

106TH CONGRESS
1ST SESSION

H. R. 2605

IN THE SENATE OF THE UNITED STATES

JULY 28, 1999

Received

AN ACT

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,*

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-
11 vision of the Chief of Engineers for authorized civil func-
12 tions of the Department of the Army pertaining to rivers
13 and harbors, flood control, beach erosion, and related pur-
14 poses.

15

GENERAL INVESTIGATIONS

16 For expenses necessary for the collection and study
17 of basic information pertaining to river and harbor, flood
18 control, shore protection, and related projects, restudy of
19 authorized projects, miscellaneous investigations, and,
20 when authorized by laws, surveys and detailed studies and
21 plans and specifications of projects prior to construction,
22 \$158,993,000, to remain available until expended: *Pro-*
23 *vided*, That the Secretary of the Army, acting through the
24 Chief of Engineers, is directed to use the remaining unob-
25 ligated funds appropriated in Public Law 102–377 for the

1 Red River Waterway, Shreveport, Louisiana, to
2 Daingerfield, Texas, project for the feasibility phase of the
3 Red River Navigation, Southwest Arkansas, study.

4 CONSTRUCTION, GENERAL

5 For the prosecution of river and harbor, flood control,
6 shore protection, and related projects authorized by laws;
7 and detailed studies, and plans and specifications, of
8 projects (including those for development with participa-
9 tion or under consideration for participation by States,
10 local governments, or private groups) authorized or made
11 eligible for selection by law (but such studies shall not con-
12 stitute a commitment of the Government to construction),
13 \$1,412,591,000, to remain available until expended, of
14 which such sums as are necessary for the Federal share
15 of construction costs for facilities under the Dredged Ma-
16 terial Disposal Facilities program shall be derived from
17 the Harbor Maintenance Trust Fund, as authorized by
18 Public Law 104–303; and of which such sums as are nec-
19 essary pursuant to Public Law 99–662 shall be derived
20 from the Inland Waterways Trust Fund, for one-half of
21 the costs of construction and rehabilitation of inland wa-
22 terways projects, including rehabilitation costs for the
23 Lock and Dam 25, Mississippi River, Illinois and Mis-
24 souri; Lock and Dam 14, Mississippi River, Iowa; Lock
25 and Dam 24, Mississippi River, Illinois and Missouri; and

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

6 Indianapolis Central Waterfront, Indiana,
7 \$10,991,000;

8 Harlan/Clover Fork, Pike County, Middlesboro,
9 Martin County, Pike County Tug Forks Tributaries,
10 Bell County, Harlan County, and Town of Martin
11 elements of the Levisa and Tug Forks of the Big
12 Sandy River and Upper Cumberland River project in
13 Kentucky, \$14,050,000; and

14 Passaic River Streambank Restoration, New
15 Jersey, \$8,000,000.

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

19 For expenses necessary for prosecuting work of flood
20 control, and rescue work, repair, restoration, or mainte-
21 nance of flood control projects threatened or destroyed by
22 flood, as authorized by law (33 U.S.C. 702a and 702g-
23 1), \$313,324,000, to remain available until expended.

1 OPERATION AND MAINTENANCE, GENERAL

2 For expenses necessary for the preservation, oper-
3 ation, maintenance, and care of existing river and harbor,
4 flood control, and related works, including such sums as
5 may be necessary for the maintenance of harbor channels
6 provided by a State, municipality or other public agency,
7 outside of harbor lines, and serving essential needs of gen-
8 eral commerce and navigation; surveys and charting of
9 northern and northwestern lakes and connecting waters;
10 clearing and straightening channels; and removal of ob-
11 structions to navigation, \$1,888,481,000, to remain avail-
12 able until expended, of which such sums as become avail-
13 able in the Harbor Maintenance Trust Fund, pursuant to
14 Public Law 99–662, may be derived from that Fund, and
15 of which such sums as become available from the special
16 account established by the Land and Water Conservation
17 Act of 1965, as amended (16 U.S.C. 460l), may be derived
18 from that account for construction, operation, and mainte-
19 nance of outdoor recreation facilities.

20 REGULATORY PROGRAM

21 For expenses necessary for administration of laws
22 pertaining to regulation of navigable waters and wetlands,
23 \$117,000,000, to remain available until expended: *Pro-*
24 *vided*, That the Secretary of the Army, acting through the
25 Chief of Engineers, is directed to use \$5,000,000 of funds

1 appropriated herein to fully implement an administrative
2 appeals process for the Corps of Engineers Regulatory
3 Program, which administrative appeals process shall pro-
4 vide for a single-level appeal of jurisdictional determina-
5 tions, the results of which shall be considered final agency
6 action under the Administrative Procedures Act: *Provided*
7 *further*, That the Secretary of the Army, acting through
8 the Chief of Engineers, shall, using funds provided herein,
9 prepare studies and analyses of the impacts on Regulatory
10 Branch workload and on cost of compliance by the regu-
11 lated community of proposed replacement permits for the
12 nationwide permit 26 under section 404 of the Clean
13 Water Act: *Provided further*, That none of the funds made
14 available under this Act may be used by the Secretary of
15 the Army to promulgate or implement such replacement
16 permits unless and until 30 days prior to the final publica-
17 tion of the proposed replacement permits for the nation-
18 wide permit 26 under section 404 of the Clean Water Act
19 the Secretary of the Army, acting through the Chief of
20 Engineers, has submitted the aforementioned studies and
21 analyses not later than December 30, 1999 to the Com-
22 mittees on Appropriations of the House and Senate, the
23 Transportation and Infrastructure Committee of the
24 House, and the Committee on Environment and Public
25 Works of the Senate: *Provided further*, That the Secretary

1 of the Army, acting through the Chief of Engineers, shall
2 not terminate the current nationwide permit 26 unless and
3 until the aforementioned report has been submitted to the
4 Committees on Appropriations of the House and Senate,
5 the Transportation and Infrastructure Committee of the
6 House, and the Committee on Environment and Public
7 Works of the Senate.

8 FORMERLY UTILIZED SITES REMEDIAL ACTION

9 PROGRAM

10 (INCLUDING TRANSFER OF FUNDS)

11 For expenses necessary to clean up contamination
12 from sites throughout the United States resulting from
13 work performed as part of the Nation's early atomic en-
14 ergy program, \$150,000,000.

15 GENERAL EXPENSES

16 For expenses necessary for general administration
17 and related functions in the Office of the Chief of Engi-
18 neers and offices of the Division Engineers; activities of
19 the Coastal Engineering Research Board, the Humphreys
20 Engineer Center Support Activity, the Water Resources
21 Support Center, and headquarters support functions at
22 the USACE Finance Center, \$148,000,000, to remain
23 available until expended: *Provided*, That no part of any
24 other appropriation provided in title I of this Act shall
25 be available to fund the activities of the Office of the Chief

1 of Engineers or the executive direction and management
 2 activities of the division offices: *Provided further*, That
 3 none of these funds shall be available to support an office
 4 of congressional affairs within the executive office of the
 5 Chief of Engineers: *Provided further*, That none of these
 6 funds shall be used to support more than one regional of-
 7 fice in each Corps of Engineers division, which office shall
 8 serve as divisional headquarters.

9 ADMINISTRATIVE PROVISION

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

16 TITLE II

17 DEPARTMENT OF THE INTERIOR

18 CENTRAL UTAH PROJECT

19 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

20 For carrying out activities authorized by the Central
 21 Utah Project Completion Act, and for activities related to
 22 the Uintah and Upalco Units authorized by 43 U.S.C.
 23 620, \$35,907,000, to remain available until expended, of
 24 which \$15,476,000 shall be deposited into the Utah Rec-
 25 lamation Mitigation and Conservation Account: *Provided*,

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 \$10,476,000 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, \$1,283,000, to remain available until expended.

11 BUREAU OF RECLAMATION

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

15 WATER AND RELATED RESOURCES

16 (INCLUDING TRANSFER OF FUNDS)

17 For management, development, and restoration of
18 water and related natural resources and for related activi-
19 ties, including the operation, maintenance and rehabilita-
20 tion of reclamation and other facilities, participation in
21 fulfilling related Federal responsibilities to Native Ameri-
22 cans, and related grants to, and cooperative and other
23 agreements with, State and local governments, Indian
24 Tribes, and others, \$604,910,000, to remain available
25 until expended, of which \$2,247,000 shall be available for
26 transfer to the Upper Colorado River Basin Fund and

1 \$24,089,000 shall be available for transfer to the Lower
2 Colorado River Basin Development Fund, and of which
3 such amounts as may be necessary may be advanced to
4 the Colorado River Dam Fund: *Provided*, That such trans-
5 fers may be increased or decreased within the overall ap-
6 propriation under this heading: *Provided further*, That of
7 the total appropriated, the amount for program activities
8 that can be financed by the Reclamation Fund or the Bu-
9 reau of Reclamation special fee account established by 16
10 U.S.C. 4601–6a(i) shall be derived from that Fund or ac-
11 count: *Provided further*, That funds contributed under 43
12 U.S.C. 395 are available until expended for the purposes
13 for which contributed: *Provided further*, That funds ad-
14 vanced under 43 U.S.C. 397a shall be credited to this ac-
15 count and are available until expended for the same pur-
16 poses as the sums appropriated under this heading: *Pro-*
17 *vided further*, That funds available for expenditure for the
18 Departmental Irrigation Drainage Program may be ex-
19 pended by the Bureau of Reclamation for site remediation
20 on a non-reimbursable basis.

21 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

22 For the cost of direct loans and/or grants,
23 \$12,000,000, to remain available until expended, as au-
24 thorized by the Small Reclamation Projects Act of August
25 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided*,
26 That such costs, including the cost of modifying such

1 loans, shall be as defined in section 502 of the Congres-
2 sional Budget Act of 1974, as amended: *Provided further*,
3 That these funds are available to subsidize gross obliga-
4 tions for the principal amount of direct loans not to exceed
5 \$43,000,000.

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

12 CENTRAL VALLEY PROJECT RESTORATION FUND

13 For carrying out the programs, projects, plans, and
14 habitat restoration, improvement, and acquisition provi-
15 sions of the Central Valley Project Improvement Act,
16 \$47,346,000, to be derived from such sums as may be col-
17 lected in the Central Valley Project Restoration Fund pur-
18 suant to sections 3407(d), 3404(c)(3), 3405(f), and
19 3406(c)(1) of Public Law 102–575, to remain available
20 until expended: *Provided*, That the Bureau of Reclamation
21 is directed to assess and collect the full amount of the
22 additional mitigation and restoration payments authorized
23 by section 3407(d) of Public Law 102–575.

1 CALIFORNIA BAY-DELTA RESTORATION
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses of the Department of the In-
4 terior and other participating Federal agencies in carrying
5 out ecosystem restoration activities pursuant to the Cali-
6 fornia Bay-Delta Environmental Enhancement Act and
7 other activities that are in accord with the CALFED Bay-
8 Delta Program, including projects to improve water use
9 efficiency, water quality, groundwater storage, surface
10 storage, levees, conveyance, and watershed management,
11 consistent with plans to be approved by the Secretary of
12 the Interior, in consultation with such Federal agencies,
13 \$75,000,000, to remain available until expended, of which
14 \$45,000,000 shall be used for ecosystem restoration activi-
15 ties and \$30,000,000 shall be used for such other activi-
16 ties, and of which such amounts as may be necessary to
17 conform with such plans shall be transferred to appro-
18 priate accounts of such Federal agencies: *Provided*, That
19 no more than \$7,000,000 of the funds appropriated herein
20 may be used for planning and management activities asso-
21 ciated with developing the overall CALFED Bay-Delta
22 Program and coordinating its staged implementation: *Pro-*
23 *vided further*, That funds for ecosystem restoration activi-
24 ties may be obligated only as non-Federal sources provide
25 their share in accordance with the cost-sharing agreement
26 required under section 1101(d) of such Act, and that

1 funds for such other activities may be obligated only as
2 non-Federal sources provide their share in a manner con-
3 sistent with such cost-sharing agreement: *Provided fur-*
4 *ther*, That such funds may be obligated prior to the com-
5 pletion of a final programmatic environmental impact
6 statement only if: (1) consistent with 40 CFR 1506.1(e);
7 and (2) used for purposes that the Secretary finds are of
8 sufficiently high priority to warrant such an expenditure.

9 POLICY AND ADMINISTRATION

10 For necessary expenses of policy, administration, and
11 related functions in the office of the Commissioner, the
12 Denver office, and offices in the five regions of the Bureau
13 of Reclamation, to remain available until expended,
14 \$45,000,000, to be derived from the Reclamation Fund
15 and be nonreimbursable as provided in 43 U.S.C. 377:
16 *Provided*, That no part of any other appropriation in this
17 Act shall be available for activities or functions budgeted
18 as policy and administration expenses.

19 ADMINISTRATIVE PROVISION

20 Appropriations for the Bureau of Reclamation shall
21 be available for purchase of not to exceed six passenger
22 motor vehicles for replacement only.

1 TITLE III
2 DEPARTMENT OF ENERGY
3 ENERGY PROGRAMS
4 ENERGY SUPPLY
5 (INCLUDING TRANSFER OF FUNDS)

6 For Department of Energy expenses including the
7 purchase, construction and acquisition of plant and capital
8 equipment, and other expenses necessary for energy sup-
9 ply, and uranium supply and enrichment activities in car-
10 rying out the purposes of the Department of Energy Orga-
11 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
12 sition or condemnation of any real property or any facility
13 or for plant or facility acquisition, construction, or expan-
14 sion; and the purchase of not to exceed one passenger
15 motor vehicle for replacement only, \$583,399,953 (in-
16 creased by \$30,000,000), of which \$820,953 shall be de-
17 rived by transfer from the Geothermal Resources Develop-
18 ment Fund, and of which \$5,000,000 shall be derived by
19 transfer from the United States Enrichment Corporation
20 Fund.

21 NON-DEFENSE ENVIRONMENTAL MANAGEMENT

22 For Department of Energy expenses, including the
23 purchase, construction and acquisition of plant and capital
24 equipment and other expenses necessary for non-defense
25 environmental management activities in carrying out the

1 purposes of the Department of Energy Organization Act
2 (42 U.S.C. 7101 et seq.), including the acquisition or con-
3 demnation of any real property or any facility or for plant
4 or facility acquisition, construction or expansion,
5 \$327,223,000, to remain available until expended.

6 URANIUM ENRICHMENT DECONTAMINATION AND
7 DECOMMISSIONING FUND

8 For necessary expenses in carrying out uranium en-
9 richment facility decontamination and decommissioning,
10 remedial actions and other activities of title II of the
11 Atomic Energy Act of 1954 and title X, subtitle A of the
12 Energy Policy Act of 1992, \$240,198,000, to be derived
13 from the Fund, to remain available until expended: *Pro-*
14 *vided*, That \$30,000,000 of amounts derived from the
15 Fund for such expenses shall be available in accordance
16 with title X, subtitle A, of the Energy Policy Act of 1992.

17 SCIENCE

18 For Department of Energy expenses including the
19 purchase, construction and acquisition of plant and capital
20 equipment, and other expenses necessary for science ac-
21 tivities 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 facility or for plant or facility acquisition, construc-
25 tion, or expansion, and purchase of not to exceed six pas-

1 senger motor vehicles for replacement only,
2 \$2,718,647,000, to remain available until expended.

3 NUCLEAR WASTE DISPOSAL

4 For nuclear waste disposal activities to carry out the
5 purposes of Public Law 97-425, as amended, including
6 the acquisition of real property or facility construction or
7 expansion, \$169,000,000, to remain available until ex-
8 pended, to be derived from the Nuclear Waste Fund: *Pro-*
9 *vided*, That none of the funds provided therein shall be
10 distributed to the State of Nevada or affected units of
11 local government (as defined by Public Law 97-425) by
12 direct payment, grant, or other means, for financial assist-
13 ance under section 116 of the Nuclear Waste Policy Act
14 of 1982, as amended: *Provided further*, That the foregoing
15 proviso shall not apply to payments in lieu of taxes under
16 section 116(c)(3)(A) of the Nuclear Waste Policy Act of
17 1982, as amended.

18 DEPARTMENTAL ADMINISTRATION

19 For salaries and expenses of the Department of En-
20 ergy necessary for departmental administration in car-
21 rying out the purposes of the Department of Energy Orga-
22 nization Act (42 U.S.C. 7101 et seq.), including the hire
23 of passenger motor vehicles and official reception and rep-
24 resentation expenses (not to exceed \$35,000),
25 \$193,769,000, to remain available until expended, plus

1 such additional amounts as necessary to cover increases
2 in the estimated amount of cost of work for others not-
3 withstanding the provisions of the Anti-Deficiency Act (31
4 U.S.C. 1511 et seq.): *Provided*, That such increases in
5 cost of work are offset by revenue increases of the same
6 or greater amount, to remain available until expended:
7 *Provided further*, That moneys received by the Department
8 for miscellaneous revenues estimated to total
9 \$106,887,000 in fiscal year 2000 may be retained and
10 used for operating expenses within this account, and may
11 remain available until expended, as authorized by section
12 201 of Public Law 95–238, notwithstanding the provisions
13 of 31 U.S.C. 3302: *Provided further*, That the sum herein
14 appropriated shall be reduced by the amount of miscella-
15 neous revenues received during fiscal year 2000 so as to
16 result in a final fiscal year 2000 appropriation from the
17 General Fund estimated at not more than \$86,882,000.

18 OFFICE OF THE INSPECTOR GENERAL

19 For necessary expenses of the Office of the Inspector
20 General in carrying out the provisions of the Inspector
21 General Act of 1978, as amended, \$30,000,000, to remain
22 available until expended.

1 ATOMIC ENERGY DEFENSE ACTIVITIES
2 WEAPONS ACTIVITIES

3 For Department of Energy expenses, including the
4 purchase, construction and acquisition of plant and capital
5 equipment and other incidental expenses necessary for
6 atomic energy defense weapons activities in carrying out
7 the purposes of the Department of Energy Organization
8 Act (42 U.S.C. 7101 et seq.), including the acquisition or
9 condemnation of any real property or any facility or for
10 plant or facility acquisition, construction, or expansion;
11 and the purchase of passenger motor vehicles (not to ex-
12 ceed three for replacement only), \$4,000,000,000 (reduced
13 by \$37,500,000), to remain available until expended: *Pro-*
14 *vided*, That, of this amount, \$1,000,000,000 shall not be
15 available for obligation or expenditure until after June 30,
16 2000, and until legislation has been enacted restructuring
17 the national security programs of the Department of En-
18 ergy or establishing an independent agency for national
19 security programs.

20 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE
21 MANAGEMENT

22 For Department of Energy expenses, including the
23 purchase, construction and acquisition of plant and capital
24 equipment and other expenses necessary for atomic energy
25 defense environmental restoration and waste management

1 activities in carrying out the purposes of the Department
2 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
3 cluding the acquisition or condemnation of any real prop-
4 erty or any facility or for plant or facility acquisition, con-
5 struction, or expansion; and the purchase of 35 passenger
6 motor vehicles for replacement only, \$4,157,758,000, to
7 remain available until expended.

8 DEFENSE FACILITIES CLOSURE PROJECTS

9 For expenses of the Department of Energy to accel-
10 erate the closure of defense environmental management
11 sites, including the purchase, construction and acquisition
12 of plant and capital equipment and other necessary ex-
13 penses, \$1,054,492,000, to remain available until ex-
14 pended.

15 DEFENSE ENVIRONMENTAL MANAGEMENT

16 PRIVATIZATION

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

22 OTHER DEFENSE ACTIVITIES

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

1 defense, other defense activities, in carrying out the pur-
2 poses of the Department of Energy Organization Act (42
3 U.S.C. 7101 et seq.), including the acquisition or con-
4 demnation of any real property or any facility or for plant
5 or facility acquisition, construction, or expansion,
6 \$1,651,809,000, to remain available until expended: *Pro-*
7 *vided*, That not to exceed \$5,000 may be used for official
8 reception and representation expenses for national secu-
9 rity and nonproliferation activities.

10 DEFENSE NUCLEAR WASTE DISPOSAL

11 For nuclear waste disposal activities to carry out the
12 purposes of Public Law 97-425, as amended, including
13 the acquisition of real property or facility construction or
14 expansion, \$112,000,000, to remain available until ex-
15 pended.

16 POWER MARKETING ADMINISTRATIONS

17 BONNEVILLE POWER ADMINISTRATION FUND

18 Expenditures from the Bonneville Power Administra-
19 tion Fund, established pursuant to Public Law 93-454,
20 are approved for the Northeast Oregon Hatchery Master
21 Plan, and for official reception and representation ex-
22 penses in an amount not to exceed \$1,500.

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

1 OPERATION AND MAINTENANCE, SOUTHWESTERN
2 POWER ADMINISTRATION
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of operation and maintenance
5 of power transmission facilities and of marketing electric
6 power and energy, and for construction and acquisition of
7 transmission lines, substations and appurtenant facilities,
8 and for administrative expenses, including official recep-
9 tion and representation expenses in an amount not to ex-
10 ceed \$1,500 in carrying out the provisions of section 5
11 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
12 applied to the southwestern power area, \$27,940,000, to
13 remain available until expended, of which \$773,000 shall
14 be derived by transfer from unobligated balances in “Op-
15 eration and Maintenance, Southeastern Power Adminis-
16 tration”; in addition, notwithstanding the provisions of 31
17 U.S.C. 3302, not to exceed \$4,200,000 in reimbursements,
18 to remain available until expended.

19 CONSTRUCTION, REHABILITATION, OPERATION AND
20 MAINTENANCE, WESTERN AREA POWER ADMINIS-
21 TRATION

22 For carrying out the functions authorized by title III,
23 section 302(a)(1)(E) of the Act of August 4, 1977 (42
24 U.S.C. 7152), and other related activities including con-
25 servation and renewable resources programs as author-

1 ized, including official reception and representation ex-
2 penses in an amount not to exceed \$1,500, \$171,471,000,
3 to remain available until expended, of which \$160,286,000
4 shall be derived from the Department of the Interior Rec-
5 lamation Fund: *Provided*, That of the amount herein ap-
6 propriated, \$5,036,000 is for deposit into the Utah Rec-
7 lamation Mitigation and Conservation Account pursuant
8 to title IV of the Reclamation Projects Authorization and
9 Adjustment Act of 1992.

10 FALCON AND AMISTAD OPERATING AND MAINTENANCE
11 FUND

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

19 FEDERAL ENERGY REGULATORY COMMISSION
20 SALARIES AND EXPENSES

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

1 and representation expenses (not to exceed \$3,000),
2 \$174,950,000, to remain available until expended: *Pro-*
3 *vided*, That notwithstanding any other provision of law,
4 not to exceed \$174,950,000 of revenues from fees and an-
5 nual charges, and other services and collections in fiscal
6 year 2000 shall be retained and used for necessary ex-
7 penses in this account, and shall remain available until
8 expended: *Provided further*, That the sum herein appro-
9 priated from the General Fund shall be reduced as reve-
10 nues are received during fiscal year 2000 so as to result
11 in a final fiscal year 2000 appropriation from the General
12 Fund estimated at not more than \$0.

13 GENERAL PROVISIONS

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

21 (b) At least 60 days before a contract award, amend-
22 ment, or modification for which the Secretary intends to
23 grant such a waiver, the Secretary shall submit to the
24 Subcommittees on Energy and Water Development of the
25 Committees on Appropriations of the House of Represent-

1 atives and the Senate a report notifying the subcommit-
2 tees of the waiver and setting forth the reasons for the
3 waiver.

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

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

19 SEC. 303. None of the funds appropriated by this Act
20 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

1 (2) provide enhanced severance payments or
2 other benefits for employees of the Department of
3 Energy,
4 under section 3161 of the National Defense Authorization
5 Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.
6 2644; 42 U.S.C. 7274h).

7 SEC. 304. None of the funds appropriated by this Act
8 may be used to augment the \$20,000,000 made available
9 for obligation by this Act for severance payments and
10 other benefits and community assistance grants under sec-
11 tion 3161 of the National Defense Authorization Act for
12 Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644;
13 42 U.S.C. 7274h).

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

18 (TRANSFERS OF UNEXPENDED BALANCES)

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

1 SEC. 307. Notwithstanding 41 U.S.C. 254c(a), the
2 Secretary of Energy may use funds appropriated by this
3 Act to enter into or continue multi-year contracts for the
4 acquisition of property or services under the head, “En-
5 ergy Supply” without obligating the estimated costs asso-
6 ciated with any necessary cancellation or termination of
7 the contract. The Secretary of Energy may pay costs of
8 termination or cancellation from—

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

11 (2) appropriations currently available for pro-
12 curement of the type of property or services con-
13 cerned, and not otherwise obligated; or

14 (3) funds appropriated for those payments.

15 SEC. 308. None of the funds in this Act may be used
16 for Laboratory Directed Research and Development or Di-
17 rector’s Discretionary Research and Development.

18 SEC. 309. Of the funds appropriated by this title to
19 the Department of Energy, not more than \$125,000,000
20 shall be available for reimbursement of contractor travel
21 expenses.

22 SEC. 310. (a) None of the funds in this Act or any
23 future Energy and Water Development Appropriations
24 Act may be expended under a covered contract unless the
25 funds are expended in accordance with a Laboratory

1 Funding Plan that has been approved by the Secretary
2 of Energy. The Plan shall be submitted on a quarterly
3 basis, or at such intervals as may be prescribed by the
4 Secretary. The Secretary's approval of the Plan may in-
5 clude adjusting or deleting particular items or categories
6 of items proposed in the Plan.

7 (b) For purposes of this section, "covered contract"
8 means a contract for the management and operation of
9 the Los Alamos National Laboratory, Lawrence Liver-
10 more National Laboratory, or Sandia National Labora-
11 tories.

12 Sec. 311. As part of the Department of Energy's ap-
13 proval of laboratory funding for Los Alamos National
14 Laboratory, Lawrence Livermore National Laboratory,
15 and Sandia National Laboratories, the Secretary shall re-
16 view and approve the incentive structure for contractor
17 fees, the amounts of award fees to be made available for
18 the next year, the salaries of first and second tier labora-
19 tory management, and the overhead costs.

20 Sec. 312. None of the funds provided in this Act may
21 be used to establish or maintain independent centers at
22 a Department of Energy laboratory or facility unless such
23 funds have been specifically identified in the budget sub-
24 mission.

1 Sec. 313. None of the funds provided in this Act may
2 be used to waive overhead or added factor charges for
3 work performed for other Federal agencies or for other
4 Department of Energy programs.

5 Sec. 314. Sec. 505 of Public Law 102–377, the Fiscal
6 Year 1993 Energy and Water Development Appropria-
7 tions Act, and section 208 of Public Law 99–349, the Ur-
8 gent Supplemental Appropriations Act, 1986, are re-
9 pealed.

10 SEC. 315. None of the funds made available in this
11 or any other Act may be used to restart the High Flux
12 Beam Reactor.

13 SEC. 316. None of the funds provided in this or any
14 other Act may be used by the Federal power marketing
15 administrations for construction, expansion or upgrades of
16 fiber optic telecommunication lines, associated facilities or
17 purchase of equipment directly related to such efforts, ex-
18 cept for fiber optic cable that is necessary for the foresee-
19 able future for internal management of programs of the
20 Federal power marketing administrations. Federal power
21 marketing administrations shall apply any reduction in
22 spending resulting from the restrictions in the section to
23 the reduction of debt of the Federal power marketing ad-
24 ministration.

1 SEC. 317. None of the funds provided in this or any
2 other Act may be used by the Federal power marketing
3 administrations to:

4 (1) rent or sell construction equipment;

5 (2) provide construction, equipment, operation,
6 maintenance or repair services;

7 (3) perform contract construction work;

8 (4) provide a construction engineering service;

9 or

10 (5) provide financing or leasing services for con-
11 struction, maintenance, operational or engineering
12 services to any private utility, wholesale or retail
13 customer (other than those existing retail customers
14 served by the Federal power marketing administra-
15 tion prior to the date of the enactment of this provi-
16 sion), publicly-owned utility, Federal agency, or state
17 or local government entity. The Federal power mar-
18 keting administrations may provide equipment or a
19 service to a private contractor that is engaged in
20 electrical work on an electrical utility project of the
21 Federal power marketing administration. As used in
22 this section, the term “used construction equipment”
23 means construction equipment that has been in serv-
24 ice for more than 2,500 hours. Any Federal power
25 marketing administration may dispose of used con-

1 construction equipment by means of a public auction
2 conducted by a private entity that is independent of
3 the Federal power marketing administration. Fed-
4 eral power marketing administrations shall apply all
5 proceeds of a disposition of used construction equip-
6 ment to the reduction of debt of the Federal power
7 marketing administration.

8 TITLE IV

9 INDEPENDENT AGENCIES

10 APPALACHIAN REGIONAL COMMISSION

11 For expenses necessary to carry out the programs au-
12 thorized by the Appalachian Regional Development Act of
13 1965, as amended, for necessary expenses for the Federal
14 Co-Chairman and the alternate on the Appalachian Re-
15 gional Commission, for payment of the Federal share of
16 the administrative expenses of the Commission, including
17 services as authorized by 5 U.S.C. 3109, and hire of pas-
18 senger motor vehicles, \$60,000,000, to remain available
19 until expended.

20 DEFENSE NUCLEAR FACILITIES SAFETY

21 BOARD

22 SALARIES AND EXPENSES

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

1 Law 100–456, section 1441, \$16,500,000, to remain
2 available until expended.

3 DENALI COMMISSION

4 (RESCISSION)

5 Of the funds made available under this heading in
6 Public Law 105–245, \$18,000,000 is rescinded.

7 NUCLEAR REGULATORY COMMISSION

8 SALARIES AND EXPENSES

9 For necessary expenses of the Commission in car-
10 rying out the purposes of the Energy Reorganization Act
11 of 1974, as amended, and the Atomic Energy Act of 1954,
12 as amended, including official representation expenses
13 (not to exceed \$15,000), \$455,400,000, to remain avail-
14 able until expended: *Provided*, That of the amount appro-
15 priated herein, \$19,150,000 shall be derived from the Nu-
16 clear Waste Fund: *Provided further*, That revenues from
17 licensing fees, inspection services, and other services and
18 collections estimated at \$432,400,000 in fiscal year 2000
19 shall be retained and used for necessary salaries and ex-
20 penses in this account, notwithstanding 31 U.S.C. 3302,
21 and shall remain available until expended: *Provided fur-*
22 *ther*, That \$3,850,000 of the funds herein appropriated
23 for regulatory reviews and other assistance provided to the
24 Department of Energy and other Federal agencies shall
25 be excluded from license fee revenues, notwithstanding 42

1 U.S.C. 2214: *Provided further*, That the sum herein ap-
2 propriated shall be reduced by the amount of revenues re-
3 ceived during fiscal year 2000 so as to result in a final
4 fiscal year 2000 appropriation estimated at not more than
5 \$23,000,000.

6 OFFICE OF THE INSPECTOR GENERAL

7 For necessary expenses of the Office of the Inspector
8 General in carrying out the provisions of the Inspector
9 General Act of 1978, as amended, \$6,000,000, to remain
10 available until expended: *Provided*, That the sum herein
11 appropriated shall be reduced by the amount of revenues
12 received during fiscal year 2000 so as to result in a final
13 fiscal year 2000 appropriation estimated at not more than
14 \$0.

15 NUCLEAR WASTE TECHNICAL REVIEW BOARD

16 SALARIES AND EXPENSES

17 For necessary expenses of the Nuclear Waste Tech-
18 nical Review Board, as authorized by section 5051 of Pub-
19 lic Law 100–203, \$2,600,000, to be derived from the Nu-
20 clear Waste Fund, and to remain available until expended.

21 TITLE V—GENERAL PROVISIONS

22 SEC. 501. None of the funds appropriated by this Act
23 may be used in any way, directly or indirectly, to influence
24 congressional action on any legislation or appropriation
25 matters pending before Congress, other than to commu-

1 nicate to Members of Congress as described in section
2 1913 of title 18, United States Code.

3 SEC. 502. (a) PURCHASE OF AMERICAN-MADE
4 EQUIPMENT AND PRODUCTS.—It is the sense of the Con-
5 gress that, to the greatest extent practicable, all equip-
6 ment and products purchased with funds made available
7 in this Act should be American-made.

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

14 (c) PROHIBITION OF CONTRACTS WITH PERSONS
15 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—
16 If it has been finally determined by a court or Federal
17 agency that any person intentionally affixed a label bear-
18 ing a “Made in America” inscription, or any inscription
19 with the same meaning, to any product sold in or shipped
20 to the United States that is not made in the United
21 States, the person shall be ineligible to receive any con-
22 tract or subcontract made with funds made available in
23 this Act, pursuant to the debarment, suspension, and ineli-
24 gibility procedures described in sections 9.400 through
25 9.409 of title 48, Code of Federal Regulations.

1 SEC. 503. (a) None of the funds appropriated or oth-
2 erwise made available by this Act may be used to deter-
3 mine the final point of discharge for the interceptor drain
4 for the San Luis Unit until development by the Secretary
5 of the Interior and the State of California of a plan, which
6 shall conform to the water quality standards of the State
7 of California as approved by the Administrator of the En-
8 vironmental Protection Agency, to minimize any detri-
9 mental effect of the San Luis drainage waters.

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

1 SEC. 504. Section 6101(a)(3) of the Omnibus Budget
2 Reconciliation Act of 1990, as amended, (42 U.S.C.
3 2214(a)(3)) is amended by striking “September 30, 1999”
4 and inserting “September 30, 2000”.

5 SEC. 505. Title VI, division C, of Public Law 105–
6 277, Making Omnibus Consolidated and Emergency Sup-
7 plemental Appropriations for Fiscal Year 1999, is re-
8 pealed.

9 SEC. 506. Section 211(e)(2)(A) of the Water Re-
10 sources Development Act of 1996 (Public Law 104–303,
11 110 Stat. 3682) is amended by striking “in advance in
12 appropriations Acts”.

13 SEC. 507. None of the funds appropriated by this Act
14 shall be used to propose or issue rules, regulations, de-
15 crees, or orders for the purpose of implementation, or in
16 preparation for implementation, of the Kyoto Protocol
17 which was adopted on December 11, 1997, in Kyoto,
18 Japan at the Third Conference of the Parties to the
19 United Nations Framework Convention on Climate
20 Change, which has not been submitted to the Senate for
21 advice and consent to ratification pursuant to article II,
22 section 2, clause 2, of the United States Constitution, and
23 which has not entered into force pursuant to article 25
24 of the Protocol.

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

Passed the House of Representatives July 27, 1999.

Attest: JEFF TRANDAHL,
Clerk.