

Calendar No. 128106TH CONGRESS
1ST SESSION**S. 1186****[Report No. 106-58]**

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

IN THE SENATE OF THE UNITED STATES

JUNE 2, 1999

Mr. DOMENICI from the Committee on Appropriations, reported, under authority of the order of the Senate of May 27, 1999, the following original bill; which was read twice and placed on the calendar

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2000, for energy and
6 water development, and for other purposes, namely:

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

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

11 GENERAL INVESTIGATIONS

12 For expenses necessary for the collection and study
13 of basic information pertaining to river and harbor, flood
14 control, shore protection, and related projects, restudy of
15 authorized projects, miscellaneous investigations, and,
16 when authorized by laws, surveys and detailed studies and
17 plans and specifications of projects prior to construction,
18 \$125,459,000, to remain available until expended, of
19 which funds are provided for the following projects in the
20 amounts specified:

21 Great Egg Harbor Inlet to Townsend's Inlet,
22 New Jersey, \$226,000:

23 *Provided*, That the Secretary of the Army is directed to
24 use \$328,000 of the funds appropriated herein to imple-
25 ment section 211(f)(7) of Public Law 104-303 (110 Stat.

1 3684) and to reimburse the non-Federal sponsor a portion
2 of the Federal share of project costs for the Hunting
3 Bayou element of the project for flood control, Buffalo
4 Bayou and tributaries, Texas.

5 CONSTRUCTION, GENERAL

6 For the prosecution of river and harbor, flood control,
7 shore protection, and related projects authorized by laws;
8 and detailed studies, and plans and specifications, of
9 projects (including those for development with participa-
10 tion or under consideration for participation by States,
11 local governments, or private groups) authorized or made
12 eligible for selection by law (but such studies shall not con-
13 stitute a commitment of the Government to construction),
14 \$1,113,227,000, to remain available until expended, of
15 which such sums as are necessary for the Federal share
16 of construction costs for facilities under the Dredged Ma-
17 terial Disposal Facilities program shall be derived from
18 the Harbor Maintenance Trust Fund, as authorized by
19 Public Law 104–303; and of which such sums as are nec-
20 essary pursuant to Public Law 99–662 shall be derived
21 from the Inland Waterways Trust Fund, for one-half of
22 the costs of construction and rehabilitation of inland wa-
23 terways projects, including rehabilitation costs for the
24 Lock and Dam 25, Mississippi River, Illinois and Mis-
25 souri; Lock and Dam 14, Mississippi River, Iowa; Lock

1 and Dam 24, Part 1 and Part 2, Mississippi River, Illinois
2 and Missouri; and Lock and Dam 3, Mississippi River,
3 Minnesota, London Lock and Dam, Kanawha River, West
4 Virginia; and Lock and Dam 12, Mississippi River, Iowa,
5 projects, and of which funds are provided for the following
6 projects in the amounts specified:

7 Norco Bluffs, California, \$2,200,000;
8 Indianapolis Central Waterfront, Indiana,
9 \$3,000,000;
10 Ohio River Flood Protection, Indiana,
11 \$1,000,000;
12 Jackson County, Mississippi, \$800,000;
13 Virginia Beach, Virginia (Hurricane Protec-
14 tion), \$17,000,000; and
15 Upper Mingo County (including Mingo County
16 Tributaries), Lower Mingo County (Kermit), Wayne
17 County, and McDowell County, elements of the
18 Levisa and Tug Forks of the Big Sandy River and
19 Upper Cumberland River project in West Virginia,
20 \$4,400,000:

21 *Provided*, That the Secretary of the Army is directed to
22 use \$9,000,000 of the funds appropriated herein to imple-
23 ment section 211(f)(6) of Public Law 104–303 (110 Stat.
24 3683) and to reimburse the non-Federal sponsor a portion
25 of the Federal share of project construction costs for the

1 flood control components comprising the Brays Bayou ele-
2 ment of the project for flood control, Buffalo Bayou and
3 tributaries, Texas: *Provided further*, That the Secretary of
4 the Army, acting through the Chief of Engineers, is di-
5 rected to use \$2,000,000 provided herein to construct
6 bluff stabilization measures at authorized locations for
7 Natchez Bluff, Mississippi: *Provided further*, That no part
8 of any appropriation contained in this Act shall be ex-
9 pended or obligated to begin Phase II on the John Day
10 Drawdown study or to initiate a study of the drawdown
11 of McNary Dam unless authorized by law: *Provided fur-*
12 *ther*, That using \$200,000 of the funds provided herein,
13 the Secretary of the Army, acting through the Chief of
14 Engineers, is directed to initiate a Detailed Project Report
15 for the Dickenson County, Virginia, element of the Levisa
16 and Tug Forks of the Big Sandy River and Upper Cum-
17 berland River, West Virginia, Virginia and Kentucky,
18 project: *Provided further*, That the Secretary of the Army,
19 acting through the Chief of Engineers, shall not provide
20 funding for construction of an emergency outlet from Dev-
21 ils Lake, North Dakota, to the Sheyenne River, unless the
22 Secretary of the Army determines that an emergency (as
23 defined in section 102 of the Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act (42 U.S.C. 5122))
25 exists with respect to the emergency need for the outlet

1 and reports to Congress that the construction is tech-
2 nically sound, economically justified, and environmentally
3 acceptable and in compliance with the National Environ-
4 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Pro-*
5 *vided further*, That the economic justification for the emer-
6 gency outlet shall be prepared in accordance with the prin-
7 ciples and guidelines for economic evaluation as required
8 by regulations and procedures of the Army Corps of Engi-
9 neers for all flood control projects, and that the economic
10 justification be fully described, including the analysis of
11 the benefits and costs, in the project plan documents: *Pro-*
12 *vided further*, That the plans for the emergency outlet
13 shall be reviewed and, to be effective, shall contain assur-
14 ances provided by the Secretary of State, after consulta-
15 tion with the International Joint Commission, that the
16 project will not violate the requirements or intent of the
17 Treaty Between the United States and Great Britain Re-
18 lating to Boundary Waters Between the United States and
19 Canada, signed at Washington January 11, 1909 (36
20 Stat. 2448; TS 548) (commonly known as the “Boundary
21 Waters Treaty of 1909”): *Provided further*, That the Sec-
22 retary of the Army shall submit the final plans and other
23 documents for the emergency outlet to Congress: *Provided*
24 *further*, That no funds made available under this Act or
25 any other Act for any fiscal year may be used by the Sec-

1 retary of the Army to carry out the portion of the feasi-
2 bility study of the Devils Lake Basin, North Dakota, au-
3 thorized under the Energy and Water Development Ap-
4 propriations Act, 1993 (Public Law 102-377), that ad-
5 dresses the needs of the area for stabilized lake levels
6 through inlet controls, or to otherwise study any facility
7 or carry out any activity that would permit the transfer
8 of water from the Missouri River Basin into Devils Lake.

9 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES,
10 ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MIS-
11 SISSIPPI, MISSOURI, AND TENNESSEE

12 For expenses necessary for prosecuting work of flood
13 control, and rescue work, repair, restoration, or mainte-
14 nance of flood control projects threatened or destroyed by
15 flood, as authorized by law (33 U.S.C. 702a, 702g-1),
16 \$315,630,000, to remain available until expended.

17 OPERATION AND MAINTENANCE, GENERAL

18 For expenses necessary for the preservation, oper-
19 ation, maintenance, and care of existing river and harbor,
20 flood control, and related works, including such sums as
21 may be necessary for the maintenance of harbor channels
22 provided by a State, municipality or other public agency,
23 outside of harbor lines, and serving essential needs of gen-
24 eral commerce and navigation; surveys and charting of
25 northern and northwestern lakes and connecting waters;

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

22 GENERAL EXPENSES

23 For expenses necessary for general administration
24 and related functions in the Office of the Chief of Engi-
25 neers and offices of the Division Engineers; activities of

1 the Coastal Engineering Research Board, the Humphreys
2 Engineer Center Support Activity, the Water Resources
3 Support Center, and headquarters support functions at
4 the USACE Finance Center; \$151,000,000, to remain
5 available until expended: *Provided*, That no part of any
6 other appropriation provided in title I of this Act shall
7 be available to fund the activities of the Office of the Chief
8 of Engineers or the executive direction and management
9 activities of the division offices.

10 REVOLVING FUND

11 Using amounts available in the Revolving Fund, the
12 Secretary of the Army is authorized to renovate office
13 space in the General Accounting Office (GAO) head-
14 quarters building in Washington, D.C., for use by the
15 Corps and GAO. The Secretary shall ensure that the Re-
16 volving Fund is appropriately reimbursed from appropria-
17 tions of the Corps' benefitting programs by collection each
18 year of amounts sufficient to repay the capitalized cost
19 of such renovation and through rent reductions or rebates
20 from GAO.

21 ADMINISTRATIVE PROVISION

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

1 (not to exceed 100 for replacement only) and hire of pas-
2 senger motor vehicles.

3 GENERAL PROVISIONS

4 CORPS OF ENGINEERS—CIVIL

5 SEC. 101. Notwithstanding any other provisions of
6 law, no fully allocated funding policy shall be applied to
7 projects for which funds are identified in the Committee
8 reports accompanying this Act under the Construction,
9 General; Operation and Maintenance, General; and Flood
10 Control, Mississippi River and Tributaries, appropriation
11 accounts: *Provided*, That the Secretary of the Army, act-
12 ing through the Chief of Engineers, is directed to under-
13 take these projects using continuing contracts, as author-
14 ized in section 10 of the Rivers and Harbors Act of Sep-
15 tember 22, 1922 (33 U.S.C. 621).

16 SEC. 102. Agreements proposed for execution by the
17 Assistant Secretary of the Army for Civil Works or the
18 U.S. Army Corps of Engineers after the date of enactment
19 of this Act pursuant to section 4 of the Rivers and Harbor
20 Act of 1915, Public Law 64–291; section 11 of the River
21 and Harbor Act of 1925, Public Law 68–585; the Civil
22 Functions Appropriations Act, 1936, Public Law 75–208;
23 section 215 of the Flood Control Act of 1968, as amended,
24 Public Law 90–483; sections 104, 203, and 204 of the
25 Water Resources Development Act of 1992, as amended,

1 That of the amounts deposited into that account,
2 \$5,000,000 shall be considered the Federal contribution
3 authorized by paragraph 402(b)(2) of the Central Utah
4 Project Completion Act and \$12,047,000 shall be available
5 to the Utah Reclamation Mitigation and Conservation
6 Commission to carry out activities authorized under that
7 Act.

8 In addition, for necessary expenses incurred in car-
9 rying out related responsibilities of the Secretary of the
10 Interior, \$1,321,000, to remain available until expended.

11 BUREAU OF RECLAMATION

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

17 WATER AND RELATED RESOURCES

18 (INCLUDING TRANSFER OF FUNDS)

19 For management, development, and restoration of
20 water and related natural resources and for related activi-
21 ties, including the operation, maintenance and rehabilita-
22 tion of reclamation and other facilities, participation in
23 fulfilling related Federal responsibilities to Native Ameri-
24 cans, and related grants to, and cooperative and other
25 agreements with, State and local governments, Indian
26 Tribes, and others, \$612,451,000, to remain available

1 until expended, of which \$2,247,000 shall be available for
2 transfer to the Upper Colorado River Basin Fund and
3 \$24,326,000 shall be available for transfer to the Lower
4 Colorado River Basin Development Fund, and of which
5 such amounts as may be necessary may be advanced to
6 the Colorado River Dam Fund: *Provided*, That such trans-
7 fers may be increased or decreased within the overall ap-
8 propriation under this heading: *Provided further*, That of
9 the total appropriated, the amount for program activities
10 that can be financed by the Reclamation Fund or the Bu-
11 reau of Reclamation special fee account established by 16
12 U.S.C. 4601–6a(i) shall be derived from that Fund or ac-
13 count: *Provided further*, That funds contributed under 43
14 U.S.C. 395 are available until expended for the purposes
15 for which contributed: *Provided further*, That funds ad-
16 vanced under 43 U.S.C. 397a shall be credited to this ac-
17 count and are available until expended for the same pur-
18 poses as the sums appropriated under this heading: *Pro-*
19 *vided further*, That funds available for expenditure for the
20 Departmental Irrigation Drainage Program may be ex-
21 pended by the Bureau of Reclamation for site remediation
22 on a non-reimbursable basis: *Provided further*, That sec-
23 tion 301 of Public Law 102–250, Reclamation States
24 Emergency Drought Relief Act of 1991, as amended by
25 Public Law 104–206, is amended further by inserting

1 “1999, and 2000” in lieu of “and 1997”: *Provided further*,
2 That the amount authorized for Indian municipal, rural,
3 and industrial water features by section 10 of Public Law
4 89–108, as amended by section 8 of Public Law 99–294,
5 section 1701(b) of Public Law 102–575, and Public Law
6 105–245, is increased by \$2,000,000 (October 1998
7 prices).

8 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

9 For the cost of direct loans and/or grants,
10 \$12,000,000, to remain available until expended, as au-
11 thorized by the Small Reclamation Projects Act of August
12 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided*,
13 That such costs, including the cost of modifying such
14 loans, shall be as defined in section 502 of the Congres-
15 sional Budget Act of 1974, as amended: *Provided further*,
16 That these funds are available to subsidize gross obliga-
17 tions for the principal amount of direct loans not to exceed
18 \$43,000,000.

19 In addition, for administrative expenses necessary to
20 carry out the program for direct loans and/or grants,
21 \$425,000, to remain available until expended: *Provided*,
22 That of the total sums appropriated, the amount of pro-
23 gram activities that can be financed by the Reclamation
24 Fund shall be derived from that Fund.

1 CENTRAL VALLEY PROJECT RESTORATION FUND

2 For carrying out the programs, projects, plans, and
3 habitat restoration, improvement, and acquisition provi-
4 sions of the Central Valley Project Improvement Act,
5 \$37,346,000, to be derived from such sums as may be col-
6 lected in the Central Valley Project Restoration Fund pur-
7 suant to sections 3407(d), 3404(c)(3), 3405(f), and
8 3406(c)(1) of Public Law 102-575, to remain available
9 until expended: *Provided*, That the Bureau of Reclamation
10 is directed to assess and collect the full amount of the
11 additional mitigation and restoration payments authorized
12 by section 3407(d) of Public Law 102-575.

13 CALIFORNIA BAY-DELTA RESTORATION

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses of the Department of the In-
16 terior and other participating Federal agencies in carrying
17 out ecosystem restoration activities pursuant to the Cali-
18 fornia Bay-Delta Environmental Enhancement Act and
19 other activities that are in accord with the CALFED Bay-
20 Delta Program, including projects to improve water use
21 efficiency, water quality, groundwater and surface storage,
22 levees, conveyance, and watershed management, consistent
23 with plans to be approved by the Secretary of the Interior,
24 in consultation with such Federal agencies, \$50,000,000,
25 to remain available until expended, of which \$30,000,000
26 shall be used for ecosystem restoration activities and

1 \$20,000,000 shall be used for such other activities, and
2 of which such amounts as may be necessary to conform
3 with such plans shall be transferred to appropriate ac-
4 counts of such Federal agencies: *Provided*, That no more
5 than \$2,500,000 of the funds appropriated herein may be
6 used for planning and management activities associated
7 with developing the overall CALFED Bay-Delta Program
8 and coordinating its staged implementation: *Provided fur-*
9 *ther*, That funds for ecosystem restoration activities may
10 be obligated only as non-Federal sources provide their
11 share in accordance with the cost-sharing agreement re-
12 quired under section 1101(d) of such Act, and that funds
13 for such other activities may be obligated only as non-Fed-
14 eral sources provide their share in a manner consistent
15 with such cost-sharing agreement: *Provided further*, That
16 such funds may be obligated prior to the completion of
17 a final programmatic environmental impact statement
18 only if: (1) consistent with 40 CFR 1506.1(c); and (2)
19 used for purposes that the Secretary finds are of suffi-
20 ciently high priority to warrant such an expenditure.

21 POLICY AND ADMINISTRATION

22 For necessary expenses of policy, administration, and
23 related functions in the office of the Commissioner, the
24 Denver office, and offices in the five regions of the Bureau
25 of Reclamation, to remain available until expended,
26 \$49,000,000, 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 PROVISIONS

6 SEC. 201. Advance payments made under this title
7 to Indian tribes, tribal organizations, and tribal consortia
8 pursuant to the Indian Self-Determination and Education
9 Assistance Act (25 U.S.C. 450 et seq.) or the Tribally
10 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.)
11 may be invested by the Indian tribe, tribal organization,
12 or consortium before such funds are expended for the pur-
13 poses of the grant, compact, or annual funding agreement
14 so long as such funds are:

15 (1) invested by the Indian tribe, tribal organiza-
16 tion, or consortium only in obligations of the United
17 States, or in obligations or securities that are guar-
18 anteed or insured by the United States, or mutual
19 (or other) funds registered with the Securities and
20 Exchange Commission and which only invest in obli-
21 gations of the United States or securities that are
22 guaranteed or insured by the United States; or

23 (2) deposited only into accounts that are in-
24 sured by an agency or instrumentality of the United
25 States, or are fully collateralized to ensure protec-

1 for science activities in carrying out the purposes of the
2 Department of Energy Organization Act (42 U.S.C. 7101
3 et seq.), including the acquisition or condemnation of any
4 real property or facility or for plant or facility acquisition,
5 construction, or expansion, and purchase of not to exceed
6 6 passenger motor vehicles for replacement only,
7 \$2,725,069,000, to remain available until expended.

8 NUCLEAR WASTE DISPOSAL

9 For nuclear waste disposal activities to carry out the
10 purposes of Public Law 97–425, as amended, including
11 the acquisition of real property or facility construction or
12 expansion, \$242,500,000 to be derived from the Nuclear
13 Waste Fund: *Provided*, That not to exceed \$4,727,000
14 may be provided to the State of Nevada solely for expendi-
15 tures, other than salaries and expenses of State employees,
16 to conduct scientific oversight responsibilities pursuant to
17 the Nuclear Waste Policy Act of 1982, (Public Law 97–
18 425) as amended: *Provided further*, That not to exceed
19 \$5,432,000 may be provided to affected units of local gov-
20 ernments, as defined in Public Law 97–425, to conduct
21 appropriate activities pursuant to the Act: *Provided fur-*
22 *ther*, That the distribution of the funds as determined by
23 the units of local government shall be approved by the De-
24 partment of Energy: *Provided further*, That the funds
25 shall be made available to the State and units of local gov-

1 ernment by direct payment: *Provided further*, That within
2 90 days of the completion of each Federal fiscal year, the
3 State and each local entity shall provide certification to
4 the Department of Energy, that all funds expended from
5 such payments have been expended for activities as de-
6 fined in Public Law 97-425. Failure to provide such cer-
7 tification shall cause such entity to be prohibited from any
8 further funding provided for similar activities: *Provided*
9 *further*, That none of the funds herein appropriated may
10 be: (1) used directly or indirectly to influence legislative
11 action on any matter pending before Congress or a State
12 legislature or for lobbying activity as provided in 18
13 U.S.C. 1913; (2) used for litigation expenses; or (3) used
14 to support multi-state efforts or other coalition building
15 activities inconsistent with the restrictions contained in
16 this Act.

17 DEPARTMENTAL ADMINISTRATION

18 For salaries and expenses of the Department of En-
19 ergy necessary for departmental administration in car-
20 rying out the purposes of the Department of Energy Orga-
21 nization Act (42 U.S.C. 7101 et seq.), including the hire
22 of passenger motor vehicles and official reception and rep-
23 resentation expenses (not to exceed \$35,000),
24 \$219,415,000, to remain available until expended, plus
25 such additional amounts as necessary to cover increases

1 in the estimated amount of cost of work for others not-
2 withstanding the provisions of the Anti-Deficiency Act (31
3 U.S.C. 1511 et seq.): *Provided*, That such increases in
4 cost of work are offset by revenue increases of the same
5 or greater amount, to remain available until expended:
6 *Provided further*, That moneys received by the Department
7 for miscellaneous revenues estimated to total
8 \$116,887,000 in fiscal year 2000 may be retained and
9 used for operating expenses within this account, and may
10 remain available until expended, as authorized by section
11 201 of Public Law 95–238, notwithstanding the provisions
12 of 31 U.S.C. 3302: *Provided further*, That the sum herein
13 appropriated shall be reduced by the amount of miscella-
14 neous revenues received during fiscal year 2000 so as to
15 result in a final fiscal year 2000 appropriation from the
16 General Fund estimated at not more than \$102,528,000.

17 OFFICE OF THE INSPECTOR GENERAL

18 For necessary expenses of the Office of the Inspector
19 General in carrying out the provisions of the Inspector
20 General Act of 1978, as amended, \$29,000,000, to remain
21 available until expended.

22 ATOMIC ENERGY DEFENSE ACTIVITIES

23 WEAPONS ACTIVITIES

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

1 equipment and other incidental expenses necessary for
2 atomic energy defense weapons activities in carrying out
3 the purposes of the Department of Energy Organization
4 Act (42 U.S.C. 7101 et seq.), including the acquisition or
5 condemnation of any real property or any facility or for
6 plant or facility acquisition, construction, or expansion;
7 and the purchase of passenger motor vehicles (not to ex-
8 ceed 3 for replacement only), \$4,609,832,000, to remain
9 available until expended: *Provided*, That funding for any
10 ballistic missile defense program undertaken by the De-
11 partment of Energy for the Department of Defense shall
12 be provided by the Department of Defense according to
13 procedures established for Work for Others by the Depart-
14 ment of Energy.

15 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE
16 MANAGEMENT

17 For Department of Energy expenses, including the
18 purchase, construction and acquisition of plant and capital
19 equipment and other expenses necessary for atomic energy
20 defense environmental restoration and waste management
21 activities in carrying out the purposes of the Department
22 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
23 cluding the acquisition or condemnation of any real prop-
24 erty or any facility or for plant or facility acquisition, con-
25 struction, or expansion; and the purchase of passenger

1 motor vehicles (not to exceed 35 for replacement only),
2 \$4,551,676,000, to remain available until expended.

3 DEFENSE FACILITIES CLOSURE PROJECTS

4 For expenses of the Department of Energy to accel-
5 erate the closure of defense environmental management
6 sites, including the purchase, construction and acquisition
7 of plant and capital equipment and other necessary ex-
8 penses, \$1,069,492,000, to remain available until ex-
9 pended.

10 DEFENSE ENVIRONMENTAL MANAGEMENT

11 PRIVATIZATION

12 For Department of Energy expenses for privatization
13 projects necessary for atomic energy defense environ-
14 mental management activities authorized by the Depart-
15 ment of Energy Organization Act (42 U.S.C. 7101 et
16 seq.), \$228,000,000, to remain available until expended.

17 OTHER DEFENSE ACTIVITIES

18 For Department of Energy expenses, including the
19 purchase, construction and acquisition of plant and capital
20 equipment and other expenses necessary for atomic energy
21 defense, other defense activities, in carrying out the pur-
22 poses of the Department of Energy Organization Act (42
23 U.S.C. 7101 et seq.), including the acquisition or con-
24 demnation of any real property or any facility or for plant
25 or facility acquisition, construction, or expansion,

1 \$1,872,000,000, to remain available until expended: *Pro-*
2 *vided*, That not to exceed \$3,000 may be used for official
3 reception and representation expenses for transparency
4 activities and not to exceed \$2,000 for the same purpose
5 for national security and nonproliferation activities.

6 DEFENSE NUCLEAR WASTE DISPOSAL

7 For nuclear waste disposal activities to carry out the
8 purposes of Public Law 97–425, as amended, including
9 the acquisition of real property or facility construction or
10 expansion, \$112,500,000, to remain available until ex-
11 pended.

12 POWER MARKETING ADMINISTRATIONS

13 BONNEVILLE POWER ADMINISTRATION FUND

14 Expenditures from the Bonneville Power Administra-
15 tion Fund, established pursuant to Public Law 93–454,
16 are approved for the Northeast Oregon Hatchery Master
17 Plan, and for official reception and representation ex-
18 penses in an amount not to exceed \$3,000.

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

21 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER

22 ADMINISTRATION

23 For necessary expenses of operation and maintenance
24 of power transmission facilities and of marketing electric
25 power and energy, including transmission wheeling and

1 ancillary services, pursuant to the provisions of section 5
2 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
3 applied to the southeastern power area, \$11,594,000; in
4 addition, notwithstanding the provisions of 31 U.S.C.
5 3302, not to exceed \$39,549,000 in reimbursements for
6 transmission wheeling and ancillary services and for power
7 purchases, to remain available until expended.

8 OPERATION AND MAINTENANCE, SOUTHWESTERN
9 POWER ADMINISTRATION

10 For necessary expenses of operation and maintenance
11 of power transmission facilities and of marketing electric
12 power and energy, and for construction and acquisition of
13 transmission lines, substations and appurtenant facilities,
14 and for administrative expenses, including official recep-
15 tion and representation expenses in an amount not to ex-
16 ceed \$1,500 in carrying out the provisions of section 5
17 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
18 applied to the southwestern power area, \$28,000,000, to
19 remain available until expended; in addition, notwith-
20 standing the provisions of 31 U.S.C. 3302, not to exceed
21 \$4,200,000 in reimbursements, to remain available until
22 expended.

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, \$223,555,000,
10 to remain available until expended, of which \$160,286,000
11 shall be derived from the Department of the Interior Rec-
12 lamation Fund: *Provided*, That of the amount herein ap-
13 propriated, \$5,036,000 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.

17 FALCON AND AMISTAD OPERATING AND MAINTENANCE
18 FUND

19 For operation, maintenance, and emergency costs for
20 the hydroelectric facilities at the Falcon and Amistad
21 Dams, \$1,309,000, to remain available until expended,
22 and to be derived from the Falcon and Amistad Operating
23 and Maintenance Fund of the Western Area Power Ad-
24 ministration, as provided in section 423 of the Foreign
25 Relations 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 \$170,000,000, to remain available until expended: *Pro-*
10 *vided*, That notwithstanding any other provision of law,
11 not to exceed \$170,000,000 of revenues from fees and an-
12 nual charges, and other services and collections in fiscal
13 year 2000 shall be retained and used for necessary ex-
14 penses in this account, and shall remain available until
15 expended: *Provided further*, That the sum herein appro-
16 priated from the General Fund shall be reduced as reve-
17 nues are received during fiscal year 2000 so as to result
18 in a final fiscal year 2000 appropriation from the General
19 Fund estimated at not more than \$0.

20 GENERAL PROVISIONS

21 DEPARTMENT OF ENERGY

22 SEC. 301. (a) None of the funds appropriated by this
23 Act or any prior appropriations Act may be used to award
24 a management and operating contract unless such con-
25 tract is awarded using competitive procedures or the Sec-

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

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

12 SEC. 302. Of the funds appropriated by this title to
13 the Department of Energy, not more than \$200,000,000
14 shall be available for reimbursement of contractor travel
15 expenses, and no funds shall be available for reimburse-
16 ment of contractor travel expenses that exceed 80 percent
17 of the amount incurred by any individual contractor in fis-
18 cal year 1998.

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

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

24 (2) provide enhanced severance payments or
25 other benefits for employees of the Department of

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

4 SEC. 304. None of the funds appropriated by this Act
5 or any prior appropriations Act may be used to augment
6 the \$30,000,000 made available for obligation by this Act
7 for severance payments and other benefits and community
8 assistance grants under section 3161 of the National De-
9 fense Authorization Act for Fiscal Year 1993 (Public Law
10 102-484; 106 Stat. 2644; 42 U.S.C. 7274h).

11 SEC. 305. None of the funds appropriated by this Act
12 or any prior appropriations Act may be used to prepare
13 or initiate Requests For Proposals (RFPs) for a program
14 if the program has not been funded 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. None of the funds in this Act may be used
24 to dispose of transuranic waste in the Waste Isolation
25 Pilot Plant which contains concentrations of plutonium in
26 excess of 20 percent by weight for the aggregate of any

1 material category on the date of enactment of this Act,
2 or is generated after such date.

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, \$71,400,000, to remain available
14 until expended.

15 DENALI COMMISSION

16 For expenses of the Denali Commission including the
17 purchase, construction and acquisition of plant and capital
18 equipment as necessary and other expenses, \$25,000,000,
19 to remain available until expended.

20 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

21 SALARIES AND EXPENSES

22 For necessary expenses of the Defense Nuclear Fa-
23 cilities Safety Board in carrying out activities authorized
24 by the Atomic Energy Act of 1954, as amended by Public

1 Law 100–456, section 1441, \$17,500,000, to remain
2 available until expended.

3 NUCLEAR REGULATORY COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses of the Commission in car-
6 rying out the purposes of the Energy Reorganization Act
7 of 1974, as amended, and the Atomic Energy Act of 1954,
8 as amended, including official representation expenses
9 (not to exceed \$15,000), \$465,400,000, to remain avail-
10 able until expended: *Provided*, That of the amount appro-
11 priated herein, \$19,150,000 shall be derived from the Nu-
12 clear Waste Fund: *Provided further*, That revenues from
13 licensing fees, inspection services, and other services and
14 collections estimated at \$442,400,000 in fiscal year 2000
15 shall be retained and used for necessary salaries and ex-
16 penses in this account, notwithstanding 31 U.S.C. 3302,
17 and shall remain available until expended: *Provided fur-*
18 *ther*, That \$3,850,000 of the funds herein appropriated
19 for regulatory reviews and other assistance provided to the
20 Department of Energy and other Federal agencies shall
21 be excluded from license fee revenues, notwithstanding 42
22 U.S.C. 2214: *Provided further*, That the sum herein ap-
23 propriated shall be reduced by the amount of revenues re-
24 ceived during fiscal year 2000 so as to result in a final

1 fiscal year 2000 appropriation estimated at not more than
2 \$23,000,000.

3 OFFICE OF INSPECTOR GENERAL

4 For necessary expenses of the Office of Inspector
5 General in carrying out the provisions of the Inspector
6 General Act of 1978, as amended, \$5,000,000, to remain
7 available until expended: *Provided*, That the sum herein
8 appropriated shall be reduced by the amount of revenues
9 received during fiscal year 2000 so as to result in a final
10 fiscal year 2000 appropriation estimated at not more than
11 \$0.

12 NUCLEAR WASTE TECHNICAL REVIEW BOARD

13 SALARIES AND EXPENSES

14 For necessary expenses of the Nuclear Waste Tech-
15 nical Review Board, as authorized by Public Law 100-
16 203, section 5051, \$3,150,000, to be derived from the Nu-
17 clear Waste Fund, and to remain available until expended.

18 TENNESSEE VALLEY AUTHORITY FUND

19 For the purposes of carrying out the provisions of
20 the Tennessee Valley Authority Act of 1933, as amended
21 (16 U.S.C. ch. 12A), \$7,000,000, to remain available until
22 expended for operation, maintenance, surveillance, and im-
23 provement of Land Between The Lakes.

1 TITLE V—RESCISSIONS
2 DEPARTMENT OF DEFENSE—CIVIL
3 DEPARTMENT OF THE ARMY
4 CORPS OF ENGINEERS—CIVIL
5 GENERAL INVESTIGATIONS
6 (RESCISSIONS)

7 Of the funds made available under this heading in
8 Public Law 105–245 and prior Energy and Water Devel-
9 opment Acts, the following amounts are hereby rescinded
10 in the amounts specified:

11 Calleguas, Creek, California, \$271,100;
12 San Joaquin, Caliente Creek, California,
13 \$155,400;
14 Red River Waterway, Shreveport, Louisiana, to
15 Dangerfield, Texas \$582,600;
16 Buffalo, Small Boat Harbor, New York,
17 \$15,100;
18 City of Buffalo, New York, \$4,000;
19 Geneva State Park, Ohio Shoreline Protection,
20 \$91,000;
21 Clinton River Spillway, Michigan, \$50,000;
22 Lackawanna River Basin Greenway Corridor,
23 Pennsylvania, \$217,900; and
24 Red River Waterway, Index Arkansas, to
25 Denison Dam, Texas, \$125,000.

CONSTRUCTION, GENERAL

(RESCISSIONS)

1
2
3 Of the funds made available under this heading in
4 Public Law 105–245, and prior Energy and Water Devel-
5 opment Acts, the following amounts are hereby rescinded
6 in the amounts specified:

7 Sacramento River Flood Control Project, Cali-
8 fornia (Deficiency Correction), \$1,500,000;

9 Melaleuca Quarantine Facility, Florida,
10 \$295,000;

11 Lake George, Hobart, Indiana, \$3,484,000;

12 Southern and Eastern Kentucky, Kentucky,
13 \$2,623,000;

14 Anacostia River (Section 1135), Maryland,
15 \$1,534,000;

16 Sowashee Creek, Meridian, Mississippi,
17 \$2,537,000;

18 Platte River Flood and Streambank Erosion
19 Control, Nebraska, \$1,409,000;

20 Hackensack Meadowlands, New Jersey,
21 \$1,641,000;

22 Rochester Harbor, New York, \$1,842,000;

23 Columbia River, Seafarers Museum, Hammond,
24 Oregon, \$98,000;

25 Lackawanna River, Scranton, Pennsylvania,
26 \$25,000,000;

1 South Central Pennsylvania, Environmental
2 Improvements Program, Pennsylvania, \$20,000,000;
3 and
4 Quonset Point, Davisville, Rhode Island,
5 \$120,000.

6 DEPARTMENT OF ENERGY
7 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
8 ADMINISTRATION
9 (RESCISSION)

10 Of the funds made available under this heading in
11 Public Law 105–245 and prior Energy and Water Devel-
12 opment Acts, \$5,500,000, are rescinded.

13 TITLE VI—GENERAL PROVISIONS

14 SEC. 601. None of the funds appropriated by this Act
15 may be used in any way, directly or indirectly, to influence
16 congressional action on any legislation or appropriation
17 matters pending before Congress, other than to commu-
18 nicate to Members of Congress as described in section
19 1913 of title 18, United States Code.

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

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

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

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

1 vironmental Protection Agency, to minimize any detri-
2 mental effect of the San Luis drainage waters.

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

19 SEC. 604. None of the funds made available in this
20 or any other Act may be used to restart the High Flux
21 Beam Reactor.

22 SEC. 605. Section 6101(a)(3) of the Omnibus Budget
23 Reconciliation Act of 1990, as amended, (42 U.S.C.
24 2214(a)(3)) is amended by striking “September 30, 1999”
25 and inserting “September 30, 2000”.

1 SEC. 606. UNITED STATES ENRICHMENT CORPORA-
2 TION FUND. (a) WITHDRAWALS.—Subsections (b) and (c)
3 of section 1 of Public Law 105–204 (112 Stat. 681) are
4 amended by striking “fiscal year 2000” and inserting “fis-
5 cal year 2002”.

6 (b) INVESTMENT OF AMOUNTS IN THE USEC
7 FUND.—Section 1308(a) of the Atomic Energy Act of
8 1954 (42 U.S.C. 2297b–7(a)) is amended—

9 (1) in subsection (a)—

10 (A) by striking “There is established” and
11 inserting the following:

12 “(1) ESTABLISHMENT.—There is established”;

13 and

14 (B) by striking “, which” and inserting
15 “(referred to in this section as the ‘Fund’),
16 which”; and

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

18 “(2) INVESTMENT OF AMOUNTS.—

19 “(A) IN GENERAL.—The Secretary of the
20 Treasury shall invest such portion of the Fund
21 as is not, in the judgment of the Secretary, re-
22 quired to meet current withdrawals. Invest-
23 ments may be made only in interest-bearing ob-
24 ligations of the United States.

1 “(B) ACQUISITION OF OBLIGATIONS.—For
2 the purpose of investments under subparagraph
3 (A), obligations may be acquired—

4 “(i) on original issue at the issue
5 price; or

6 “(ii) by purchase of outstanding obli-
7 gations at the market price.

8 “(C) SALE OF OBLIGATIONS.—Any obliga-
9 tion acquired by the Fund may be sold by the
10 Secretary of the Treasury at the market price.

11 “(D) CREDITS TO FUND.—The interest on,
12 and the proceeds from the sale or redemption
13 of, any obligations held in the Fund shall be
14 credited to and form a part of the Fund.”.

15 SEC. 607. LAKE CASCADE. (a) DESIGNATION.—The
16 reservoir commonly known as the “Cascade Reservoir”,
17 created as a result of the building of the Cascade Dam
18 authorized by the matter under the heading “BUREAU OF
19 RECLAMATION” of the fifth section of the Interior Depart-
20 ment Appropriation Act, 1942 (55 Stat. 334, chapter 259)
21 for the Boise Project, Idaho, Payette division, is redesis-
22 gnated as “Lake Cascade”.

23 (b) REFERENCES.—Any reference in any law, regula-
24 tion, document, record, map, or other paper of the United

1 States to “Cascade Reservoir” shall be considered to be
2 a reference to “Lake Cascade”.

3 SEC. 608. Section 4(h)(10)(D) of the Pacific North-
4 west Electric Power Planning and Conservation Act (16
5 U.S.C. 839b(h)(10)(D)) is amended by striking clauses
6 (vii) and (viii) and inserting the following:

7 “(vii) COST LIMITATION.—The annual cost of this
8 provision shall not exceed \$500,000 in 1997 dollars.”.

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

Calendar No. 128

106TH CONGRESS
1ST Session

S. 1186

[Report No. 106-58]

A BILL

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

JUNE 2, 1999

Read twice and placed on the calendar