND REMEDIATION~~

15 ~~(INCLUDING TRANSFER OF FUNDS)~~

16 For necessary expenses to maintain, decontaminate,
17 decommission, and otherwise remediate uranium proc-
18 essing facilities, \$301,400,000, of which \$260,000,000
19 shall be derived from the Uranium Enrichment Decon-
20 tamination and Decommissioning Fund and of which
21 \$12,000,000 shall be derived by transfer from the United
22 States Enrichment Corporation Fund, all of which shall
23 remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science 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 facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed passenger motor vehicles for replacement only, \$2,830,915,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$213,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: *Provided*, That not to exceed \$2,500,000 may be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended: *Provided further*, That not to exceed \$5,887,000 may be provided to affected units of local governments, as defined in Public Law 97-425, to conduct appropriate activi-

1 ties pursuant to the Act: *Provided further*, That the dis-
2 tribution of the funds as determined by the units of local
3 government shall be approved by the Department of En-
4 ergy: *Provided further*, That the funds for the State of
5 Nevada shall be made available solely to the Nevada Divi-
6 sion of Emergency Management by direct payment and
7 units of local government by direct payment: *Provided fur-*
8 *ther*, That within 90 days of the completion of each Fed-
9 eral fiscal year, the Nevada Division of Emergency Man-
10 agement and the Governor of the State of Nevada and
11 each local entity shall provide certification to the Depart-
12 ment of Energy that all funds expended from such pay-
13 ments have been expended for activities authorized by
14 Public Law 97-425 and this Act. Failure to provide such
15 certification shall cause such entity to be prohibited from
16 any further funding provided for similar activities: *Pro-*
17 *vided further*, That none of the funds herein appropriated
18 may be: (1) used directly or indirectly to influence legisla-
19 tive action on any matter pending before Congress or a
20 State legislature or for lobbying activity as provided in 48
21 U.S.C. 1913; (2) used for litigation expenses; or (3) used
22 to support multi-State efforts or other coalition building
23 activities inconsistent with the restrictions contained in
24 this Act: *Provided further*, That all proceeds and recoveries
25 by the Secretary in carrying out activities authorized by

1 the Nuclear Waste Policy Act of 1982 in Public Law 97-
2 425, as amended, including but not limited to, any pro-
3 ceeds from the sale of assets, shall be available without
4 further appropriation and shall remain available until ex-
5 pended.

6 DEPARTMENTAL ADMINISTRATION

7 For salaries and expenses of the Department of En-
8 ergy necessary for departmental administration in ear-
9 rying out the purposes of the Department of Energy Orga-
10 nization Act (42 U.S.C. 7101 et seq.), including the hire
11 of passenger motor vehicles and official reception and rep-
12 resentation expenses (not to exceed \$35,000),
13 \$153,527,000, to remain available until expended, plus
14 such additional amounts as necessary to cover increases
15 in the estimated amount of cost of work for others not-
16 withstanding the provisions of the Anti-Deficiency Act (31
17 U.S.C. 1511 et seq.): *Provided*, That such increases in
18 cost of work are offset by revenue increases of the same
19 or greater amount, to remain available until expended:
20 *Provided further*, That moneys received by the Department
21 for miscellaneous revenues estimated to total
22 \$111,000,000 in fiscal year 2001 may be retained and
23 used for operating expenses within this account, and may
24 remain available until expended, as authorized by section
25 201 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 \$42,527,000.

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
 9 General Act of 1978, as amended, \$31,500,000, to remain
 10 available until expended, including conducting a study of
 11 the economic basis of recent gasoline price levels.

12 ATOMIC ENERGY DEFENSE ACTIVITIES

13 NATIONAL NUCLEAR SECURITY

14 ADMINISTRATION

15 WEAPONS ACTIVITIES

16 For Department of Energy expenses, including the
 17 purchase, construction and acquisition of plant and capital
 18 equipment and other incidental expenses necessary for
 19 atomic energy defense weapons activities in carrying out
 20 the purposes of the Department of Energy Organization
 21 Act (~~42 U.S.C. 7101 et seq.~~), including the acquisition or
 22 condemnation of any real property or any facility or for
 23 plant or facility acquisition, construction, or expansion;
 24 and the purchase of passenger motor vehicles (not to ex-
 25 ceed ~~12~~ for replacement only), \$4,625,684,000 (reduced

1 by \$46,000,000), to remain available until October 1,
2 2003.

3 ~~DEFENSE NUCLEAR NONPROLIFERATION~~

4 For Department of Energy expenses necessary for
5 atomic energy defense and defense nuclear nonprolifera-
6 tion activities to carry out the Department of Energy Or-
7 ganization Act (42 U.S.C. 7101 et seq.), including acquisi-
8 tion (by purchase, condemnation, construction, or other-
9 wise) of real property, plant and capital equipment, facili-
10 ties, and facility expansion, \$861,477,000, to remain
11 available until October 1, 2003: *Provided*, That not to ex-
12 ceed \$7,000 may be used for official reception and rep-
13 resentation expenses for national security and non-
14 proliferation (including transparency) activities in fiscal
15 year 2001.

16 ~~NAVAL REACTORS~~

17 For Department of Energy expenses necessary for
18 naval reactors activities to carry out the Department of
19 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
20 ing the acquisition (by purchase, condemnation, construc-
21 tion, or otherwise) of real property, plant, and capital
22 equipment, facilities, and facility expansion,
23 \$677,600,000, to remain available until expended.

4 For Department of Energy expenses, including the
5 purchase, construction and acquisition of plant and capital
6 equipment and other expenses necessary for atomic energy
7 defense environmental restoration and waste management
8 activities in carrying out the purposes of the Department
9 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
10 cluding the acquisition or condemnation of any real prop-
11 erty or any facility or for plant or facility acquisition, con-
12 struction, or expansion; and the purchase of 30 passenger
13 motor vehicles for replacement only, \$4,522,707,000, to
14 remain available until expended: *Provided*, That any
15 amounts appropriated under this heading that are used
16 to provide economic assistance under section 15 of the
17 Waste Isolation Pilot Plant Land Withdrawal Act, Public
18 Law 102-579, shall be utilized to the extent necessary to
19 reimburse costs of financial assurances required of a con-
20 tractor by any permit or license of the Waste Isolation
21 Pilot Plant issued by the State of New Mexico.

22 DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accel-
erate the closure of defense environmental management
sites, including the purchase, construction and acquisition

1 of plant and capital equipment and other necessary ex-
2 penses, \$1,082,297,000, to remain available until ex-
3 pended.

4 DEFENSE ENVIRONMENTAL MANAGEMENT

5 PRIVATIZATION

6 For Department of Energy expenses for privatization
7 projects necessary for atomic energy defense environ-
8 mental management activities authorized by the Depart-
9 ment of Energy Organization Act (42 U.S.C. 7101 et
10 seq.), \$259,000,000, to remain available until expended.

11 OTHER DEFENSE ACTIVITIES

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, other defense activities, in carrying out the pur-
16 poses of the Department of Energy Organization Act (42
17 U.S.C. 7101 et seq.), including the acquisition or con-
18 demnation of any real property or any facility or for plant
19 or facility acquisition, construction, or expansion,
20 \$592,235,000, to remain available until expended.

21 DEFENSE NUCLEAR WASTE DISPOSAL

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

~~BONNEVILLE POWER ADMINISTRATION FUND~~

During fiscal year 2001, no new direct loan obligations may be made.

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$3,900,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, amounts collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account

1 as offsetting collections, to remain available until expended
2 for the sole purpose of making purchase power and wheel-
3 ing expenditures as follows: for fiscal year 2001, up to
4 \$34,463,000; for fiscal year 2002, up to \$26,463,000; for
5 fiscal year 2003, up to \$20,000,000; and for fiscal year
6 2004, up to \$15,000,000.

7 OPERATION AND MAINTENANCE, SOUTHWESTERN

8 POWER ADMINISTRATION

9 For necessary expenses of operation and maintenance
10 of power transmission facilities and of marketing electric
11 power and energy, and for construction and acquisition of
12 transmission lines, substations and appurtenant facilities,
13 and for administrative expenses, including official recep-
14 tion and representation expenses in an amount not to ex-
15 ceed \$1,500 in carrying out the provisions of section 5
16 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
17 applied to the southwestern power area, \$28,100,000, to
18 remain available until expended; in addition, notwith-
19 standing the provisions of 31 U.S.C. 3302, not to exceed
20 \$4,200,000 in reimbursements, to remain available until
21 expended: *Provided*, That amounts collected by the South-
22 western Power Administration pursuant to the Flood Con-
23 trol Act to recover purchase power and wheeling expenses
24 shall be credited to this account as offsetting collections,
25 to remain available until expended for the sole purpose

1 of making purchase power and wheeling expenditures as
2 follows: for fiscal year 2001, up to \$288,000; for fiscal
3 year 2002, up to \$288,000; for fiscal year 2003, up to
4 \$288,000; and for fiscal year 2004, up to \$288,000.

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

8 For carrying out the functions authorized by title III,
9 section 302(a)(1)(E) of the Act of August 4, 1977 (42
10 U.S.C. 7152), and other related activities including con-
11 servation and renewable resources programs as author-
12 ized, including official reception and representation ex-
13 penses in an amount not to exceed \$1,500, \$160,930,000,
14 to remain available until expended, of which \$154,616,000
15 shall be derived from the Department of the Interior Rec-
16 lamation Fund: *Provided*, That of the amount herein ap-
17 propriated, \$4,036,000 is for deposit into the Utah Rec-
18 lamation Mitigation and Conservation Account pursuant
19 to title IV of the Reclamation Projects Authorization and
20 Adjustment Act of 1992: *Provided further*, That amounts
21 collected by the Western Area Power Administration pur-
22 suant to the Flood Control Act of 1944 and the Reclama-
23 tion Project Act of 1939 to recover purchase power and
24 wheeling expenses shall be credited to this account as off-
25 setting collections, to remain available until expended for

1 the sole purpose of making purchase power and wheeling
 2 expenditures as follows: for fiscal year 2001, up to
 3 ~~\$35,500,000~~; for fiscal year 2002, up to ~~\$33,500,000~~; for
 4 fiscal year 2003, up to ~~\$30,000,000~~; and for fiscal year
 5 2004, up to ~~\$20,000,000~~.

6 ~~FALCON AND AMISTAD OPERATING AND MAINTENANCE~~
 7 ~~FUND~~

8 For operation, maintenance, and emergency costs for
 9 the hydroelectric facilities at the Falcon and Amistad
 10 Dams, ~~\$2,670,000~~, to remain available until expended,
 11 and to be derived from the Falcon and Amistad Operating
 12 and Maintenance Fund of the Western Area Power Ad-
 13 ministration, as provided in section 423 of the Foreign
 14 Relations Authorization Act, Fiscal Years 1994 and 1995.

15 ~~FEDERAL ENERGY REGULATORY COMMISSION~~
 16 ~~SALARIES AND EXPENSES~~

17 For necessary expenses of the Federal Energy Regu-
 18 latory Commission to carry out the provisions of the De-
 19 partment of Energy Organization Act (42 U.S.C. 7101 et
 20 seq.), including services as authorized by 5 U.S.C. 3109,
 21 the hire of passenger motor vehicles, and official reception
 22 and representation expenses (not to exceed ~~\$3,000~~),
 23 ~~\$175,200,000~~, to remain available until expended: *Pro-*
 24 *vided*, That notwithstanding any other provision of law,
 25 not to exceed ~~\$175,200,000~~ of revenues from fees and an-

1 nual charges, and other services and collections in fiscal
 2 year 2001 shall be retained and used for necessary ex-
 3 penses in this account, and shall remain available until
 4 expended: *Provided further*, That the sum herein appro-
 5 priated from the General Fund shall be reduced as reve-
 6 nues are received during fiscal year 2001 so as to result
 7 in a final fiscal year 2001 appropriation from the General
 8 Fund estimated at not more than \$0.

9 GENERAL PROVISIONS

10 DEPARTMENT OF ENERGY

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

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

1 ~~SEC. 302.~~ (a) None of the funds appropriated by this
2 Act may be used to award, amend, or modify a contract
3 in a manner that deviates from the Federal Acquisition
4 Regulation, unless the Secretary of Energy grants, on a
5 case-by-case basis, a waiver to allow for such a deviation.
6 The Secretary may not delegate the authority to grant
7 such a waiver.

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

16 ~~SEC. 303.~~ None of the funds appropriated by this Act
17 may be used to—

18 (1) develop or implement a workforce restruc-
19 turing plan that covers employees of the Department
20 of Energy; or

21 (2) provide enhanced severance payments or
22 other benefits for employees of the Department of
23 Energy,

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

4 ~~SEC. 304.~~ None of the funds appropriated by this Act
5 may be used to augment the \$24,500,000 made available
6 for obligation by this Act for severance payments and
7 other benefits and community assistance grants under sec-
8 tion ~~3161~~ of the National Defense Authorization Act for
9 Fiscal Year 1993 (Public Law 102—484; 106 Stat. 2644;
10 42 U.S.C. 7274h).

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

15 ~~(TRANSFERS OF UNEXPENDED BALANCES)~~

16 ~~SEC. 306.~~ The unexpended balances of prior appro-
17 priations provided for activities in this Act may be trans-
18 ferred to appropriation accounts for such activities estab-
19 lished pursuant to this title. Balances so transferred may
20 be merged with funds in the applicable established ac-
21 counts and thereafter may be accounted for as one fund
22 for the same time period as originally enacted.

23 ~~SEC. 307.~~ Of the funds in this Act provided to gov-
24 ernment-owned, contractor-operated laboratories, not to
25 exceed 4 percent shall be available to be used for Labora-
26 tory Directed Research and Development.

1 SEC. 308. (a) Of the funds appropriated by this title
2 to the Department of Energy, not more than
3 \$150,000,000 shall be available for reimbursement of
4 management and operating contractor travel expenses.

5 (b) Funds appropriated by this title to the Depart-
6 ment of Energy may be used to reimburse a Department
7 of Energy management and operating contractor for travel
8 costs of its employees under the contract only to the extent
9 that the contractor applies to its employees the same rates
10 and amounts as those that apply to Federal employees
11 under subchapter I of chapter 57 of title 5, United States
12 Code, or rates and amounts established by the Secretary
13 of Energy. The Secretary of Energy may provide excep-
14 tions to the reimbursement requirements of this section
15 as the Secretary considers appropriate.

16 SEC. 309. No funds are provided in this Act or any
17 other Act for the Administrator of the Bonneville Power
18 Administration to enter into any agreement to perform en-
19 ergy efficiency services outside the legally defined Bonne-
20 ville service territory, with the exception of services pro-
21 vided internationally, including services provided on a re-
22 imburseable basis, unless the Administrator certifies that
23 such services are not available from private sector busi-
24 nesses.

1 ~~SEC. 310.~~ None of the funds appropriated in this or
2 any previous Energy and Water Development Appropria-
3 tion Act for payment into the Department of Energy
4 Working Capital Fund may be used to pay salaries and
5 expenses of any employee of the United States Govern-
6 ment.

7 ~~SEC. 311.~~ Not later than 30 days after the date of
8 the enactment of this Act, the Secretary of Energy shall
9 transmit to the Congress a report on activities of the exec-
10 utive branch to address high gasoline prices and to develop
11 an overall national energy strategy.

12 TITLE IV

13 INDEPENDENT AGENCIES

14 APPALACHIAN REGIONAL COMMISSION

15 For expenses necessary to carry out the programs au-
16 thorized by the Appalachian Regional Development Act of
17 1965, as amended, for necessary expenses for the Federal
18 Co-Chairman and the alternate on the Appalachian Re-
19 gional Commission, for payment of the Federal share of
20 the administrative expenses of the Commission, including
21 services as authorized by 5 U.S.C. 3109, and hire of pas-
22 senger motor vehicles, \$63,000,000, to remain available
23 until expended.

4 For necessary expenses of the Defense Nuclear Fa-
5 cilities Safety Board in carrying out activities authorized
6 by the Atomic Energy Act of 1954, as amended by Public
7 Law 100-456, section 1441, \$17,000,000, to remain
8 available until expended.

10 ~~SALARIES AND EXPENSES~~

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1 agencies and States shall be excluded from license fee rev-
 2 enues, notwithstanding 42 U.S.C. 2214: *Provided further*,
 3 That the sum herein appropriated shall be reduced by the
 4 amount of revenues received during fiscal year 2001 so
 5 as to result in a final fiscal year 2001 appropriation esti-
 6 mated at not more than \$24,800,000.

7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector
 9 General in carrying out the provisions of the Inspector
 10 General Act of 1978, as amended, \$5,500,000, to remain
 11 available until expended: *Provided*, That revenues from li-
 12 censing fees, inspection services, and other services and
 13 collections estimated at \$5,500,000 in fiscal year 2001
 14 shall be retained and be available until expended, for nec-
 15 essary salaries and expenses in this account notwith-
 16 standing 31 U.S.C. 3302: *Provided further*, That the sum
 17 herein appropriated shall be reduced by the amount of rev-
 18 enues received during fiscal year 2001 so as to result in
 19 a final fiscal year 2001 appropriation estimated at not
 20 more than \$0.

21 NUCLEAR WASTE TECHNICAL REVIEW BOARD

22 SALARIES AND EXPENSES

23 For necessary expenses of the Nuclear Waste Tech-
 24 nical Review Board, as authorized by Public Law 100-

1 ~~203, section 5051, \$2,700,000, to be derived from the Nu-~~
 2 ~~clear Waste Fund, and to remain available until expended.~~

3 ~~TITLE V—RESCISSIONS~~

4 ~~DEPARTMENT OF ENERGY~~

5 ~~INTERIM STORAGE ACTIVITIES~~

6 ~~(INCLUDING TRANSFER OF FUNDS)~~

7 ~~(RESCISSION)~~

8 ~~Of the funds appropriated in Public Law 104-46 for~~
 9 ~~interim storage of nuclear waste, \$85,000,000 are trans-~~
 10 ~~ferred to this heading: *Provided*, That such amount is~~
 11 ~~hereby rescinded.~~

12 ~~TITLE VI—GENERAL PROVISIONS~~

13 ~~SEC. 601. None of the funds appropriated by this Act~~
 14 ~~may be used in any way, directly or indirectly, to influence~~
 15 ~~congressional action on any legislation or appropriation~~
 16 ~~matters pending before Congress, other than to commu-~~
 17 ~~nicate to Members of Congress as described in section~~
 18 ~~1913 of title 18, United States Code.~~

19 ~~SEC. 602. (a) PURCHASE OF AMERICAN-MADE~~
 20 ~~EQUIPMENT AND PRODUCTS.—It is the sense of the Con-~~
 21 ~~gress that, to the greatest extent practicable, all equip-~~
 22 ~~ment and products purchased with funds made available~~
 23 ~~in this Act should be American-made.~~

24 ~~(b) NOTICE REQUIREMENT.—In providing financial~~
 25 ~~assistance to, or entering into any contract with, any enti-~~
 26 ~~ty using funds made available in this Act, the head of each~~

1 Federal agency, to the greatest extent practicable, shall
2 provide to such entity a notice describing the statement
3 made in subsection (a) by the Congress.

4 (c) PROHIBITION OF CONTRACTS WITH PERSONS
5 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—

6 If it has been finally determined by a court or Federal
7 agency that any person intentionally affixed a label bear-
8 ing a “Made in America” inscription, or any inscription
9 with the same meaning, to any product sold in or shipped
10 to the United States that is not made in the United
11 States, the person shall be ineligible to receive any con-
12 tract or subcontract made with funds made available in
13 this Act, pursuant to the debarment, suspension, and ineli-
14 gibility procedures described in sections 9.400 through
15 9.409 of title 48, Code of Federal Regulations.

16 SEC. 603. (a) None of the funds appropriated or oth-
17 erwise made available by this Act may be used to deter-
18 mine the final point of discharge for the interceptor drain
19 for the San Luis Unit until development by the Secretary
20 of the Interior and the State of California of a plan, which
21 shall conform to the water quality standards of the State
22 of California as approved by the Administrator of the En-
23 vironmental Protection Agency, to minimize any detri-
24 mental effect of the San Luis drainage waters.

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

17 SEC. 604. Section 6101(a)(3) of the Omnibus Budget
18 Reconciliation Act of 1990, as amended (42 U.S.C.
19 2214(a)(3)) is amended by striking “September 30, 2000”
20 and inserting “September 30, 2001”.

21 SEC. 605. None of the funds appropriated by this Act
22 shall be used to propose or issue rules, regulations, de-
23 crees, or orders for the purpose of implementation, or in
24 preparation for implementation, of the Kyoto Protocol
25 which was adopted on December 11, 1997, in Kyoto,

1 Japan at the Third Conference of the Parties to the
 2 United Nations Framework Convention on Climate
 3 Change, which has not been submitted to the Senate for
 4 advice and consent to ratification pursuant to article II,
 5 section 2, clause 2, of the United States Constitution, and
 6 which has not entered into force pursuant to article 25
 7 of the Protocol. The limitation established in this section
 8 shall not apply to any activity otherwise authorized by law.

9 SEC. 606. (a) ENERGY POLICY AND CONSERVATION
 10 ACT AMENDMENTS.—The Energy Policy and Conserva-
 11 tion Act is amended—

12 (1) by amending section 166 (42 U.S.C. 6246)
 13 to read as follows:

14 “AUTHORIZATION OF APPROPRIATIONS

15 “SEC. 166. There are authorized to be appropriated
 16 for fiscal years 2000 through 2003 such sums as may be
 17 necessary to implement this part.”;

18 (2) in section 181 (42 U.S.C. 6251) by striking
 19 “March 31, 2000” both places it appears and insert-
 20 ing “September 30, 2003”; and

21 (3) in section 281 (42 U.S.C. 6285) by striking
 22 “March 31, 2000” both places it appears and insert-
 23 ing “September 30, 2003”.

24 (b) PURCHASE OF OIL FROM MARGINAL WELLS.—

25 (1) PURCHASE OF OIL FROM MARGINAL
 26 WELLS.—Part B of title I of the Energy Policy and

1 Conservation Act (42 U.S.C. 6232 et seq.) is amend-
 2 ed by adding the following new section after section
 3 168:

4 “PURCHASE OF OIL FROM MARGINAL WELLS

5 “SEC. 169. (a) IN GENERAL.—From amounts au-
 6 thorized under section 166, in any case in which the price
 7 of oil decreases to an amount less than \$15.00 per barrel
 8 (an amount equal to the annual average well head price
 9 per barrel for all domestic crude oil), adjusted for infla-
 10 tion, the Secretary may purchase oil from a marginal well
 11 at \$15.00 per barrel, adjusted for inflation.

12 “(b) DEFINITION OF MARGINAL WELL.—The term
 13 “marginal well” means a well that—

14 “(1) has an average daily production of 15 bar-
 15 rels or less;

16 “(2) has an average daily production of 25 bar-
 17 rels or less with produced water accounting for 95
 18 percent or more of total production; or

19 “(3) produces heavy oil with an API gravity
 20 less than 20 degrees.”.

21 (2) CONFORMING AMENDMENT.—The table of
 22 contents for the Energy Policy and Conservation Act
 23 is amended by inserting after the item relating to
 24 section 168 the following:

“Sec. 169. Purchase of oil from marginal wells.”.

25 (c) NORTHEAST HOME HEATING OIL RESERVE.—

1 (1) AMENDMENT.—Title I of the Energy Policy
2 and Conservation Act is amended by—

3 (A) redesignating part D as part E;

4 (B) redesignating section 181 as section
5 191; and

6 (C) inserting after part C the following
7 new part D:

8 “PART D—NORTHEAST HOME HEATING OIL RESERVE
9 “ESTABLISHMENT

10 “SEC. 181. (a) Notwithstanding any other provision
11 of this Act, the Secretary may establish, maintain, and
12 operate in the Northeast a Northeast Home Heating Oil
13 Reserve. A Reserve established under this part is not a
14 component of the Strategic Petroleum Reserve established
15 under part B of this title. A Reserve established under
16 this part shall contain no more than 2 million barrels of
17 petroleum distillate.

18 “(b) For the purposes of this part—

19 “(1) the term ‘Northeast’ means the States of
20 Maine, New Hampshire, Vermont, Massachusetts,
21 Connecticut, Rhode Island, New York, Pennsylvania,
22 and New Jersey; and

23 “(2) the term ‘petroleum distillate’ includes
24 heating oil and diesel fuel.

4 “(1) purchase, contract for, lease, or otherwise
5 acquire, in whole or in part, storage and related fa-
6 cilities, and storage services;

“(3) acquire by purchase, exchange (including exchange of petroleum product from the Strategic Petroleum Reserve or received as royalty from Federal lands); lease, or otherwise, petroleum distillate for storage in the Northeast Home Heating Oil Reserve;

18 “(5) sell, exchange, or otherwise dispose of pe-
19 troleum distillate from the Reserve established under
20 this part; and

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1 distillate in the Reserve or to maintain the oper-
 2 ational capability of the Reserve.

3 ~~“CONDITIONS FOR RELEASE; PLAN~~

4 ~~“SEC. 183. (a) The Secretary may release petroleum~~
 5 distillate from the Reserve under section 182(5) only in
 6 the event of—

7 ~~“(1) a severe energy supply disruption;~~

8 ~~“(2) a severe price increase; or~~

9 ~~“(3) another emergency affecting the North-~~
 10 east,

11 which the President determines to merit a release from
 12 the Reserve.

13 ~~“(b) Within 45 days of the date of the enactment of~~
 14 this section, the Secretary shall transmit to the President
 15 and, if the President approves, to the Congress a plan
 16 describing—

17 ~~“(1) the acquisition of storage and related fa-~~
 18 cilities or storage services for the Reserve;

19 ~~“(2) the acquisition of petroleum distillate for~~
 20 storage in the Reserve;

21 ~~“(3) the anticipated methods of disposition of~~
 22 petroleum distillate from the Reserve; and

23 ~~“(4) the estimated costs of establishment, main-~~
 24 tenance, and operation of the Reserve.

25 The storage of petroleum distillate in a storage facility
 26 that meets existing environmental requirements is not a

1 ‘major Federal action significantly affecting the quality of
 2 the human environment’ as that term is used in section
 3 102(2)(C) of the National Environmental Policy Act of
 4 1969.

5 “NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

6 “SEC. 184. (a) Upon a decision of the Secretary of
 7 Energy to establish a Reserve under this part, the Sec-
 8 retary of the Treasury shall establish in the Treasury of
 9 the United States an account know as the ‘Northeast
 10 Home Heating Oil Reserve Account’ (referred to in this
 11 section as the ‘Account’).

12 “(b) The Secretary of the Treasury shall deposit in
 13 the Account any amounts appropriated to the Account and
 14 any receipts from the sale, exchange, or other disposition
 15 of petroleum distillate from the Reserve.

16 “(c) The Secretary of Energy may obligate amounts
 17 in the Account to carry out activities under this part with-
 18 out the need for further appropriation, and amounts avail-
 19 able to the Secretary of Energy for obligation under this
 20 section shall remain available without fiscal year limita-
 21 tion.

22 “EXEMPTIONS

23 “SEC. 185. An action taken under this part—

24 “(1) is not subject to the rulemaking require-
 25 ments of section 523 of this Act, section 501 of the

1 Department of Energy Organization Act, or section
2 553 of title 5, United States Code; and

3 “(2) is not subject to laws governing the Fed-
4 eral procurement of goods and services, including
5 the Federal Property and Administrative Services
6 Act of 1949 (including the Competition in Con-
7 tracting Act) and the Small Business Act.”

8 (2) AUTHORIZATION OF APPROPRIATIONS.—

9 There are authorized to be appropriated such sums
10 as may be necessary to carry out part D of title I
11 of the Energy Policy and Conservation Act.

12 SEC. 607. None of the funds in this Act may be used
13 to pay the salary of any employee of the Department of
14 Energy at the Los Alamos National Laboratory who has
15 failed to undergo a polygraph examination pursuant to
16 section 3154(c) of Public Law 106–65.

17 SEC. 608. (a) IN GENERAL.—None of the funds
18 made available in this Act may be used to pay any basic
19 pay of an individual who simultaneously holds or carries
20 out the responsibilities of—

21 (1) a position within the National Nuclear Se-
22 curity Administration; and

23 (2) a position within the Department of Energy
24 not within the Administration.

1 (b) ~~EXCEPTIONS FOR ADMINISTRATOR FOR NU-~~
 2 ~~CLEAR SECURITY AND DEPUTY ADMINISTRATOR FOR~~
 3 ~~NAVAL REACTORS.~~—The limitation in subsection (a) shall
 4 not apply to the following cases:

5 (1) The Under Secretary of Energy for Nuclear
 6 Security serving as the Administrator for Nuclear
 7 Security, as provided in section ~~3212(a)(2)~~ of the
 8 National Nuclear Security Administration Act (50
 9 U.S.C. ~~2402(a)(2)~~).

10 (2) The director of the Naval Nuclear Propul-
 11 sion Program provided for under the Naval Nuclear
 12 Propulsion Executive Order serving as the Deputy
 13 Administrator for Naval Reactors, as provided in
 14 section ~~3216(a)(1)~~ of such Act (50 U.S.C.
 15 ~~2406(a)(1)~~).

16 This Act may be cited as the “Energy and Water De-
 17 velopment Appropriations Act, 2001”.

18 *That the following sums are appropriated, out of any*
 19 *money in the Treasury not otherwise appropriated, for the*
 20 *fiscal year ending September 30, 2001, for energy and*
 21 *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.*

1 CONSTRUCTION, GENERAL

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.

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HR 4733 PP

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*

1 (2) striking the phrase “terminates prior to De-
 2 cember 31, 2000”, and inserting in lieu thereof “ter-
 3 minates prior to December 31, 2003”.

4 *TITLE III*

5 *DEPARTMENT OF ENERGY*

6 *ENERGY PROGRAMS*

7 *ENERGY SUPPLY*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For Department of Energy expenses including the pur-
 10 chase, construction and acquisition of plant and capital
 11 equipment, and other expenses necessary for energy supply,
 12 and uranium supply and enrichment activities in carrying
 13 out the purposes of the Department of Energy Organization
 14 Act (42 U.S.C. 7101 et seq.), including the acquisition or
 15 condemnation of any real property or any facility or for
 16 plant or facility acquisition, construction, or expansion;
 17 and the purchase of not to exceed 17 passenger motor vehi-
 18 cles for replacement only, \$691,520,000 to remain available
 19 until September 30, 2002, of which \$12,000,000 shall be de-
 20 rived by transfer from the United States Enrichment Cor-
 21 poration Fund, of which an appropriate amount shall be
 22 available for innovative projects in small rural commu-
 23 nities in the Mississippi Delta, such as Morgan City, Mis-
 24 sissippi, to demonstrate advanced alternative energy tech-
 25 nologies, 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.

1 (B) *TIME PERIOD.*—*The findings made,*
 2 *analyses conducted, conclusions reached, and rec-*
 3 *ommendations developed by the Commission in*
 4 *connection with the study under subparagraph*
 5 *(A) shall cover a period extending 10 years be-*
 6 *yond the date of the report.*

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).*

14 *TITLE V*

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*
4 *may be used in any way, directly or indirectly, to influence*
5 *congressional action on any legislation or appropriation*
6 *matters pending before Congress, other than to commu-*
7 *nicate to Members of Congress as described in section 1913*
8 *of title 18, United States Code.*

9 *SEC. 702. (a) PURCHASE OF AMERICAN-MADE EQUIP-*
10 *MENT AND PRODUCTS.—It is the sense of the Congress that,*
11 *to the greatest extent practicable, all equipment and prod-*
12 *ucts purchased with funds made available in this Act should*
13 *be American-made.*

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

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

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 DECOMMIS-**
 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.”.*

Attest: **JEFF TRANDAH**,
Clerk.

Attest: GARY SISCO,
Secretary.