

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

*July 28, 1999.*

*Resolved*, That the bill from the House of Representatives (H.R. 2605) entitled “An Act making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*  
2 *money in the Treasury not otherwise appropriated, for the*  
3 *fiscal year ending September 30, 2000, for energy and*  
4 *water development, and for other purposes, namely:*

5

*TITLE I*

6

*DEPARTMENT OF DEFENSE—CIVIL*

7

*DEPARTMENT OF THE ARMY*

8

*CORPS OF ENGINEERS—CIVIL*

9

*The following appropriations shall be expended under*

10 *the direction of the Secretary of the Army and the super-*

1 *vision of the Chief of Engineers for authorized civil func-*  
2 *tions of the Department of the Army pertaining to rivers*  
3 *and harbors, flood control, beach erosion, and related pur-*  
4 *poses.*

5 *GENERAL INVESTIGATIONS*

6 *For expenses necessary for the collection and study of*  
7 *basic information pertaining to river and harbor, flood con-*  
8 *trol, shore protection, and related projects, restudy of au-*  
9 *thorized projects, miscellaneous investigations, and, when*  
10 *authorized by laws, surveys and detailed studies and plans*  
11 *and specifications of projects prior to construction,*  
12 *\$125,459,000, to remain available until expended, of which*  
13 *funds are provided for the following projects in the amounts*  
14 *specified:*

15 *Yellowstone River at Glendive, Montana Study,*  
16 *\$150,000;*

17 *Great Egg Harbor Inlet to Townsend's Inlet,*  
18 *New Jersey, \$226,000; and*

19 *Project for flood control, Park River, Grafton,*  
20 *North Dakota, general reevaluation report, using cur-*  
21 *rent data, to determine whether the project is tech-*  
22 *nically sound, environmentally acceptable, and eco-*  
23 *nomically justified, \$50,000:*

24 *Provided, That the Secretary of the Army is directed to use*  
25 *\$328,000 of the funds appropriated herein to implement*

1 *section 211(f)(7) of Public Law 104–303 (110 Stat. 3684)*  
2 *and to reimburse the non-Federal sponsor a portion of the*  
3 *Federal share of project costs for the Hunting Bayou ele-*  
4 *ment of the project for flood control, Buffalo Bayou and*  
5 *tributaries, Texas.*

6 **CONSTRUCTION, GENERAL**

7 *For the prosecution of river and harbor, flood control,*  
8 *shore protection, and related projects authorized by laws;*  
9 *and detailed studies, and plans and specifications, of*  
10 *projects (including those for development with participation*  
11 *or under consideration for participation by States, local*  
12 *governments, or private groups) authorized or made eligible*  
13 *for selection by law (but such studies shall not constitute*  
14 *a commitment of the Government to construction),*  
15 *\$1,086,586,000, to remain available until expended, of*  
16 *which such sums as are necessary for the Federal share of*  
17 *construction costs for facilities under the Dredged Material*  
18 *Disposal Facilities program shall be derived from the Har-*  
19 *bor Maintenance Trust Fund, as authorized by Public Law*  
20 *104–303; and of which such sums as are necessary pursuant*  
21 *to Public Law 99–662 shall be derived from the Inland Wa-*  
22 *terways Trust Fund, for one-half of the costs of construction*  
23 *and rehabilitation of inland waterways projects, including*  
24 *rehabilitation costs for the Lock and Dam 25, Mississippi*  
25 *River, Illinois and Missouri; Lock and Dam 14, Mississippi*

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

7 *Norco Bluffs, California, \$2,200,000;*

8 *Brevard County, Florida (Shore Protection),*  
9 *\$1,000,000;*

10 *Everglades and South Florida Ecosystem Res-*  
11 *toration, Florida, \$14,100,000;*

12 *St. John's County, Florida (Shore Protection),*  
13 *\$1,000,000;*

14 *Indianapolis Central Waterfront, Indiana,*  
15 *\$3,000,000;*

16 *Ohio River Flood Protection, Indiana,*  
17 *\$1,000,000;*

18 *Jackson County, Mississippi, \$800,000;*

19 *Minnish Waterfront Park project, Passaic River,*  
20 *New Jersey, \$1,500,000*

21 *Virginia Beach, Virginia (Hurricane Protec-*  
22 *tion), \$17,000,000;*

23 *Upper Mingo County (including Mingo County*  
24 *Tributaries), Lower Mingo County (Kermit), Wayne*  
25 *County, and McDowell County, elements of the Levisa*

1        *and Tug Forks of the Big Sandy River and Upper*  
2        *Cumberland River project in West Virginia,*  
3        *\$4,400,000; and*

4                *Lake St. Clair, Metro Beach, Michigan, section*  
5        *206 project, \$100,000:*

6        *Provided, That the Secretary of the Army is directed to use*  
7        *\$9,000,000 of the funds appropriated herein to implement*  
8        *section 211(f)(6) of Public Law 104–303 (110 Stat. 3683)*  
9        *and to reimburse the non-Federal sponsor a portion of the*  
10       *Federal share of project construction costs for the flood con-*  
11       *trol components comprising the Brays Bayou element of the*  
12       *project for flood control, Buffalo Bayou and tributaries,*  
13       *Texas: Provided further, That the Secretary of the Army,*  
14       *acting through the Chief of Engineers, is directed to use*  
15       *\$2,000,000 provided herein to construct bluff stabilization*  
16       *measures at authorized locations for Natchez Bluff, Mis-*  
17       *sissippi: Provided further, That no part of any appropria-*  
18       *tion contained in this Act shall be expended or obligated*  
19       *to begin Phase II on the John Day Drawdown study or*  
20       *to initiate a study of the drawdown of McNary Dam unless*  
21       *authorized by law: Provided further, That using \$200,000*  
22       *of the funds provided herein, the Secretary of the Army,*  
23       *acting through the Chief of Engineers, is directed to initiate*  
24       *a Detailed Project Report for the Dickenson County, Vir-*  
25       *ginia, element of the Levisa and Tug Forks of the Big*

1 *Sandy River and Upper Cumberland River, West Virginia,*  
2 *Virginia and Kentucky, project: Provided further, That*  
3 *\$100,000 of the funding appropriated herein for section 107*  
4 *navigation projects may be used by the Corps of Engineers*  
5 *to produce a decision document, and, if favorable, signing*  
6 *a project cost sharing agreement with a non-Federal project*  
7 *sponsor for the Rochester Harbor, New York (CSX Swing*  
8 *Bridge), project: Provided further, That the Secretary of the*  
9 *Army, acting through the Chief of Engineers, may use*  
10 *\$1,500,000 of funding appropriated herein to initiate con-*  
11 *struction of shoreline protection measures at Assateague Is-*  
12 *land, Maryland: Provided further, That the Secretary of the*  
13 *Army, acting through the Chief of Engineers, may use Con-*  
14 *struction, General funding as directed in Public Law 105-*  
15 *62 and Public Law 105-245 to initiate construction of an*  
16 *emergency outlet from Devils Lake, North Dakota, to the*  
17 *Sheyenne River, except that the funds shall not become*  
18 *available unless the Secretary of the Army determines that*  
19 *an emergency (as defined in section 102 of the Robert T.*  
20 *Stafford Disaster Relief and Emergency Assistance Act (42*  
21 *U.S.C. 5122)) exists with respect to the emergency need for*  
22 *the outlet and reports to Congress that the construction is*  
23 *technically sound, economically justified, and environ-*  
24 *mentally acceptable and in compliance with the National*  
25 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.):*

1 *Provided further, That the economic justification for the*  
2 *emergency outlet shall be prepared in accordance with the*  
3 *principles and guidelines for economic evaluation as re-*  
4 *quired by regulations and procedures of the Army Corps*  
5 *of Engineers for all flood control projects, and that the eco-*  
6 *nomie justification be fully described, including the anal-*  
7 *ysis of the benefits and costs, in the project plan documents:*  
8 *Provided further, That the plans for the emergency outlet*  
9 *shall be reviewed and, to be effective, shall contain assur-*  
10 *ances provided by the Secretary of State, after consultation*  
11 *with the International Joint Commission, that the project*  
12 *will not violate the requirements or intent of the Treaty*  
13 *Between the United States and Great Britain Relating to*  
14 *Boundary Waters Between the United States and Canada,*  
15 *signed at Washington January 11, 1909 (36 Stat. 2448;*  
16 *TS 548) (commonly known as the “Boundary Waters Trea-*  
17 *ty of 1909”): Provided further, That the Secretary of the*  
18 *Army shall submit the final plans and other documents for*  
19 *the emergency outlet to Congress: Provided further, That no*  
20 *funds made available under this Act or any other Act for*  
21 *any fiscal year may be used by the Secretary of the Army*  
22 *to carry out the portion of the feasibility study of the Devils*  
23 *Lake Basin, North Dakota, authorized under the Energy*  
24 *and Water Development Appropriations Act, 1993 (Public*  
25 *Law 102–377), that addresses the needs of the area for sta-*

1 *bilized lake levels through inlet controls, or to otherwise*  
2 *study any facility or carry out any activity that would per-*  
3 *mit the transfer of water from the Missouri River Basin*  
4 *into Devils Lake.*

5 *FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES,*  
6 *ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MIS-*  
7 *SISSIPPI, MISSOURI, AND TENNESSEE*

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

13 *OPERATION AND MAINTENANCE, GENERAL*

14 *For expenses necessary for the preservation, operation,*  
15 *maintenance, and care of existing river and harbor, flood*  
16 *control, and related works, including such sums as may be*  
17 *necessary for the maintenance of harbor channels provided*  
18 *by a State, municipality or other public agency, outside*  
19 *of harbor lines, and serving essential needs of general com-*  
20 *merce and navigation; surveys and charting of northern*  
21 *and northwestern lakes and connecting waters; clearing and*  
22 *straightening channels; and removal of obstructions to navi-*  
23 *gation, \$1,790,043,000, to remain available until expended,*  
24 *of which such sums as become available from the special*  
25 *account established by the Land and Water Conservation*



1 *Act of 1965, as amended (16 U.S.C. 460l), may be derived*  
2 *from that account for construction, operation, and mainte-*  
3 *nance of outdoor recreation facilities, and of which*  
4 *\$1,500,000 shall be available for development of technologies*  
5 *for control of zebra mussels and other aquatic nuisance spe-*  
6 *cies in and around public facilities: Provided, That no*  
7 *funds, whether appropriated, contributed, or otherwise pro-*  
8 *vided, shall be available to the United States Army Corps*  
9 *of Engineers for the purpose of acquiring land in Jasper*  
10 *County, South Carolina, in connection with the Savannah*  
11 *Harbor navigation project: Provided further, That the Sec-*  
12 *retary of the Army, acting through the Chief of Engineers,*  
13 *shall use \$100,000 of available funds to study the economic*  
14 *justification and environmental acceptability, in accord-*  
15 *ance with section 509(a) of Public Law 104–303, of main-*  
16 *taining the Matagorda Ship Channel, Point Comfort Turn-*  
17 *ing Basin, Texas, project, and to use available funds to per-*  
18 *form any required maintenance in fiscal year 2000 once*  
19 *the Secretary determines such maintenance is justified and*  
20 *acceptable as required by Public Law 104–303: Provided*  
21 *further, That the Secretary of the Army, acting through the*  
22 *Chief of Engineers, may use not to exceed \$300,000 for ex-*  
23 *penses associated with the commemoration of the Lewis and*  
24 *Clark Bicentennial.*

1 *REGULATORY PROGRAM*

2 *For expenses necessary for administration of laws per-*  
3 *taining to regulation of navigable waters and wetlands,*  
4 *\$115,000,000, to remain available until expended: Pro-*  
5 *vided, That the Secretary of the Army, acting through the*  
6 *Chief of Engineers, is directed to use \$5,000,000 of funds*  
7 *appropriated herein to fully implement an administrative*  
8 *appeals process for the Corps of Engineers Regulatory Pro-*  
9 *gram, which administrative appeals process shall provide*  
10 *for a single-level appeal of jurisdictional determinations.*

11 *FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM*12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For expenses necessary to clean up contamination*  
14 *from sites throughout the United States resulting from work*  
15 *performed as part of the Nation's early atomic energy pro-*  
16 *gram, \$150,000,000, to remain available until expended:*  
17 *Provided, That the United States Army Corps of Engineers*  
18 *under this program shall undertake the following functions*  
19 *and activities to be performed at eligible sites where remedi-*  
20 *ation has not been completed: sampling and assessment of*  
21 *contaminated areas, characterization of site conditions, de-*  
22 *termination of the nature and extent of contamination, se-*  
23 *lection of the necessary and appropriate response actions*  
24 *as the lead Federal agency, cleanup and closeout of sites,*  
25 *and any other functions and activities determined by the*

1 *Chief of Engineers as necessary for carrying out this pro-*  
2 *gram, including the acquisition of real estate interests*  
3 *where necessary, which may be transferred upon completion*  
4 *of remediation to the administrative jurisdiction of the De-*  
5 *partment of Energy: Provided further, That response ac-*  
6 *tions by the United States Army Corps of Engineers under*  
7 *this program shall be subject to the Comprehensive Environ-*  
8 *mental Response, Compensation and Liability Act (42*  
9 *U.S.C. 9601 et seq.), and the National Oil and Hazardous*  
10 *Substances Pollution Contingency Plan, 40 CFR, Chapter*  
11 *1, Part 300: Provided further, That these provisions do not*  
12 *alter, curtail or limit the authorities, functions or respon-*  
13 *sibilities of other agencies under CERCLA or, except as*  
14 *stated herein, under the Atomic Energy Act (42 U.S.C. 2011*  
15 *et seq.): Provided further, That any sums recovered under*  
16 *CERCLA or other authority from a liable party, contractor,*  
17 *insurer, surety, or other person for any expenditures by the*  
18 *Army Corps of Engineers or the Department of Energy for*  
19 *response actions under the Formerly Utilized Sites Reme-*  
20 *dial Action Program shall be credited to this account and*  
21 *will be available until expended for response action costs*  
22 *for any eligible site: Provided further, That the Secretary*  
23 *of Energy may exercise the authority of 42 U.S.C. 2208*  
24 *to make payments in lieu of taxes for federally-owned prop-*  
25 *erty where Formerly Utilized Sites Remedial Action Pro-*

1 *gram activities are conducted, regardless of which Federal*  
2 *agency has administrative jurisdiction over the property*  
3 *and notwithstanding references to “the activities of the*  
4 *Commission” in 42 U.S.C. 2208.*

5 *GENERAL EXPENSES*

6 *For expenses necessary for general administration and*  
7 *related functions in the Office of the Chief of Engineers and*  
8 *offices of the Division Engineers; activities of the Coastal*  
9 *Engineering Research Board, the Humphreys Engineer*  
10 *Center Support Activity, the Water Resources Support Cen-*  
11 *ter, and headquarters support functions at the USACE Fi-*  
12 *nance Center; \$151,000,000, to remain available until ex-*  
13 *pende: Provided, That no part of any other appropriation*  
14 *provided in title I of this Act shall be available to fund*  
15 *the activities of the Office of the Chief of Engineers or the*  
16 *executive direction and management activities of the divi-*  
17 *sion offices.*

18 *REVOLVING FUND*

19 *Using amounts available in the Revolving Fund, the*  
20 *Secretary of the Army is authorized to renovate office space*  
21 *in the General Accounting Office (GAO) headquarters*  
22 *building in Washington, D.C., for use by the Corps and*  
23 *GAO. The Secretary shall ensure that the Revolving Fund*  
24 *is appropriately reimbursed from appropriations of the*  
25 *Corps’ benefitting programs by collection each year of*

1 *amounts sufficient to repay the capitalized cost of such ren-*  
2 *ovation and through rent reductions or rebates from GAO.*

3 *ADMINISTRATIVE PROVISION*

4 *Appropriations in this title shall be available for offi-*  
5 *cial reception and representation expenses (not to exceed*  
6 *\$5,000); and during the current fiscal year the Revolving*  
7 *Fund, Corps of Engineers, shall be available for purchase*  
8 *(not to exceed 100 for replacement only) and hire of pas-*  
9 *senger motor vehicles.*

10 *GENERAL PROVISIONS*

11 *CORPS OF ENGINEERS—CIVIL*

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

23 *SEC. 102. Agreements proposed for execution by the As-*  
24 *sistant Secretary of the Army for Civil Works or the U.S.*  
25 *Army Corps of Engineers after the date of enactment of this*

1 *Act pursuant to section 4 of the Rivers and Harbor Act*  
2 *of 1915, Public Law 64–291; section 11 of the River and*  
3 *Harbor Act of 1925, Public Law 68–585; the Civil Func-*  
4 *tions Appropriations Act, 1936, Public Law 75–208; section*  
5 *215 of the Flood Control Act of 1968, as amended, Public*  
6 *Law 90–483; sections 104, 203, and 204 of the Water Re-*  
7 *sources Development Act of 1986, as amended (Public Law*  
8 *99–662); section 206 of the Water Resources Development*  
9 *Act of 1992, as amended, Public Law 102–580; and section*  
10 *211 of the Water Resources Development Act of 1996, Public*  
11 *Law 104–303, shall be limited to a single agreement per*  
12 *project, credits and reimbursements per project not to exceed*  
13 *\$10,000,000 in each fiscal year, and total credits and reim-*  
14 *bursements for all applicable projects not to exceed*  
15 *\$50,000,000 in each fiscal year.*

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

24       *SEC. 104. CHEYENNE RIVER SIOUX TRIBE, LOWER*  
25 *BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TER-*

1 *RESTRIAL WILDLIFE HABITAT RESTORATION. (a) IN GEN-*  
 2 *ERAL.—The Secretary of the Army shall continue to fund*  
 3 *wildlife habitat mitigation work for the Cheyenne River*  
 4 *Sioux Tribe, Lower Brule Sioux Tribe, and State of South*  
 5 *Dakota at levels previously funded through the Pick-Sloan*  
 6 *operations and maintenance account.*

7 (b) *CONTRACTS.—With \$3,000,000 made available*  
 8 *under the heading “CONSTRUCTION, GENERAL”, the Sec-*  
 9 *retary of the Army shall fund activities authorized under*  
 10 *title VI of division C of Public Law 105–277 (112 Stat.*  
 11 *2681–660 through contracts with the Cheyenne River Sioux*  
 12 *Tribe, Lower Brule Sioux Tribe, and State of South Da-*  
 13 *kota.*

## 14 *TITLE II*

### 15 *DEPARTMENT OF THE INTERIOR*

#### 16 *CENTRAL UTAH PROJECT*

##### 17 *CENTRAL UTAH PROJECT COMPLETION ACCOUNT*

18 *For carrying out activities authorized by the Central*  
 19 *Utah Project Completion Act, and for activities related to*  
 20 *the Uintah and Upalco Units authorized by 43 U.S.C. 620,*  
 21 *\$38,049,000, to remain available until expended, of which*  
 22 *\$17,047,000 shall be deposited into the Utah Reclamation*  
 23 *Mitigation and Conservation Account: Provided, That of*  
 24 *the amounts deposited into that account, \$5,000,000 shall*  
 25 *be considered the Federal contribution authorized by para-*

1 *graph 402(b)(2) of the Central Utah Project Completion Act*  
2 *and \$12,047,000 shall be available to the Utah Reclamation*  
3 *Mitigation and Conservation Commission to carry out ac-*  
4 *tivities authorized under that Act.*

5 *In addition, for necessary expenses incurred in car-*  
6 *rying out related responsibilities of the Secretary of the In-*  
7 *terior, \$1,321,000, to remain available until expended.*

8 *BUREAU OF RECLAMATION*

9 *For carrying out the functions of the Bureau of Rec-*  
10 *lamation as provided in the Federal reclamation laws (Act*  
11 *of June 17, 1902, 32 Stat. 388, and Acts amendatory there-*  
12 *of or supplementary thereto) and other Acts applicable to*  
13 *that Bureau as follows:*

14 *WATER AND RELATED RESOURCES*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For management, development, and restoration of*  
17 *water and related natural resources and for related activi-*  
18 *ties, including the operation, maintenance and rehabilita-*  
19 *tion of reclamation and other facilities, participation in*  
20 *fulfilling related Federal responsibilities to Native Ameri-*  
21 *cans, and related grants to, and cooperative and other*  
22 *agreements with, State and local governments, Indian*  
23 *Tribes, and others, \$612,451,000, to remain available until*  
24 *expended, of which \$150,000 shall be available for the Lake*  
25 *Andes-Wagner/Marty II demonstration program authorized*  
26 *by the Lake Andes-Wagner/Marty II Act of 1992 (106 Stat.*



1 4677), of which \$2,247,000 shall be available for transfer  
2 to the Upper Colorado River Basin Fund and \$24,326,000  
3 shall be available for transfer to the Lower Colorado River  
4 Basin Development Fund, and of which such amounts as  
5 may be necessary may be advanced to the Colorado River  
6 Dam Fund: Provided, That such transfers may be increased  
7 or decreased within the overall appropriation under this  
8 heading: Provided further, That of the total appropriated,  
9 the amount for program activities that can be financed by  
10 the Reclamation Fund or the Bureau of Reclamation spe-  
11 cial fee account established by 16 U.S.C. 460l-6a(i) shall  
12 be derived from that Fund or account: Provided further,  
13 That funds contributed under 43 U.S.C. 395 are available  
14 until expended for the purposes for which contributed: Pro-  
15 vided further, That funds advanced under 43 U.S.C. 397a  
16 shall be credited to this account and are available until ex-  
17 pended for the same purposes as the sums appropriated  
18 under this heading: Provided further, That funds available  
19 for expenditure for the Departmental Irrigation Drainage  
20 Program may be expended by the Bureau of Reclamation  
21 for site remediation on a non-reimbursable basis: Provided  
22 further, That section 301 of Public Law 102-250, Reclama-  
23 tion States Emergency Drought Relief Act of 1991, as  
24 amended by Public Law 104-206, is amended further by  
25 inserting "1999, and 2000" in lieu of "and 1997": Provided

1 further, That the amount authorized for Indian municipal,  
2 rural, and industrial water features by section 10 of Public  
3 Law 89–108, as amended by section 8 of Public Law 99–  
4 294, section 1701(b) of Public Law 102–575, and Public  
5 Law 105–245, is increased by \$2,000,000 (October 1998  
6 prices): Provided further, That \$500,000 of the funding ap-  
7 propriated herein is provided for the Walker River Basin,  
8 Nevada project, including not to exceed \$200,000 for the  
9 Federal assessment team for the purpose of conducting a  
10 comprehensive study of Walker River Basin issues: Pro-  
11 vided further, That the Secretary of the Interior may pro-  
12 vide \$2,865,000 from funds appropriated herein for envi-  
13 ronmental restoration at Fort Kearny, Nebraska.

14 *BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT*

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

24 *In addition, for administrative expenses necessary to*  
25 *carry out the program for direct loans and/or grants,*  
26 *\$425,000, to remain available until expended: Provided,*

1 *That of the total sums appropriated, the amount of program*  
2 *activities that can be financed by the Reclamation Fund*  
3 *shall be derived from that Fund.*

4 *CENTRAL VALLEY PROJECT RESTORATION FUND*

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

16 *CALIFORNIA BAY-DELTA RESTORATION*

17 *(INCLUDING TRANSFER OF FUNDS)*

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

1 *in consultation with such Federal agencies, \$50,000,000, to*  
2 *remain available until expended, of which \$30,000,000 shall*  
3 *be used for ecosystem restoration activities and \$20,000,000*  
4 *shall be used for such other activities, and of which such*  
5 *amounts as may be necessary to conform with such plans*  
6 *shall be transferred to appropriate accounts of such Federal*  
7 *agencies: Provided, That no more than \$2,500,000 of the*  
8 *funds appropriated herein may be used for planning and*  
9 *management activities associated with developing the over-*  
10 *all CALFED Bay-Delta Program and coordinating its*  
11 *staged implementation: Provided further, That funds for*  
12 *ecosystem restoration activities may be obligated only as*  
13 *non-Federal sources provide their share in accordance with*  
14 *the cost-sharing agreement required under section 1101(d)*  
15 *of such Act, and that funds for such other activities may*  
16 *be obligated only as non-Federal sources provide their share*  
17 *in a manner consistent with such cost-sharing agreement:*  
18 *Provided further, That such funds may be obligated prior*  
19 *to the completion of a final programmatic environmental*  
20 *impact statement only if: (1) consistent with 40 CFR*  
21 *1506.1(c); and (2) used for purposes that the Secretary finds*  
22 *are of sufficiently high priority to warrant such an expend-*  
23 *iture.*

24 *POLICY AND ADMINISTRATION*

25 *For necessary expenses of policy, administration, and*  
26 *related functions in the office of the Commissioner, the Den-*

1 *ver office, and offices in the five regions of the Bureau of*  
2 *Reclamation, to remain available until expended,*  
3 *\$49,000,000, to be derived from the Reclamation Fund and*  
4 *be nonreimbursable as provided in 43 U.S.C. 377: Provided,*  
5 *That no part of any other appropriation in this Act shall*  
6 *be available for activities or functions budgeted as policy*  
7 *and administration expenses.*

8 *ADMINISTRATIVE PROVISIONS*

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

18 *(1) invested by the Indian tribe, tribal organiza-*  
19 *tion, or consortium only in obligations of the United*  
20 *States, or in obligations or securities that are guaran-*  
21 *teed or insured by the United States, or mutual (or*  
22 *other) funds registered with the Securities and Ex-*  
23 *change Commission and which only invest in obliga-*  
24 *tions of the United States or securities that are guar-*  
25 *anteed or insured by the United States; or*

1           (2) *deposited only into accounts that are insured*  
2           *by an agency or instrumentality of the United States,*  
3           *or are fully collateralized to ensure protection of the*  
4           *Funds, even in the event of a bank failure.*

5           *SEC. 202. Appropriations for the Bureau of Reclama-*  
6           *tion shall be available for purchase of not to exceed seven*  
7           *passenger motor vehicles for replacement only.*

8           *SEC. 203. Funds under this title for Drought Emer-*  
9           *gency Assistance shall only be made available for the leasing*  
10          *of water for specified drought related purposes from willing*  
11          *lessors, in compliance with existing State laws and admin-*  
12          *istered under State water priority allocation. Such leases*  
13          *may be entered into with an option to purchase: Provided,*  
14          *That such purchase is approved by the State in which the*  
15          *purchase takes place and the purchase does not cause eco-*  
16          *nomie harm within the State in which the purchase is*  
17          *made.*

18                                    *TITLE III*

19                                    *DEPARTMENT OF ENERGY*

20                                    *ENERGY PROGRAMS*

21                                    *ENERGY SUPPLY*

22                                    *(INCLUDING TRANSFER OF FUNDS)*

23           *For expenses of the Department of Energy activities*  
24          *including the purchase, construction and acquisition of*  
25          *plant and capital equipment and other expenses necessary*

1 *for energy supply, and uranium supply and enrichment ac-*  
2 *tivities in carrying out the purposes of the Department of*  
3 *Energy Organization Act (42 U.S.C. 7101 et seq.), includ-*  
4 *ing the acquisition or condemnation of any real property*  
5 *or any facility or for plant or facility acquisition, construc-*  
6 *tion, or expansion; and the purchase of not to exceed 1 pas-*  
7 *senger motor vehicle for replacement only, \$721,233,000, of*  
8 *which \$821,000 shall be derived by transfer from the Geo-*  
9 *thermal Resources Development Fund, and \$5,000,000 shall*  
10 *be derived by transfer from the United States Enrichment*  
11 *Corporation Fund: Provided, That, \$15,000,000, of which*  
12 *\$10,000,000 shall be derived from reductions in contractor*  
13 *travel balances, shall be available for civilian research and*  
14 *development.*

15 *NON-DEFENSE ENVIRONMENTAL MANAGEMENT*

16 *For Department of Energy expenses, including the*  
17 *purchase, construction and acquisition of plant and capital*  
18 *equipment and other expenses necessary for non-defense en-*  
19 *vironmental management activities in carrying out the*  
20 *purposes of the Department of Energy Organization Act (42*  
21 *U.S.C. 7101 et seq.), including the acquisition or con-*  
22 *demnation of any real property or any facility or for plant*  
23 *or facility acquisition, construction or expansion,*  
24 *\$327,922,000, to remain available until expended.*

1                     *URANIUM ENRICHMENT DECONTAMINATION AND*  
 2                                     *DECOMMISSIONING FUND*

3             *For necessary expenses in carrying out uranium en-*  
 4 *richment facility decontamination and decommissioning,*  
 5 *remedial actions and other activities of title II of the Atom-*  
 6 *ic Energy Act of 1954 and title X, subtitle A of the Energy*  
 7 *Policy Act of 1992, \$200,000,000, to be derived from the*  
 8 *Fund, to remain available until expended: Provided, That*  
 9 *\$25,000,000 of amounts derived from the Fund for such ex-*  
 10 *penses shall be available in accordance with title X, subtitle*  
 11 *A, of the Energy Policy Act of 1992.*

12                                     *SCIENCE*

13             *For expenses of the Department of Energy activities*  
 14 *including the purchase, construction and acquisition of*  
 15 *plant and capital equipment and other expenses necessary*  
 16 *for science activities in carrying out the purposes of the De-*  
 17 *partment of Energy Organization Act (42 U.S.C. 7101 et*  
 18 *seq.), including the acquisition or condemnation of any real*  
 19 *property or facility or for plant or facility acquisition, con-*  
 20 *struction, or expansion, and purchase of not to exceed 6*  
 21 *passenger motor vehicles for replacement only,*  
 22 *\$2,725,069,000, to remain available until expended, of*  
 23 *which \$3,000,000 shall be used for Boston College research*  
 24 *in high temperature superconductivity and of which*  
 25 *\$5,000,000 shall be used for the University of Missouri re-*



1 *search reactor project: Provided, That of the amount pro-*  
2 *vided, \$2,000,000 may be available to the Natural Energy*  
3 *Laboratory of Hawaii, for the purpose of monitoring ocean*  
4 *climate change indicators.*

5 *NUCLEAR WASTE DISPOSAL*

6 *For nuclear waste disposal activities to carry out the*  
7 *purposes of Public Law 97-425, as amended, including the*  
8 *acquisition of real property or facility construction or ex-*  
9 *pansion, \$242,500,000 to be derived from the Nuclear Waste*  
10 *Fund: Provided, That not to exceed \$4,727,000 may be pro-*  
11 *vided to the State of Nevada solely for expenditures, other*  
12 *than salaries and expenses of State employees, to conduct*  
13 *scientific oversight responsibilities pursuant to the Nuclear*  
14 *Waste Policy Act of 1982, (Public Law 97-425) as amend-*  
15 *ed: Provided further, That not to exceed \$5,432,000 may*  
16 *be provided to affected units of local governments, as defined*  
17 *in Public Law 97-425, to conduct appropriate activities*  
18 *pursuant to the Act: Provided further, That the distribution*  
19 *of the funds as determined by the units of local government*  
20 *shall be approved by the Department of Energy: Provided*  
21 *further, That the funds shall be made available to the State*  
22 *and units of local government by direct payment: Provided*  
23 *further, That within 90 days of the completion of each Fed-*  
24 *eral fiscal year, the State and each local entity shall provide*  
25 *certification to the Department of Energy, that all funds*

1 expended from such payments have been expended for ac-  
2 tivities as defined in Public Law 97-425. Failure to pro-  
3 vide such certification shall cause such entity to be prohib-  
4 ited from any further funding provided for similar activi-  
5 ties: Provided further, That none of the funds herein appro-  
6 priated may be: (1) used directly or indirectly to influence  
7 legislative action on any matter pending before Congress  
8 or a State legislature or for lobbying activity as provided  
9 in 18 U.S.C. 1913; (2) used for litigation expenses; or (3)  
10 used to support multi-state efforts or other coalition build-  
11 ing activities inconsistent with the restrictions contained  
12 in this Act.

13 *DEPARTMENTAL ADMINISTRATION*

14 *For salaries and expenses of the Department of Energy*  
15 *necessary for departmental administration in carrying out*  
16 *the purposes of the Department of Energy Organization Act*  
17 *(42 U.S.C. 7101 et seq.), including the hire of passenger*  
18 *motor vehicles and official reception and representation ex-*  
19 *penses (not to exceed \$35,000), \$219,415,000, to remain*  
20 *available until expended, plus such additional amounts as*  
21 *necessary to cover increases in the estimated amount of cost*  
22 *of work for others notwithstanding the provisions of the*  
23 *Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided,*  
24 *That such increases in cost of work are offset by revenue*  
25 *increases of the same or greater amount, to remain avail-*

1 *able until expended: Provided further, That moneys received*  
2 *by the Department for miscellaneous revenues estimated to*  
3 *total \$116,887,000 in fiscal year 2000 may be retained and*  
4 *used for operating expenses within this account, and may*  
5 *remain available until expended, as authorized by section*  
6 *201 of Public Law 95–238, notwithstanding the provisions*  
7 *of 31 U.S.C. 3302: Provided further, That the sum herein*  
8 *appropriated shall be reduced by the amount of miscella-*  
9 *neous revenues received during fiscal year 2000 so as to*  
10 *result in a final fiscal year 2000 appropriation from the*  
11 *General Fund estimated at not more than \$102,528,000.*

12 *OFFICE OF THE INSPECTOR GENERAL*

13 *For necessary expenses of the Office of the Inspector*  
14 *General in carrying out the provisions of the Inspector Gen-*  
15 *eral Act of 1978, as amended, \$29,000,000, to remain avail-*  
16 *able until expended.*

17 *ATOMIC ENERGY DEFENSE ACTIVITIES*

18 *WEAPONS ACTIVITIES*

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

1 *or facility acquisition, construction, or expansion; and the*  
2 *purchase of passenger motor vehicles (not to exceed 3 for*  
3 *replacement only), \$4,609,832,000, to remain available*  
4 *until expended: Provided, That funding for any ballistic*  
5 *missile defense program undertaken by the Department of*  
6 *Energy for the Department of Defense shall be provided by*  
7 *the Department of Defense according to procedures estab-*  
8 *lished for Work for Others by the Department of Energy:*  
9 *Provided further, That, \$10,000,000 of the amount provided*  
10 *for stockpile stewardship shall be available to provide lab-*  
11 *oratory and facility capabilities in partnership with small*  
12 *businesses for either direct benefit to Weapons Activities or*  
13 *regional economic development.*

14 *DEFENSE ENVIRONMENTAL RESTORATION AND WASTE*  
15 *MANAGEMENT*

16 *For Department of Energy expenses, including the*  
17 *purchase, construction and acquisition of plant and capital*  
18 *equipment and other expenses necessary for atomic energy*  
19 *defense environmental restoration and waste management*  
20 *activities in carrying out the purposes of the Department*  
21 *of Energy Organization Act (42 U.S.C. 7101 et seq.), in-*  
22 *cluding the acquisition or condemnation of any real prop-*  
23 *erty or any facility or for plant or facility acquisition, con-*  
24 *struction, or expansion; and the purchase of passenger*  
25 *motor vehicles (not to exceed 35 for replacement only),*

1 \$4,551,676,000, to remain available until expended: Pro-  
2 vided, That of the amount provided for site completion,  
3 \$1,306,000 shall be for project 00-D-400, CFA Site Oper-  
4 ations Center, Idaho National Engineering and Environ-  
5 mental Laboratory, Idaho.

6 *DEFENSE FACILITIES CLOSURE PROJECTS*

7 *For expenses of the Department of Energy to accelerate*  
8 *the closure of defense environmental management sites, in-*  
9 *cluding the purchase, construction and acquisition of plant*  
10 *and capital equipment and other necessary expenses,*  
11 *\$1,069,492,000, to remain available until expended.*

12 *DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION*

13 *For Department of Energy expenses for privatization*  
14 *projects necessary for atomic energy defense environmental*  
15 *management activities authorized by the Department of*  
16 *Energy Organization Act (42 U.S.C. 7101 et seq.),*  
17 *\$228,000,000, to remain available until expended.*

18 *OTHER DEFENSE ACTIVITIES*

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

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

7 *DEFENSE NUCLEAR WASTE DISPOSAL*

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

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, are*  
16 *approved for the Northeast Oregon Hatchery Master Plan,*  
17 *and for official reception and representation expenses in an*  
18 *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 ap-  
3 plied to the southeastern power area, \$11,594,000; in addi-  
4 tion, notwithstanding the provisions of 31 U.S.C. 3302, not  
5 to exceed \$28,000,000 in reimbursements for transmission  
6 wheeling and ancillary services and for power purchases,  
7 to remain available until expended.

8 OPERATION AND MAINTENANCE, SOUTHWESTERN POWER  
9 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 of  
17 the Flood Control Act of 1944 (16 U.S.C. 825s), as applied  
18 to the southwestern power area, \$28,000,000, to remain  
19 available until expended; in addition, notwithstanding the  
20 provisions of 31 U.S.C. 3302, not to exceed \$4,200,000 in  
21 reimbursements, to remain available until expended.

22 CONSTRUCTION, REHABILITATION, OPERATION AND  
23 MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

24 For carrying out the functions authorized by title III,  
25 section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C.

1 7152), and other related activities including conservation  
2 and renewable resources programs as authorized, including  
3 official reception and representation expenses in an amount  
4 not to exceed \$1,500, \$223,555,000, to remain available  
5 until expended, of which \$160,286,000 shall be derived from  
6 the Department of the Interior Reclamation Fund: Pro-  
7 vided, That of the amount herein appropriated, \$5,036,000  
8 is for deposit into the Utah Reclamation Mitigation and  
9 Conservation Account pursuant to title IV of the Reclama-  
10 tion Projects Authorization and Adjustment Act of 1992.

11 *FALCON AND AMISTAD OPERATING AND MAINTENANCE*

12 *FUND*

13 *For operation, maintenance, and emergency costs for*  
14 *the hydroelectric facilities at the Falcon and Amistad*  
15 *Dams, \$1,309,000, to remain available until expended, and*  
16 *to be derived from the Falcon and Amistad Operating and*  
17 *Maintenance Fund of the Western Area Power Administra-*  
18 *tion, as provided in section 423 of the Foreign Relations*  
19 *Authorization Act, Fiscal Years 1994 and 1995.*

20 *FEDERAL ENERGY REGULATORY COMMISSION*

21 *SALARIES AND EXPENSES*

22 *For necessary expenses of the Federal Energy Regu-*  
23 *latory Commission to carry out the provisions of the De-*  
24 *partment of Energy Organization Act (42 U.S.C. 7101 et*  
25 *seq.), including services as authorized by 5 U.S.C. 3109,*



1 *the hire of passenger motor vehicles, and official reception*  
2 *and representation expenses (not to exceed \$3,000),*  
3 *\$170,000,000, to remain available until expended: Pro-*  
4 *vided, That notwithstanding any other provision of law, not*  
5 *to exceed \$170,000,000 of revenues from fees and annual*  
6 *charges, and other services and collections in fiscal year*  
7 *2000 shall be retained and used for necessary expenses in*  
8 *this account, and shall remain available until expended:*  
9 *Provided further, That the sum herein appropriated from*  
10 *the General Fund shall be reduced as revenues are received*  
11 *during fiscal year 2000 so as to result in a final fiscal year*  
12 *2000 appropriation from the General Fund estimated at*  
13 *not more than \$0.*

14 *GENERAL PROVISIONS*

15 *DEPARTMENT OF ENERGY*

16 *SEC. 301. (a) None of the funds appropriated by this*  
17 *Act or any prior appropriations Act may be used to award*  
18 *a management and operating contract unless such contract*  
19 *is awarded using competitive procedures or the Secretary*  
20 *of Energy grants, on a case-by-case basis, a waiver to allow*  
21 *for such a deviation. The Secretary may not delegate the*  
22 *authority to grant such a waiver.*

23 *(b) At least 60 days before a contract award, amend-*  
24 *ment, or modification for which the Secretary intends to*  
25 *grant such a waiver, the Secretary shall submit to the Sub-*

1 *committees on Energy and Water Development of the Com-*  
2 *mittees on Appropriations of the House of Representatives*  
3 *and the Senate a report notifying the subcommittees of the*  
4 *waiver and setting forth the reasons for the waiver.*

5       *SEC. 302. Of the funds appropriated by this title to*  
6 *the Department of Energy, not more than \$200,000,000*  
7 *shall be available for reimbursement of contractor travel ex-*  
8 *penses, and no funds shall be available for reimbursement*  
9 *of contractor travel expenses that exceed 80 percent of the*  
10 *amount incurred by any individual contractor in fiscal*  
11 *year 1998.*

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

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

17             (2) *provide enhanced severance payments or*  
18 *other benefits for employees of the Department of En-*  
19 *ergy; under section 3161 of the National Defense Au-*  
20 *thorization Act for Fiscal Year 1993 (Public Law*  
21 *102-484; 106 Stat. 2644; 42 U.S.C. 7274h).*

22       *SEC. 304. None of the funds appropriated by this Act*  
23 *or any prior appropriations Act may be used to augment*  
24 *the \$30,000,000 made available for obligation by this Act*  
25 *for severance payments and other benefits and community*

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

4       *SEC. 305. None of the funds appropriated by this Act*  
5 *or any prior appropriations Act may be used to prepare*  
6 *or initiate Requests For Proposals (RFPs) for a program*  
7 *if the program has not been funded by Congress.*

8               *(TRANSFERS OF UNEXPENDED BALANCES)*

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

16       *SEC. 307. None of the funds in this Act may be used*  
17 *to dispose of transuranic waste in the Waste Isolation Pilot*  
18 *Plant which contains concentrations of plutonium in excess*  
19 *of 20 percent by weight for the aggregate of any material*  
20 *category on the date of enactment of this Act, or is generated*  
21 *after such date.*

22       *SEC. 308. LIMITING THE INCLUSION OF COSTS OF*  
23 *PROTECTION OF, MITIGATION OF DAMAGE TO, AND EN-*  
24 *HANCEMENT OF FISH, WITHIN RATES CHARGED BY THE*  
25 *BONNEVILLE POWER ADMINISTRATION, TO THE RATE PE-*  
26 *RIOD IN WHICH THE COSTS ARE INCURRED. Section 7 of*

1 *the Pacific Northwest Electric Power Planning and Con-*  
2 *servation Act (16 U.S.C. 839e) is amended by adding at*  
3 *the end the following:*

4       “(n) *LIMITING THE INCLUSION OF COSTS OF PROTEC-*  
5 *TION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT*  
6 *OF FISH, WITHIN RATES CHARGED BY THE BONNEVILLE*  
7 *POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH*  
8 *THE COSTS ARE INCURRED.—Notwithstanding any other*  
9 *provision of this section, rates established by the Adminis-*  
10 *trator, in accordance with established fish funding prin-*  
11 *ciples, under this section shall recover costs for protection,*  
12 *mitigation and enhancement of fish, whether under the Pa-*  
13 *cific Northwest Electric Power Planning and Conservation*  
14 *Act or any other Act, not to exceed such amounts the Ad-*  
15 *ministrator forecasts will be expended during the period for*  
16 *which such rates are established.”.*

17                                   *TITLE IV*

18                                   *INDEPENDENT AGENCIES*

19                                   *APPALACHIAN REGIONAL COMMISSION*

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

1 *ices as authorized by 5 U.S.C. 3109, and hire of passenger*  
2 *motor vehicles, \$71,400,000, to remain available until ex-*  
3 *pended.*

4 *DENALI COMMISSION*

5 *For expenses of the Denali Commission including the*  
6 *purchase, construction and acquisition of plant and capital*  
7 *equipment as necessary and other expenses, \$25,000,000, to*  
8 *remain available until expended.*

9 *DEFENSE NUCLEAR FACILITIES SAFETY BOARD*

10 *SALARIES AND EXPENSES*

11 *For necessary expenses of the Defense Nuclear Facili-*  
12 *ties Safety Board in carrying out activities authorized by*  
13 *the Atomic Energy Act of 1954, as amended by Public Law*  
14 *100-456, section 1441, \$17,500,000, to remain available*  
15 *until expended.*

16 *NUCLEAR REGULATORY COMMISSION*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses of the Commission in carrying*  
19 *out the purposes of the Energy Reorganization Act of 1974,*  
20 *as amended, and the Atomic Energy Act of 1954, as amend-*  
21 *ed, including official representation expenses (not to exceed*  
22 *\$15,000), \$465,400,000, to remain available until expended:*  
23 *Provided, That of the amount appropriated herein,*  
24 *\$19,150,000 shall be derived from the Nuclear Waste Fund:*  
25 *Provided further, That revenues from licensing fees, inspec-*

1 *tion services, and other services and collections estimated*  
2 *at \$442,400,000 in fiscal year 2000 shall be retained and*  
3 *used for necessary salaries and expenses in this account,*  
4 *notwithstanding 31 U.S.C. 3302, and shall remain avail-*  
5 *able until expended: Provided further, That \$3,850,000 of*  
6 *the funds herein appropriated for regulatory reviews and*  
7 *other assistance provided to the Department of Energy and*  
8 *other Federal agencies shall be excluded from license fee rev-*  
9 *enues, notwithstanding 42 U.S.C. 2214: Provided further,*  
10 *That the sum herein appropriated shall be reduced by the*  
11 *amount of revenues received during fiscal year 2000 so as*  
12 *to result in a final fiscal year 2000 appropriation estimated*  
13 *at not more than \$23,000,000.*

14 *OFFICE OF INSPECTOR GENERAL*

15 *For necessary expenses of the Office of Inspector Gen-*  
16 *eral in carrying out the provisions of the Inspector General*  
17 *Act of 1978, as amended, \$5,000,000, to remain available*  
18 *until expended: Provided, That the sum herein appro-*  
19 *riated shall be reduced by the amount of revenues received*  
20 *during fiscal year 2000 so as to result in a final fiscal year*  
21 *2000 appropriation estimated at not more than \$0.*

22 *NUCLEAR WASTE TECHNICAL REVIEW BOARD*

23 *SALARIES AND EXPENSES*

24 *For necessary expenses of the Nuclear Waste Technical*  
25 *Review Board, as authorized by Public Law 100–203, sec-*

1 *tion 5051, \$3,150,000, to be derived from the Nuclear Waste*  
 2 *Fund, and to remain available until expended.*

3 *TENNESSEE VALLEY AUTHORITY FUND*

4 *For the purposes of carrying out the provisions of the*  
 5 *Tennessee Valley Authority Act of 1933, as amended (16*  
 6 *U.S.C. ch. 12A), \$7,000,000, to remain available until ex-*  
 7 *pended for operation, maintenance, surveillance, and im-*  
 8 *provement of Land Between The Lakes.*

9 *TITLE V—RESCISSIONS*

10 *DEPARTMENT OF DEFENSE—CIVIL*

11 *DEPARTMENT OF THE ARMY*

12 *CORPS OF ENGINEERS—CIVIL*

13 *GENERAL INVESTIGATIONS*

14 *(RESCISSIONS)*

15 *Of the funds made available under this heading in*  
 16 *Public Law 105–245 and prior Energy and Water Develop-*  
 17 *ment Acts, the following amounts are hereby rescinded in*  
 18 *the amounts specified:*

19 *Calleguas, Creek, California, \$271,100;*

20 *San Joaquin, Caliente Creek, California,*  
 21 *\$155,400;*

22 *Red River Waterway, Shreveport, Louisiana, to*  
 23 *Dangerfield, Texas \$582,600;*

24 *Buffalo, Small Boat Harbor, New York, \$15,100;*

25 *City of Buffalo, New York, \$4,000;*

1           *Geneva State Park, Ohio Shoreline Protection,*  
2           *\$91,000;*  
3           *Clinton River Spillway, Michigan, \$50,000;*  
4           *Lackawanna River Basin Greenway Corridor,*  
5           *Pennsylvania, \$217,900; and*  
6           *Red River Waterway, Index Arkansas, to*  
7           *Denison Dam, Texas, \$125,000.*

8                           *CONSTRUCTION, GENERAL*

9                           *(RESCISSIONS)*

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

14           *Sacramento River Flood Control Project, Cali-*  
15           *formia (Deficiency Correction), \$1,500,000;*  
16           *Melaleuca Quarantine Facility, Florida,*  
17           *\$295,000;*  
18           *Lake George, Hobart, Indiana, \$3,484,000;*  
19           *Southern and Eastern Kentucky, Kentucky,*  
20           *\$2,623,000;*  
21           *Anacostia River (Section 1135), Maryland,*  
22           *\$1,534,000;*  
23           *Sowashee Creek, Meridian, Mississippi,*  
24           *\$2,537,000;*  
25           *Platte River Flood and Streambank Erosion*  
26           *Control, Nebraska, \$1,409,000;*



1           *Rochester Harbor, New York, \$1,842,000;*  
2           *Columbia River, Seafarers Museum, Hammond,*  
3           *Oregon, \$98,000;*  
4           *South Central Pennsylvania, Environmental Im-*  
5           *provements Program, Pennsylvania, \$20,000,000; and*  
6           *Quonset Point, Davisville, Rhode Island,*  
7           *\$120,000.*

8                           *DEPARTMENT OF ENERGY*

9           *OPERATION AND MAINTENANCE, SOUTHEASTERN POWER*

10                           *ADMINISTRATION*

11                           *(RESCISSION)*

12           *Of the funds made available under this heading in*  
13           *Public Law 105–245 and prior Energy and Water Develop-*  
14           *ment Acts, \$5,500,000, are rescinded.*

15                           *TITLE VI—GENERAL PROVISIONS*

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

22           *SEC. 602. (a) PURCHASE OF AMERICAN-MADE EQUIP-*  
23           *MENT AND PRODUCTS.—It is the sense of the Congress that,*  
24           *to the greatest extent practicable, all equipment and prod-*

1 *ucts purchased with funds made available in this Act should*  
2 *be American-made.*

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

9       **(c) PROHIBITION OF CONTRACTS WITH PERSONS**  
10 **FALSELY LABELING PRODUCTS AS MADE IN AMERICA.**—  
11 *If it has been finally determined by a court or Federal agen-*  
12 *cy that any person intentionally affixed a label bearing a*  
13 *“Made in America” inscription, or any inscription with*  
14 *the same meaning, to any product sold in or shipped to*  
15 *the United States that is not made in the United States,*  
16 *the person shall be ineligible to receive any contract or sub-*  
17 *contract made with funds made available in this Act, pur-*  
18 *suant to the debarment, suspension, and ineligibility proce-*  
19 *dures described in sections 9.400 through 9.409 of title 48,*  
20 *Code of Federal Regulations.*

21       **SEC. 603.** *(a) None of the funds appropriated or other-*  
22 *wise made available by this Act may be used to determine*  
23 *the final point of discharge for the interceptor drain for*  
24 *the San Luis Unit until development by the Secretary of*  
25 *the Interior and the State of California of a plan, which*

1 *shall conform to the water quality standards of the State*  
2 *of California as approved by the Administrator of the Envi-*  
3 *ronmental Protection Agency, to minimize any detrimental*  
4 *effect of the San Luis drainage waters.*

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

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

23 *SEC. 605. Section 6101(a)(3) of the Omnibus Budget*  
24 *Reconciliation Act of 1990, as amended, (42 U.S.C.*

1 2214(a)(3)) is amended by striking “September 30, 1999”  
2 and inserting “September 30, 2000”.

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

8 (b) INVESTMENT OF AMOUNTS IN THE USEC FUND.—

9 (1) IN GENERAL.—The Secretary of the Treasury  
10 shall invest such portion of the United States Enrich-  
11 ment Corporation Fund as is not, in the judgment of  
12 the Secretary, required to meet current withdrawals.  
13 Investments may be made only in interest-bearing ob-  
14 ligations of the United States.

15 (2) ACQUISITION OF OBLIGATIONS.—For the pur-  
16 pose of investments under paragraph (1), obligations  
17 may be acquired—

18 (A) on original issue at the issue price; or

19 (B) by purchase of outstanding obligations  
20 at the market price.

21 (3) SALE OF OBLIGATIONS.—Any obligation ac-  
22 quired by the Fund may be sold by the Secretary of  
23 the Treasury at the market price.

24 (4) CREDITS TO FUND.—The interest on, and the  
25 proceeds from the sale or redemption of, any obliga-

1        *tions held in the Fund shall be credited to and form*  
2        *a part of the Fund.*

3        *SEC. 607. LAKE CASCADE. (a) DESIGNATION.—The*  
4        *reservoir commonly known as the “Cascade Reservoir”, cre-*  
5        *ated as a result of the building of the Cascade Dam author-*  
6        *ized by the matter under the heading “BUREAU OF REC-*  
7        *LAMATION” of the fifth section of the Interior Department*  
8        *Appropriation Act, 1942 (55 Stat. 334, chapter 259) for*  
9        *the Boise Project, Idaho, Payette division, is redesignated*  
10       *as “Lake Cascade”.*

11       *(b) REFERENCES.—Any reference in any law, regula-*  
12       *tion, document, record, map, or other paper of the United*  
13       *States to “Cascade Reservoir” shall be considered to be a*  
14       *reference to “Lake Cascade”.*

15       *SEC. 608. Section 4(h)(10)(D) of the Pacific Northwest*  
16       *Electric Power Planning and Conservation Act (16 U.S.C.*  
17       *839b(h)(10)(D)) is amended by striking clauses (vii) and*  
18       *(viii) and inserting the following:*

19       *“(vii) COST LIMITATION.—The annual cost of this pro-*  
20       *vision shall not exceed \$500,000 in 1997 dollars.”.*

1        *This Act may be cited as the “Energy and Water De-*  
2 *velopment Appropriations Act, 2000”.*

Attest:

*Secretary.*

106<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 2605**

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**AMENDMENT**

HR 2605 EAS—2

HR 2605 EAS—3

HR 2605 EAS—4

HR 2605 EAS—5