

Union Calendar No. 390

106TH CONGRESS
2^D SESSION**H. R. 4733****[Report No. 106-693]**

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2000

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

A BILL

Making appropriations for energy and water development for the fiscal year ending September 30, 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 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;

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 TRIBU-
5 TARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOU-
6 ISIANA, MISSISSIPPI, 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. 460l), 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, revise the report, Cost
13 Analysis For the 1999 Proposal to Issue and Modify Na-
14 tionwide Permits, to reflect the Nationwide Permits actu-
15 ally issued on March 9, 2000, including changes in the
16 acreage limits, preconstruction notification requirements
17 and general conditions between the proposed rule and the
18 rule promulgated and published in the Federal Register;
19 (2) by September 30, 2001, prepare, submit to Congress
20 and publish in the Federal Register a Permit Processing
21 Management Plan by which the Corps of Engineers will
22 handle the additional work associated with all projected
23 increases in the number of individual permit applications
24 and preconstruction notifications related to the new and
25 replacement permits and general conditions so that within

1 two years the number of pending individual permits shall
2 not be greater than the number of said permits pending
3 at the end of fiscal year 1999. The Permit Processing
4 Management Plan shall include specific objective criteria
5 by which the Corps of Engineers progress towards reduc-
6 ing any permit backlog can be measured; (3) beginning
7 on December 31, 2001, and at the end of each quarter
8 thereafter, report to Congress and publish in the Federal
9 Register, an analysis of the performance of its program
10 as measured against the criteria set out in the Permit
11 Processing Management Plan; (4) implement a one-year
12 pilot program to publish quarterly on the U.S. Army
13 Corps of Engineer's Regulatory Program website all Regu-
14 latory Analysis and Management Systems (RAMS) data
15 for the South Pacific Division beginning within 30 days
16 of enactment of this Act; and (5) publish in Division Office
17 websites all findings, rulings, and decisions rendered
18 under the administrative appeals process for the Corps of
19 Engineers Regulatory Program as established in Public
20 Law 106-60: *Provided further*, That Corps shall allow any
21 appellant to keep a verbatim record of the proceedings of
22 the appeals conference under the aforementioned adminis-
23 trative appeals process: *Provided further*, That within 30
24 days of enactment of this Act, the Secretary of the Army,
25 acting through the Chief of Engineers, shall require all

1 U.S. Army Corps of Engineers Divisions and Districts to
2 record the date on which a Section 404 individual permit
3 application or nationwide permit notification is filed with
4 the Corps of Engineers: *Provided further*, That “filed”
5 shall mean the date an applicant first submits its applica-
6 tion or notification to the Corps and not the date the ap-
7 plication or notification is deemed complete.

8 FORMERLY UTILIZED SITES REMEDIAL ACTION
9 PROGRAM

10 For expenses necessary to clean up contamination
11 from sites throughout the United States resulting from
12 work performed as part of the Nation’s early atomic en-
13 ergy program, \$140,000,000, to remain available until ex-
14 pended.

15 GENERAL EXPENSES

16 For expenses necessary for general administration
17 and related functions in the Office of the Chief of Engi-
18 neers and offices of the Division Engineers; activities of
19 the Coastal Engineering Research Board, the Humphreys
20 Engineer Center Support Activity, the Water Resources
21 Support Center, and headquarters support functions at
22 the USACE Finance Center, \$149,500,000, to remain
23 available until expended: *Provided*, That no part of any
24 other appropriation provided in title I of this Act shall
25 be available to fund the activities of the Office of the Chief

1 of Engineers or the executive direction and management
 2 activities of the division offices: *Provided further*, That
 3 none of these funds shall be available to support an office
 4 of congressional affairs within the executive office of the
 5 Chief of Engineers.

6 REVOLVING FUND

7 Amounts in the Revolving Fund are available for the
 8 costs of relocating the U.S. Army Corps of Engineers
 9 headquarters to office space in the General Accounting Of-
 10 fice headquarters building in Washington, D.C.

11 ADMINISTRATIVE PROVISIONS

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

18 GENERAL PROVISIONS

19 CORPS OF ENGINEERS—CIVIL

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

22 SEC. 102. (a) The Secretary of the Army shall enter
 23 into an agreement with the City of Grand Prairie, Texas,
 24 wherein the City agrees to assume all of the responsibil-
 25 ities of the Trinity River Authority of Texas under Con-

1 tract #DACW63-76-C-0166, other than financial re-
2 sponsibilities, except as provided for in subsection (c) of
3 this section. The Trinity River Authority shall be relieved
4 of all of its financial responsibilities under the Contract
5 as of the date the Secretary of the Army enters into the
6 agreement with the City.

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

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

19 TITLE II

20 DEPARTMENT OF THE INTERIOR

21 CENTRAL UTAH PROJECT

22 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

23 For carrying out activities authorized by the Central
24 Utah Project Completion Act, \$38,724,000, to remain
25 available until expended, of which \$19,158,000 shall be

1 deposited into the Utah Reclamation Mitigation and Con-
2 servation Account: *Provided*, That of the amounts depos-
3 ited into that account, \$5,000,000 shall be considered the
4 Federal contribution authorized by paragraph 402(b)(2)
5 of the Central Utah Project Completion Act and
6 \$14,158,000 shall be available to the Utah Reclamation
7 Mitigation and Conservation Commission to carry out ac-
8 tivities authorized under that Act.

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

12 BUREAU OF RECLAMATION

13 The following appropriations shall be expended to
14 execute authorized functions of the Bureau of Reclama-
15 tion:

16 WATER AND RELATED RESOURCES

17 (INCLUDING TRANSFER OF FUNDS)

18 For management, development, and restoration of
19 water and related natural resources and for related activi-
20 ties, including the operation, maintenance and rehabilita-
21 tion of reclamation and other facilities, participation in
22 fulfilling related Federal responsibilities to Native Ameri-
23 cans, and related grants to, and cooperative and other
24 agreements with, State and local governments, Indian
25 tribes, and others, \$635,777,000, to remain available until
26 expended, of which \$1,916,000 shall be available for trans-

1 fer to the Upper Colorado River Basin Fund and
2 \$39,467,000 shall be available for transfer to the Lower
3 Colorado River Basin Development Fund; of which such
4 amounts as may be necessary may be advanced to the Col-
5 orado River Dam Fund; and of which not to exceed
6 \$200,000 is for financial assistance for the preparation
7 of cooperative drought contingency plans under Title II
8 of Public Law 102–250: *Provided*, That such transfers
9 may be increased or decreased within the overall appro-
10 priation under this heading: *Provided further*, That of the
11 total appropriated, the amount for program activities that
12 can be financed by the Reclamation Fund or the Bureau
13 of Reclamation special fee account established by 16
14 U.S.C. 460l–6a(i) shall be derived from that Fund or ac-
15 count: *Provided further*, That funds contributed under 43
16 U.S.C. 395 are available until expended for the purposes
17 for which contributed: *Provided further*, That funds ad-
18 vanced under 43 U.S.C. 397a shall be credited to this ac-
19 count and are available until expended for the same pur-
20 poses as the sums appropriated under this heading: *Pro-*
21 *vided further*, That funds available for expenditure for the
22 Departmental Irrigation Drainage Program may be ex-
23 pended by the Bureau of Reclamation for site remediation
24 on a non-reimbursable basis: *Provided further*, That sec-
25 tion 301 of Public Law 102–250, Reclamation States

1 Emergency Drought Relief Act of 1991, as amended, is
2 amended further by inserting “2000, and 2001” in lieu
3 of “and 2000”: *Provided further*, That the amount author-
4 ized for Minidoka Project North Side Pumping Division,
5 Idaho, by section 5 of Public Law 81–864, is increased
6 by \$2,805,000: *Provided further*, That none of the funds
7 appropriated in this Act may be used by the Bureau of
8 Reclamation for closure of the Auburn Dam, California,
9 diversion tunnel or restoration of the American River
10 channel through the Auburn Dam construction site.

11 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

12 For the cost of direct loans and/or grants,
13 \$8,944,000, to remain available until expended, as author-
14 ized by the Small Reclamation Projects Act of August 6,
15 1956, as amended (43 U.S.C. 422a–422l): *Provided*, That
16 such costs, including the cost of modifying such loans,
17 shall be as defined in section 502 of the Congressional
18 Budget Act of 1974, as amended: *Provided further*, That
19 these funds are available to subsidize gross obligations for
20 the principal amount of direct loans not to exceed
21 \$27,000,000.

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

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

3 CENTRAL VALLEY PROJECT RESTORATION FUND

4 For carrying out the programs, projects, plans, and
5 habitat restoration, improvement, and acquisition provi-
6 sions of the Central Valley Project Improvement Act,
7 \$38,382,000, to be derived from such sums as may be col-
8 lected in the Central Valley Project Restoration Fund pur-
9 suant to sections 3407(d), 3404(c)(3), 3405(f), and
10 3406(c)(1) of Public Law 102–575, to remain available
11 until expended: *Provided*, That the Bureau of Reclamation
12 is directed to assess and collect the full amount of the
13 additional mitigation and restoration payments authorized
14 by section 3407(d) of Public Law 102–575.

15 POLICY AND ADMINISTRATION

16 For necessary expenses of policy, administration, and
17 related functions in the office of the Commissioner, the
18 Denver office, and offices in the five regions of the Bureau
19 of Reclamation, to remain available until expended,
20 \$47,000,000, to be derived from the Reclamation Fund
21 and be nonreimbursable as provided in 43 U.S.C. 377:
22 *Provided*, That no part of any other appropriation in this
23 Act shall be available for activities or functions budgeted
24 as policy and administration expenses.

1 ADMINISTRATIVE PROVISION

2 Appropriations for the Bureau of Reclamation shall
3 be available for purchase of not to exceed four passenger
4 motor vehicles for replacement only.

5 GENERAL PROVISIONS

6 DEPARTMENT OF THE INTERIOR

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

14 SEC. 202. The Secretary of the Interior is authorized
15 to assess and collect annually from Central Valley Project
16 (CVP) water and power contractors the sum of \$540,000
17 (June 2000 price levels), and to remit that amount annu-
18 ally to the Trinity Public Utilities District (TPUD). This
19 assessment shall be payable 70% by CVP Preference
20 Power Customers and 30% by CVP Water Contractors.
21 The CVP Water Contractor share of this assessment shall
22 be collected by the Secretary through established Bureau
23 of Reclamation (Reclamation) Operation and Maintenance
24 ratesetting practices. The CVP Power Contractor share of
25 this assessment shall be assessed by Reclamation to the

1 Western Area Power Administration, Sierra Nevada Re-
2 gion (Western), and collected by Western through estab-
3 lished power ratesetting practices. The authorized amount
4 collected shall be paid annually to the TPUD.

5 TITLE III

6 DEPARTMENT OF ENERGY

7 ENERGY PROGRAMS

8 ENERGY SUPPLY

9 For Department of Energy expenses including the
10 purchase, construction and acquisition of plant and capital
11 equipment, and other expenses necessary for energy sup-
12 ply, and uranium supply and enrichment activities in car-
13 rying out the purposes of the Department of Energy Orga-
14 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
15 sition or condemnation of any real property or any facility
16 or for plant or facility acquisition, construction, or expan-
17 sion; and the purchase of not to exceed 17 passenger
18 motor vehicles for replacement only, \$576,482,000 to re-
19 main available until expended: *Provided*, That, in addition,
20 royalties received to compensate the Department of En-
21 ergy for its participation in the First-Of-A-Kind-Engineer-
22 ing program shall be credited to this account to be avail-
23 able until September 30, 2002, for the purposes of Nu-
24 clear Energy, Science and Technology activities.

1 NON-DEFENSE ENVIRONMENTAL MANAGEMENT

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

11 URANIUM FACILITIES MAINTENANCE AND REMEDIATION

12 (INCLUDING TRANSFER OF FUNDS)

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

21 SCIENCE

22 For Department of Energy expenses including the
23 purchase, construction and acquisition of plant and capital
24 equipment, and other expenses necessary for science ac-
25 tivities in carrying out the purposes of the Department

1 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
2 cluding the acquisition or condemnation of any real prop-
3 erty or facility or for plant or facility acquisition, construc-
4 tion, or expansion, and purchase of not to exceed 58 pas-
5 senger motor vehicles for replacement only,
6 \$2,830,915,000, to remain available until expended.

7 NUCLEAR WASTE DISPOSAL

8 For nuclear waste disposal activities to carry out the
9 purposes of Public Law 97-425, as amended, including
10 the acquisition of real property or facility construction or
11 expansion, \$213,000,000, to remain available until ex-
12 pended and to be derived from the Nuclear Waste Fund:
13 *Provided*, That not to exceed \$2,500,000 may be provided
14 to the State of Nevada solely for expenditures, other than
15 salaries and expenses of State employees, to conduct sci-
16 entific oversight responsibilities pursuant to the Nuclear
17 Waste Policy Act of 1982, Public Law 97-425, as amend-
18 ed: *Provided further*, That not to exceed \$5,887,000 may
19 be provided to affected units of local governments, as de-
20 fined in Public Law 97-425, to conduct appropriate activi-
21 ties pursuant to the Act: *Provided further*, That the dis-
22 tribution of the funds as determined by the units of local
23 government shall be approved by the Department of En-
24 ergy: *Provided further*, That the funds for the State of
25 Nevada shall be made available solely to the Nevada Divi-

1 sion of Emergency Management by direct payment and
2 units of local government by direct payment: *Provided fur-*
3 *ther*, That within 90 days of the completion of each Fed-
4 eral fiscal year, the Nevada Division of Emergency Man-
5 agement and the Governor of the State of Nevada and
6 each local entity shall provide certification to the Depart-
7 ment of Energy that all funds expended from such pay-
8 ments have been expended for activities authorized by
9 Public Law 97-425 and this Act. Failure to provide such
10 certification shall cause such entity to be prohibited from
11 any further funding provided for similar activities: *Pro-*
12 *vided further*, That none of the funds herein appropriated
13 may be: (1) used directly or indirectly to influence legisla-
14 tive action on any matter pending before Congress or a
15 State legislature or for lobbying activity as provided in 18
16 U.S.C. 1913; (2) used for litigation expenses; or (3) used
17 to support multi-state efforts or other coalition building
18 activities inconsistent with the restrictions contained in
19 this Act: *Provided further*, That all proceeds and recoveries
20 by the Secretary in carrying out activities authorized by
21 the Nuclear Waste Policy Act of 1982 in Public Law 97-
22 425, as amended, including but not limited to, any pro-
23 ceeds from the sale of assets, shall be available without
24 further appropriation and shall remain available until ex-
25 pended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$153,527,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$111,000,000 in fiscal year 2001 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at not more than \$42,527,000.

1 OFFICE OF THE INSPECTOR GENERAL

2 For necessary expenses of the Office of the Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978, as amended, \$31,500,000, to remain
5 available until expended.

6 ATOMIC ENERGY DEFENSE ACTIVITIES

7 NATIONAL NUCLEAR SECURITY

8 ADMINISTRATION

9 WEAPONS ACTIVITIES

10 For Department of Energy expenses, including the
11 purchase, construction and acquisition of plant and capital
12 equipment and other incidental expenses necessary for
13 atomic energy defense weapons activities in carrying out
14 the purposes of the Department of Energy Organization
15 Act (42 U.S.C. 7101 et seq.), including the acquisition or
16 condemnation of any real property or any facility or for
17 plant or facility acquisition, construction, or expansion;
18 and the purchase of passenger motor vehicles (not to ex-
19 ceed 12 for replacement only), \$4,625,684,000, to remain
20 available until October 1, 2003.

21 DEFENSE NUCLEAR NONPROLIFERATION

22 For Department of Energy expenses necessary for
23 atomic energy defense and defense nuclear nonprolifera-
24 tion activities to carry out the Department of Energy Or-
25 ganization Act (42 U.S.C. 7101 et seq.), including acquisi-

tion (by purchase, condemnation, construction, or otherwise) of real property, plant and capital equipment, facilities, and facility expansion, \$861,477,000, to remain available until October 1, 2003: *Provided*, That not to exceed \$7,000 may be used for official reception and representation expenses for national security and non-proliferation (including transparency) activities in fiscal year 2001.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$677,600,000, to remain available until expended.

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE

MANAGEMENT

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

cluding the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of 30 passenger motor vehicles for replacement only, \$4,522,707,000, to remain available until expended: *Provided*, That any amounts appropriated under this heading that are used to provide economic assistance under section 15 of the Waste Isolation Pilot Plant Land Withdrawal Act, Public Law 102-579, shall be utilized to the extent necessary to reimburse costs of financial assurances required of a contractor by any permit or license of the Waste Isolation Pilot Plant issued by the State of New Mexico.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, \$1,082,297,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT

PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Depart-

1 ment of Energy Organization Act (42 U.S.C. 7101 et
2 seq.), \$259,000,000, to remain available until expended.

3 OTHER DEFENSE ACTIVITIES

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, other defense activities, in carrying out the pur-
8 poses of the Department of Energy Organization Act (42
9 U.S.C. 7101 et seq.), including the acquisition or con-
10 demnation of any real property or any facility or for plant
11 or facility acquisition, construction, or expansion,
12 \$592,235,000, to remain available until expended.

13 DEFENSE NUCLEAR WASTE DISPOSAL

14 For nuclear waste disposal activities to carry out the
15 purposes of Public Law 97-425, as amended, including
16 the acquisition of real property or facility construction or
17 expansion, \$200,000,000, to remain available until ex-
18 pended.

19 POWER MARKETING ADMINISTRATIONS

20 BONNEVILLE POWER ADMINISTRATION FUND

21 Expenditures from the Bonneville Power Administra-
22 tion Fund, established pursuant to Public Law 93-454,
23 are approved for the Nez Perce Tribe Resident Fish Sub-
24 stitution Program, the Cour D'Alene Tribe Trout Produc-

1 tion facility, and for official reception and representation
2 expenses in an amount not to exceed \$1,500.

3 During fiscal year 2001, no new direct loan obliga-
4 tions may be made.

5 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
6 ADMINISTRATION

7 For necessary expenses of operation and maintenance
8 of power transmission facilities and of marketing electric
9 power and energy, including transmission wheeling and
10 ancillary services, pursuant to the provisions of section 5
11 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
12 applied to the southeastern power area, \$3,900,000, to re-
13 main available until expended; in addition, notwith-
14 standing the provisions of 31 U.S.C. 3302, amounts col-
15 lected by the Southeastern Power Administration pursu-
16 ant to the Flood Control Act to recover purchase power
17 and wheeling expenses shall be credited to this account
18 as offsetting collections, to remain available until expended
19 for the sole purpose of making purchase power and wheel-
20 ing expenditures as follows: for fiscal year 2001, up to
21 \$34,463,000; for fiscal year 2002, up to \$26,463,000; for
22 fiscal year 2003, up to \$20,000,000; and for fiscal year
23 2004, up to \$15,000,000.

1 OPERATION AND MAINTENANCE, SOUTHWESTERN
2 POWER ADMINISTRATION

3 For necessary expenses of operation and maintenance
4 of power transmission facilities and of marketing electric
5 power and energy, and for construction and acquisition of
6 transmission lines, substations and appurtenant facilities,
7 and for administrative expenses, including official recep-
8 tion and representation expenses in an amount not to ex-
9 ceed \$1,500 in carrying out the provisions of section 5
10 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
11 applied to the southwestern power area, \$28,100,000, to
12 remain available until expended; in addition, notwith-
13 standing the provisions of 31 U.S.C. 3302, not to exceed
14 \$4,200,000 in reimbursements, to remain available until
15 expended: *Provided*, That amounts collected by the South-
16 western Power Administration pursuant to the Flood Con-
17 trol Act to recover purchase power and wheeling expenses
18 shall be credited to this account as offsetting collections,
19 to remain available until expended for the sole purpose
20 of making purchase power and wheeling expenditures as
21 follows: for fiscal year 2001, up to \$288,000; for fiscal
22 year 2002, up to \$288,000; for fiscal year 2003, up to
23 \$288,000; and for fiscal year 2004, up to \$288,000.

1 CONSTRUCTION, REHABILITATION, OPERATION AND
2 MAINTENANCE, WESTERN AREA POWER ADMINIS-
3 TRATION

4 For carrying out the functions authorized by title III,
5 section 302(a)(1)(E) of the Act of August 4, 1977 (42
6 U.S.C. 7152), and other related activities including con-
7 servation and renewable resources programs as author-
8 ized, including official reception and representation ex-
9 penses in an amount not to exceed \$1,500, \$160,930,000,
10 to remain available until expended, of which \$154,616,000
11 shall be derived from the Department of the Interior Rec-
12 lamation Fund: *Provided*, That of the amount herein ap-
13 propriated, \$4,036,000 is for deposit into the Utah Rec-
14 lamation Mitigation and Conservation Account pursuant
15 to title IV of the Reclamation Projects Authorization and
16 Adjustment Act of 1992: *Provided further*, That amounts
17 collected by the Western Area Power Administration pur-
18 suant to the Flood Control Act of 1944 and the Reclama-
19 tion Project Act of 1939 to recover purchase power and
20 wheeling expenses shall be credited to this account as off-
21 setting collections, to remain available until expended for
22 the sole purpose of making purchase power and wheeling
23 expenditures as follows: for fiscal year 2001, up to
24 \$35,500,000; for fiscal year 2002, up to \$33,500,000; for

1 fiscal year 2003, up to \$30,000,000; and for fiscal year
2 2004, up to \$20,000,000.

3 FALCON AND AMISTAD OPERATING AND MAINTENANCE
4 FUND

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

12 FEDERAL ENERGY REGULATORY COMMISSION
13 SALARIES AND EXPENSES

14 For necessary expenses of the Federal Energy Regu-
15 latory Commission to carry out the provisions of the De-
16 partment of Energy Organization Act (42 U.S.C. 7101 et
17 seq.), including services as authorized by 5 U.S.C. 3109,
18 the hire of passenger motor vehicles, and official reception
19 and representation expenses (not to exceed \$3,000),
20 \$175,200,000, to remain available until expended: *Pro-*
21 *vided*, That notwithstanding any other provision of law,
22 not to exceed \$175,200,000 of revenues from fees and an-
23 nual charges, and other services and collections in fiscal
24 year 2001 shall be retained and used for necessary ex-
25 penses in this account, and shall remain available until

1 expended: *Provided further*, That the sum herein appro-
2 priated from the General Fund shall be reduced as reve-
3 nues are received during fiscal year 2001 so as to result
4 in a final fiscal year 2001 appropriation from the General
5 Fund estimated at not more than \$0.

6 GENERAL PROVISIONS

7 DEPARTMENT OF ENERGY

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

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

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

1 Regulation, unless the Secretary of Energy grants, on a
2 case-by-case basis, a waiver to allow for such a deviation.
3 The Secretary may not delegate the authority to grant
4 such a waiver.

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

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

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

18 (2) provide enhanced severance payments or
19 other benefits for employees of the Department of
20 Energy,

21 under section 3161 of the National Defense Authorization
22 Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.
23 2644; 42 U.S.C. 7274h).

24 SEC. 304. None of the funds appropriated by this Act
25 may be used to augment the \$24,500,000 made available

1 for obligation by this Act for severance payments and
2 other benefits and community assistance grants under sec-
3 tion 3161 of the National Defense Authorization Act for
4 Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644;
5 42 U.S.C. 7274h).

6 SEC. 305. 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. 306. 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 ac-
16 counts and thereafter may be accounted for as one fund
17 for the same time period as originally enacted.

18 SEC. 307. Of the funds in this Act provided to gov-
19 ernment-owned, contractor-operated laboratories, not to
20 exceed 4 percent shall be available to be used for Labora-
21 tory Directed Research and Development.

22 SEC. 308. (a) Of the funds appropriated by this title
23 to the Department of Energy, not more than
24 \$150,000,000 shall be available for reimbursement of
25 management and operating contractor travel expenses.

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

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

21 SEC. 310. None of the funds appropriated in this or
22 any previous Energy and Water Development Appropria-
23 tion Act for payment into the Department of Energy
24 Working Capital Fund may be used to pay salaries and

1 expenses of any employee of the United States Govern-
2 ment.

3 TITLE IV

4 INDEPENDENT AGENCIES

5 APPALACHIAN REGIONAL COMMISSION

6 For expenses necessary to carry out the programs au-
7 thorized by the Appalachian Regional Development Act of
8 1965, as amended, for necessary expenses for the Federal
9 Co-Chairman and the alternate on the Appalachian Re-
10 gional Commission, for payment of the Federal share of
11 the administrative expenses of the Commission, including
12 services as authorized by 5 U.S.C. 3109, and hire of pas-
13 senger motor vehicles, \$63,000,000, to remain available
14 until expended.

15 DEFENSE NUCLEAR FACILITIES SAFETY

16 BOARD

17 SALARIES AND EXPENSES

18 For necessary expenses of the Defense Nuclear Fa-
19 cilities Safety Board in carrying out activities authorized
20 by the Atomic Energy Act of 1954, as amended by Public
21 Law 100–456, section 1441, \$17,000,000, to remain
22 available until expended.

1 NUCLEAR REGULATORY COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$15,000), \$481,900,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$21,600,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$457,100,000 in fiscal year 2001 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That \$3,200,000 of the funds herein appropriated for regulatory reviews and assistance to other Federal agencies and States shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at not more than \$24,800,000.

1 OFFICE OF INSPECTOR GENERAL

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

15 NUCLEAR WASTE TECHNICAL REVIEW BOARD

16 SALARIES AND EXPENSES

17 For necessary expenses of the Nuclear Waste Tech-
18 nical Review Board, as authorized by Public Law 100-
19 203, section 5051, \$2,700,000, to be derived from the Nu-
20 clear Waste Fund, and to remain available until expended.

1 TITLE V—RESCISSIONS
2 DEPARTMENT OF ENERGY
3 INTERIM STORAGE ACTIVITIES
4 (INCLUDING TRANSFER OF FUNDS)
5 (RESCISSION)

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

10 TITLE VI—GENERAL PROVISIONS

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

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

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

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

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

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

24 (b) The costs of the Kesterson Reservoir Cleanup
25 Program and the costs of the San Joaquin Valley Drain-

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

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

19 SEC. 605. None of the funds appropriated by this Act
20 shall be used to propose or issue rules, regulations, de-
21 crees, or orders for the purpose of implementation, or in
22 preparation for implementation, of the Kyoto Protocol
23 which was adopted on December 11, 1997, in Kyoto,
24 Japan at the Third Conference of the Parties to the
25 United Nations Framework Convention on Climate

1 Change, which has not been submitted to the Senate for
2 advice and consent to ratification pursuant to article II,
3 section 2, clause 2, of the United States Constitution, and
4 which has not entered into force pursuant to article 25
5 of the Protocol.

6 SEC. 606. The Energy Policy and Conservation Act
7 is amended—

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

10 “AUTHORIZATION OF APPROPRIATIONS

11 “SEC. 166. There are authorized to be appropriated
12 for fiscal years 2000 and 2001 such sums as may by nec-
13 essary to implement this part.”;

14 (2) in section 181 (42 U.S.C. 6251) by striking
15 “March 31, 2000” both places it appears and insert-
16 ing “September 30, 2001”; and

17 (3) in section 281 (42 U.S.C. 6285) by striking
18 “March 31, 2000” both places it appears and insert-
19 ing “September 30, 2001”.

20 This Act may be cited as the “Energy and Water
21 Development Appropriations Act, 2001”.

Union Calendar No. 390

106TH CONGRESS
2D SESSION

H. R. 4733

[Report No. 106-693]

A BILL

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

JUNE 23, 2000

Reported from the Committee on Appropriations, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed