

Calendar No. 688

106TH CONGRESS
2D SESSION**H.R. 4733**

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

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2000

Received; read twice and referred to the Committee on Appropriations

JULY 18, 2000

Reported by Mr. DOMENICI, with an amendment

[Strike all after the enacting clause and insert the part printed in italic]

AN ACT

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

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

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

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

11 GENERAL INVESTIGATIONS

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

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

3 CONSTRUCTION, GENERAL

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

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

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

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

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

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

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

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

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

12 OPERATION AND MAINTENANCE, GENERAL

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

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

6 **REGULATORY PROGRAM**

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

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

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

12 FORMERLY UTILIZED SITES REMEDIAL ACTION

13 PROGRAM

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

19 GENERAL EXPENSES

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

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

10 REVOLVING FUND

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

15 ADMINISTRATIVE PROVISIONS

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

22 GENERAL PROVISIONS

23 CORPS OF ENGINEERS—CIVIL

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

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

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

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

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

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

19 BUREAU OF RECLAMATION

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

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

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

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

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

18 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

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

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

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

9 CENTRAL VALLEY PROJECT RESTORATION FUND

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

21 POLICY AND ADMINISTRATION

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

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

5 ADMINISTRATIVE PROVISION

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

9 GENERAL PROVISIONS

10 DEPARTMENT OF THE INTERIOR

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

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

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

8 TITLE III

9 DEPARTMENT OF ENERGY

10 ENERGY PROGRAMS

11 ENERGY SUPPLY

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

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

4 ~~NON-DEFENSE ENVIRONMENTAL MANAGEMENT~~

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

14 ~~URANIUM FACILITIES MAINTENANCE AND REMEDIATION~~

15 ~~(INCLUDING TRANSFER OF FUNDS)~~

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

SCIENCE

1
2 For Department of Energy expenses including the
3 purchase, construction and acquisition of plant and capital
4 equipment, and other expenses necessary for science ac-
5 tivities in carrying out the purposes of the Department
6 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
7 cluding the acquisition or condemnation of any real prop-
8 erty or facility or for plant or facility acquisition, construc-
9 tion, or expansion, and purchase of not to exceed 58 pas-
10 senger motor vehicles for replacement only,
11 \$2,830,915,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

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

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

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

6 DEPARTMENTAL ADMINISTRATION

7 For salaries and expenses of the Department of En-
8 ergy necessary for departmental administration in ear-
9 rying out the purposes of the Department of Energy Orga-
10 nization Act (42 U.S.C. 7101 et seq.), including the hire
11 of passenger motor vehicles and official reception and rep-
12 resentation expenses (not to exceed \$35,000),
13 \$153,527,000, to remain available until expended, plus
14 such additional amounts as necessary to cover increases
15 in the estimated amount of cost of work for others not-
16 withstanding the provisions of the Anti-Deficiency Act (31
17 U.S.C. 1511 et seq.): *Provided*, That such increases in
18 cost of work are offset by revenue increases of the same
19 or greater amount, to remain available until expended:
20 *Provided further*, That moneys received by the Department
21 for miscellaneous revenues estimated to total
22 \$111,000,000 in fiscal year 2001 may be retained and
23 used for operating expenses within this account, and may
24 remain available until expended, as authorized by section
25 201 of Public Law 95-238, notwithstanding the provisions

1 of ~~31~~ U.S.C. ~~3302~~: *Provided further*, That the sum herein
2 appropriated shall be reduced by the amount of miscella-
3 neous revenues received during fiscal year ~~2001~~ so as to
4 result in a final fiscal year ~~2001~~ appropriation from the
5 General Fund estimated at not more than \$42,527,000.

6 OFFICE OF THE INSPECTOR GENERAL

7 For necessary expenses of the Office of the Inspector
8 General in carrying out the provisions of the Inspector
9 General Act of 1978, as amended, \$31,500,000, to remain
10 available until expended, including conducting a study of
11 the economic basis of recent gasoline price levels.

12 ATOMIC ENERGY DEFENSE ACTIVITIES

13 NATIONAL NUCLEAR SECURITY

14 ADMINISTRATION

15 WEAPONS ACTIVITIES

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

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

3 DEFENSE NUCLEAR NONPROLIFERATION

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

16 NAVAL REACTORS

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

1 OTHER DEFENSE RELATED ACTIVITIES
2 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE
3 MANAGEMENT

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

22 DEFENSE FACILITIES CLOSURE PROJECTS

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

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

4 DEFENSE ENVIRONMENTAL MANAGEMENT

5 PRIVATIZATION

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

11 OTHER DEFENSE ACTIVITIES

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

21 DEFENSE NUCLEAR WASTE DISPOSAL

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

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

7 OPERATION AND MAINTENANCE, SOUTHWESTERN

8 POWER ADMINISTRATION

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

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

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

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

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

6 FALCON AND AMISTAD OPERATING AND MAINTENANCE
7 FUND

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

15 FEDERAL ENERGY REGULATORY COMMISSION
16 SALARIES AND EXPENSES

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

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

9 GENERAL PROVISIONS

10 DEPARTMENT OF ENERGY

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

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

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

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

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

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

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

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

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

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

15 (TRANSFERS OF UNEXPENDED BALANCES)

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

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

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

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

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

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

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

12 TITLE IV

13 INDEPENDENT AGENCIES

14 APPALACHIAN REGIONAL COMMISSION

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

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

7 OFFICE OF INSPECTOR GENERAL

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

21 NUCLEAR WASTE TECHNICAL REVIEW BOARD

22 SALARIES AND EXPENSES

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

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

3 ~~TITLE V—RESCISSIONS~~

4 ~~DEPARTMENT OF ENERGY~~

5 ~~INTERIM STORAGE ACTIVITIES~~

6 ~~(INCLUDING TRANSFER OF FUNDS)~~

7 ~~(RESCISSION)~~

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

12 ~~TITLE VI—GENERAL PROVISIONS~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 “PURCHASE OF OIL FROM MARGINAL WELLS

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

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

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

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

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

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

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

25 (c) NORTHEAST HOME HEATING OIL RESERVE.—

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

3 (A) redesignating part D as part E;

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

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

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

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

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

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

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

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

3 “CONDITIONS FOR RELEASE; PLAN

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

7 “(1) a severe energy supply disruption;

8 “(2) a severe price increase; or

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

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

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

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

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

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

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

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

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

5 “NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

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

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

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

22 “EXEMPTIONS

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

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

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

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

8 (2) AUTHORIZATION OF APPROPRIATIONS.—
9 There are authorized to be appropriated such sums
10 as may be necessary to carry out part D of title I
11 of the Energy Policy and Conservation Act.

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

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

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

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

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

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

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

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

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

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

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

11 *GENERAL INVESTIGATIONS*

12 *For expenses necessary for the collection and study of*
13 *basic information pertaining to river and harbor, flood con-*
14 *trol, shore protection, and related projects, restudy of au-*
15 *thorized projects, miscellaneous investigations, and, when*
16 *authorized by laws, surveys and detailed studies and plans*
17 *and specifications of projects prior to construction,*
18 *\$139,219,000, to remain available until expended.*

19 *CONSTRUCTION, GENERAL*

20 *For the prosecution of river and harbor, flood control,*
21 *shore protection, and related projects authorized by laws;*
22 *and detailed studies, and plans and specifications, of*
23 *projects (including those for development with participation*
24 *or under consideration for participation by States, local*
25 *governments, or private groups) authorized or made eligible*
26 *for selection by law (but such studies shall not constitute*

1 *a commitment of the Government to construction),*
2 *\$1,361,449,000, to remain available until expended, of*
3 *which such sums as are necessary for the Federal share of*
4 *construction costs for facilities under the Dredged Material*
5 *Disposal Facilities program shall be derived from the Har-*
6 *bor Maintenance Trust Fund, as authorized by Public Law*
7 *104–303; and of which such sums as are necessary pursuant*
8 *to Public Law 99–662 shall be derived from the Inland Wa-*
9 *terways Trust Fund, for one-half of the costs of construction*
10 *and rehabilitation of inland waterways projects, including*
11 *rehabilitation costs for the Lock and Dam 24, Mississippi*
12 *River, Illinois and Missouri; Lock and Dam 3, Mississippi*
13 *River, Minnesota; London Locks and Dam; Kanawha*
14 *River, West Virginia; and Lock and Dam 12, Mississippi*
15 *River, Iowa projects; and of which funds are provided for*
16 *the following projects in the amounts specified:*

17 *Indianapolis Central Waterfront, Indiana,*
18 *\$4,000,000;*

19 *Jackson County, Mississippi, \$2,000,000; and*
20 *Upper Mingo County (including Mingo County*
21 *Tributaries), Lower Mingo County (Kermit), Wayne*
22 *County, and McDowell County, elements of the Levisa*
23 *and Tug Forks of the Big Sandy River and Upper*
24 *Cumberland River project in West Virginia,*
25 *\$4,100,000:*

1 *Provided, That no part of any appropriation contained in*
2 *this Act shall be expended or obligated to begin Phase II*
3 *on the John Day Drawdown study or to initiate a study*
4 *of the drawdown of McNary Dam unless authorized by law:*
5 *Provided further, That the Secretary of the Army, acting*
6 *through the Chief of Engineers, is directed hereafter to use*
7 *available Construction, General funds in addition to fund-*
8 *ing provided to Public Law 104–206 to complete design and*
9 *construction of the Red River Regional Visitors Center in*
10 *the vicinity of Shreveport, Louisiana at an estimated cost*
11 *of \$6,000,000: Provided further, That section 101(b)(4) of*
12 *the Water Resources Development Act of 1996, is amended*
13 *by striking “total cost of \$8,600,000” and inserting in lieu*
14 *thereof, “total cost of \$15,000,000”:* *Provided further, That*
15 *the Secretary of the Army, acting through the Chief of Engi-*
16 *neers, is directed to use \$3,000,000 of the funds appro-*
17 *priated herein for additional emergency bank stabilization*
18 *measures at Galena, Alaska under the same terms and con-*
19 *ditions as previous emergency bank stabilization work un-*
20 *dertaken at Galena, Alaska pursuant to Section 116 of Pub-*
21 *lic Law 99–190: Provided further, That with \$4,200,000 of*
22 *the funds appropriated herein, the Secretary of the Army,*
23 *acting through the Chief of Engineers, is directed to con-*
24 *tinue construction of the Brunswick County Beaches, North*
25 *Carolina-Ocean Isle Beach portion in accordance with the*

1 *General Reevaluation Report approved by the Chief of En-*
2 *gineers on May 15, 1998: Provided further, That the Sec-*
3 *retary of the Army, acting through the Chief of Engineers,*
4 *is directed to use not to exceed \$300,000 of funds appro-*
5 *priated herein to reimburse the City of Renton, Washington,*
6 *at full Federal expense, for mitigation expenses incurred for*
7 *the flood control project constructed pursuant to 33 U.S.C.*
8 *701s at Cedar River, City of Renton, Washington, as a re-*
9 *sult of over-dredging by the Army Corps of Engineers: Pro-*
10 *vided further, That the Secretary of the Army, acting*
11 *through the Chief of Engineers, may use Construction, Gen-*
12 *eral funding as directed in Public Law 105–62 and Public*
13 *Law 105–245 to initiate construction of an emergency out-*
14 *let from Devils Lake, North Dakota, to the Sheyenne River,*
15 *except that the funds shall not become available unless the*
16 *Secretary of the Army determines that an emergency (as*
17 *defined in section 102 of the Robert T. Stafford Disaster*
18 *Relief and Emergency Assistance Act (42 U.S.C. 5122)) ex-*
19 *ists with respect to the emergency need for the outlet and*
20 *reports to Congress that the construction is technically*
21 *sound, economically justified, and environmentally accept-*
22 *able, and in compliance with the National Environmental*
23 *Policy Act of 1969 (42 U.S.C. 4321 et seq.): Provided fur-*
24 *ther, That the economic justification for the emergency out-*
25 *let shall be prepared in accordance with the principles and*

1 *guidelines for economic evaluation as required by regula-*
2 *tions and procedures of the Army Corps of Engineers for*
3 *all flood control projects, and that the economic justification*
4 *be fully described, including the analysis of the benefits and*
5 *costs, in the project plan documents: Provided further, That*
6 *the plans for the emergency outlet shall be reviewed and,*
7 *to be effective, shall contain assurances provided by the Sec-*
8 *retary of State, after consultation with the International*
9 *Joint Commission, that the project will not violate the re-*
10 *quirements or intent of the Treaty Between the United*
11 *States and Great Britain Relating to Boundary Waters Be-*
12 *tween the United States and Canada, signed at Washington*
13 *January 11, 1909 (36 Stat. 2448; TS 548) (commonly*
14 *known as the “Boundary Waters Treaty of 1909”): Pro-*
15 *vided further, That the Secretary of the Army shall submit*
16 *the final plans and other documents for the emergency out-*
17 *let to Congress: Provided further, That no funds made avail-*
18 *able under this Act or any other Act for any fiscal year*
19 *may be used by the Secretary of the Army to carry out*
20 *the portion of the feasibility study of the Devils Lake Basin,*
21 *North Dakota, authorized under the Energy and Water De-*
22 *velopment Appropriations Act, 1993 (Public Law 102–*
23 *377), that addresses the needs of the area for stabilized lake*
24 *levels through inlet controls, or to otherwise study any facil-*

1 *ity or carry out any activity that would permit the transfer*
2 *of water from the Missouri River Basin into Devils Lake.*

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

6 *For expenses necessary for prosecuting work of flood*
7 *control, and rescue work, repair, restoration, or mainte-*
8 *nance of flood control projects threatened or destroyed by*
9 *flood, as authorized by law (33 U.S.C. 702a and 702g-1),*
10 *\$324,450,000, to remain available until expended: Pro-*
11 *vided, That the Secretary of the Army is directed to com-*
12 *plete his analysis and determination of Federal mainte-*
13 *nance of the Greenville Inner Harbor, Mississippi naviga-*
14 *tion project in accordance with Section 509 of the Water*
15 *Resources Development Act of 1996.*

16 *OPERATION AND MAINTENANCE, GENERAL*

17 *For expenses necessary for the preservation, operation,*
18 *maintenance, and care of existing river and harbor, flood*
19 *control, and related works, including such sums as may be*
20 *necessary for the maintenance of harbor channels provided*
21 *by a State, municipality or other public agency, outside*
22 *of harbor lines, and serving essential needs of general com-*
23 *merce and navigation; surveys and charting of northern*
24 *and northwestern lakes and connecting waters; clearing and*
25 *straightening channels; and removal of obstructions to navi-*
26 *gation, \$1,862,471,000, to remain available until expended,*

1 *of which such sums as become available in the Harbor*
2 *Maintenance Trust Fund, pursuant to Public Law 99-662,*
3 *may be derived from that Fund; and of which such sums*
4 *as become available from the special account established by*
5 *the Land and Water Conservation Act of 1965, as amended*
6 *(16 U.S.C. 460l), may be derived from that account for con-*
7 *struction, operation, and maintenance of outdoor recreation*
8 *facilities: Provided, That the Secretary of the Army, acting*
9 *through the Chief of Engineers, from the funds provided*
10 *herein for the operation and maintenance of New York Har-*
11 *bor, New York, is directed to prepare the necessary docu-*
12 *mentation and initiate removal of submerged obstructions*
13 *and debris in the area previously marked by the Ambrose*
14 *Light Tower in the interest of safe navigation.*

15 *REGULATORY PROGRAM*

16 *For expenses necessary for administration of laws per-*
17 *taining to regulation of navigable waters and wetlands,*
18 *\$120,000,000, to remain available until expended: Pro-*
19 *vided, That the Secretary of the Army, acting through the*
20 *Chief of Engineers, is directed to use funds appropriated*
21 *herein to: (1) by March 1, 2001, supplement the report, Cost*
22 *Analysis For the 1999 Proposal to Issue and Modify Na-*
23 *tionwide Permits, to reflect the Nationwide Permits actu-*
24 *ally issued on March 9, 2000, including changes in the acre-*
25 *age limits, preconstruction notification requirements and*
26 *general conditions between the rule proposed on July 21,*

1 1999, and the rule promulgated and published in the Fed-
2 eral Register; (2) after consideration of the cost analysis
3 for the 1999 proposal to issue and modify nationwide per-
4 mits and the supplement prepared pursuant to this Act and
5 by September 30, 2001, prepare, submit to Congress and
6 publish in the Federal Register a Permit Processing Man-
7 agement Plan by which the Corps of Engineers will handle
8 the additional work associated with all projected increases
9 in the number of individual permit applications and
10 preconstruction notifications related to the new and replace-
11 ment permits and general conditions. The Permit Proc-
12 essing Management Plan shall include specific objective
13 goals and criteria by which the Corps of Engineers' progress
14 towards reducing any permit backlog can be measured; (3)
15 beginning on December 31, 2001, and on a biannual basis
16 thereafter, report to Congress and publish in the Federal
17 Register, an analysis of the performance of its program as
18 measured against the criteria set out in the Permit Proc-
19 essing Management Plan; (4) implement a 1-year pilot pro-
20 gram to publish quarterly on the U.S. Army Corps of Engi-
21 neer's Regulatory Program website all Regulatory Analysis
22 and Management Systems (RAMS) data for the South Pa-
23 cific Division and North Atlantic Division beginning with-
24 in 30 days of the enactment of this Act; and (5) publish
25 in Division Office websites all findings, rulings, and deci-

1 sions rendered under the administrative appeals process for
2 the Corps of Engineers Regulatory Program as established
3 in Public Law 106–60: Provided further, That, through the
4 period ending on September 30, 2003, the Corps of Engi-
5 neers shall allow any appellant to keep a verbatim record
6 of the proceedings of the appeals conference under the afore-
7 mentioned administrative appeals process: Provided fur-
8 ther, That within 30 days of the enactment of this Act, the
9 Secretary of the Army, acting through the Chief of Engi-
10 neers, shall require all U.S. Army Corps of Engineers Divi-
11 sions and Districts to record the date on which a Section
12 404 individual permit application or nationwide permit
13 notification is filed with the Corps of Engineers: Provided
14 further, That the Corps of Engineers, when reporting per-
15 mit processing times, shall track both the date a permit ap-
16 plication is first received and the date the application is
17 considered complete, as well as the reason that the applica-
18 tion is not considered complete upon first submission.

19 *FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM*

20 *For expenses necessary to clean up contamination*
21 *from sites throughout the United States resulting from work*
22 *performed as part of the Nation’s early atomic energy pro-*
23 *gram, \$140,000,000, to remain available until expended.*

24 *GENERAL EXPENSES*

25 *For expenses necessary for general administration and*
26 *related functions in the Office of the Chief of Engineers and*

1 *offices of the Division Engineers; activities of the Coastal*
2 *Engineering Research Board, the Humphreys Engineer*
3 *Center Support Activity, the Water Resources Support Cen-*
4 *ter, and headquarters support functions at the USACE Fi-*
5 *nance Center, \$152,000,000, to remain available until ex-*
6 *pendent: Provided, That no part of any other appropriation*
7 *provided in title I of this Act shall be available to fund*
8 *the activities of the Office of the Chief of Engineers or the*
9 *executive direction and management activities of the divi-*
10 *sion offices: Provided further, That none of these funds shall*
11 *be available to support an office of congressional affairs*
12 *within the executive office of the Chief of Engineers.*

13

REVOLVING FUND

14 *Amounts in the Revolving fund are available for the*
15 *costs of relocating the U.S. Army Corps of Engineers head-*
16 *quarters to office space in the General Accounting Office*
17 *headquarters building in Washington, D.C.*

18

ADMINISTRATIVE PROVISIONS

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

1 *GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL*

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

13 *SEC. 102. Agreements proposed for execution by the As-*
14 *sistant Secretary of the Army for Civil Works or the United*
15 *States Army Corps of Engineers after the date of the enact-*
16 *ment of this Act pursuant to section 4 of the Rivers and*
17 *Harbor Act of 1915, Public Law 64–291; section 11 of the*
18 *River and Harbor Act of 1925, Public Law 68–585; the*
19 *Civil Functions Appropriations Act, 1936, Public Law 75–*
20 *208; section 215 of the Flood Control Act of 1968, as amend-*
21 *ed, Public Law 90–483; sections 104, 203, and 204 of the*
22 *Water Resources Development Act of 1986, as amended*
23 *(Public Law 99–662); section 206 of the Water Resources*
24 *Development Act of 1992, as amended, Public Law 102–*
25 *580; section 211 of the Water Resources Development Act*

1 *available to the Utah Reclamation Mitigation and Con-*
2 *servation Commission to carry out activities authorized*
3 *under that Act.*

4 *In addition, for necessary expenses incurred in car-*
5 *rying out related responsibilities of the Secretary of the In-*
6 *terior, \$1,216,000, to remain available until expended.*

7 *BUREAU OF RECLAMATION*

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

13 *WATER AND RELATED RESOURCES*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For management, development, and restoration of*
16 *water and related natural resources and for related activi-*
17 *ties, including the operation, maintenance and rehabilita-*
18 *tion of reclamation and other facilities, participation in*
19 *fulfilling related Federal responsibilities to Native Ameri-*
20 *cans, and related grants to, and cooperative and other*
21 *agreements with, State and local governments, Indian*
22 *tribes, and others, \$655,192,000, to remain available until*
23 *expended, of which \$1,916,000 shall be available for transfer*
24 *to the Upper Colorado River Basin Fund and \$38,667,000*
25 *shall be available for transfer to the Lower Colorado River*
26 *Basin Development Fund; of which such amounts as may*

1 *be necessary may be advanced to the Colorado River Dam*
2 *Fund; of which \$16,000,000 shall be for on-reservation*
3 *water development, feasibility studies, and related adminis-*
4 *trative costs under Public Law 106–163; of which not more*
5 *than 25 percent of the amount provided for drought emer-*
6 *gency assistance may be used for financial assistance for*
7 *the preparation of cooperative drought contingency plans*
8 *under Title II of Public Law 102–250; and of which not*
9 *more than \$500,000 is for high priority projects which shall*
10 *be carried out by the Youth Conservation Corps, as author-*
11 *ized by 16 U.S.C. 1706: Provided, That such transfers may*
12 *be increased or decreased within the overall appropriation*
13 *under this heading: Provided further, That of the total ap-*
14 *propriated, the amount for program activities that can be*
15 *financed by the Reclamation Fund or the Bureau of Rec-*
16 *lamation special fee account established by 16 U.S.C. 460l–*
17 *6a(i) shall be derived from that Fund or account: Provided*
18 *further, That funds contributed under 43 U.S.C. 395 are*
19 *available until expended for the purposes for which contrib-*
20 *uted: Provided further, That funds advanced under 43*
21 *U.S.C. 397a shall be credited to this account and are avail-*
22 *able until expended for the same purposes as the sums ap-*
23 *propriated under this heading: Provided further, That*
24 *funds available for expenditure for the Departmental Irri-*
25 *gation Drainage Program may be expended by the Bureau*

1 *of Reclamation for site remediation on a non-reimbursable*
2 *basis: Provided further, That section 301 of Public Law*
3 *102–250, Reclamation States Emergency Drought Relief*
4 *Act of 1991, as amended, is amended further by inserting*
5 *“2000, and 2001” in lieu of “and 2000”: Provided further,*
6 *That the amount authorized for Indian municipal, rural,*
7 *and industrial water features by section 10 of Public Law*
8 *89–108, as amended by section 8 of Public Law 99–294,*
9 *section 1701(b) of Public Law 102–575, Public Law 105–*
10 *245, and Public Law 106–60 is increased by \$2,000,000*
11 *(October 1998 prices): Provided further, That the amount*
12 *authorized for Minidoka Project North Side Pumping Divi-*
13 *sion, Idaho, by section 5 of Public Law 81–864, is increased*
14 *by \$2,805,000: Provided further, That the Reclamation*
15 *Safety of Dams Act of 1978 (43 U.S.C. 509) is amended*
16 *as follows: (1) by inserting in Section 4(c) after “1984,”*
17 *and before “costs” the following: “and the additional*
18 *\$95,000,000 further authorized to be appropriated by*
19 *amendments to that Act in 2000,”; (2) by inserting in Sec-*
20 *tion 5 after “levels),” and before “plus” the following: “and,*
21 *effective October 1, 2000, not to exceed an additional*
22 *\$95,000,000 (October 1, 2000, price levels),”; and (3) by*
23 *striking “sixty days (which” and all that follows through*
24 *“day certain)” and inserting in lieu thereof “30 calendar*
25 *days”.*

1 *BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT*

2 *For the cost of direct loans and/or grants, \$8,944,000,*
3 *to remain available until expended, as authorized by the*
4 *Small Reclamation Projects Act of August 6, 1956, as*
5 *amended (43 U.S.C. 422a–422l): Provided, That such costs,*
6 *including the cost of modifying such loans, shall be as de-*
7 *financed in section 502 of the Congressional Budget Act of*
8 *1974, as amended: Provided further, That these funds are*
9 *available to subsidize gross obligations for the principal*
10 *amount of direct loans not to exceed \$27,000,000.*

11 *In addition, for administrative expenses necessary to*
12 *carry out the program for direct loans and/or grants,*
13 *\$425,000, to remain available until expended: Provided,*
14 *That of the total sums appropriated, the amount of program*
15 *activities that can be financed by the Reclamation Fund*
16 *shall be derived from that Fund.*

17 *CENTRAL VALLEY PROJECT RESTORATION FUND*

18 *For carrying out the programs, projects, plans, and*
19 *habitat restoration, improvement, and acquisition provi-*
20 *sions of the Central Valley Project Improvement Act,*
21 *\$38,382,000, to be derived from such sums as may be col-*
22 *lected in the Central Valley Project Restoration Fund pur-*
23 *suant to sections 3407(d), 3404(c)(3), 3405(f), and*
24 *3406(c)(1) of Public Law 102–575, to remain available*
25 *until expended: Provided, That the Bureau of Reclamation*
26 *is directed to assess and collect the full amount of the addi-*

1 *tional mitigation and restoration payments authorized by*
2 *section 3407(d) of Public Law 102–575.*

3 *POLICY AND ADMINISTRATION*

4 *For necessary expenses of policy, administration, and*
5 *related functions in the office of the Commissioner, the Den-*
6 *ver office, and offices in the five regions of the Bureau of*
7 *Reclamation, to remain available until expended,*
8 *\$50,224,000, to be derived from the Reclamation Fund and*
9 *be nonreimbursable as provided in 43 U.S.C. 377: Provided,*
10 *That no part of any other appropriation in this Act shall*
11 *be available for activities or functions budgeted as policy*
12 *and administration expenses.*

13 *ADMINISTRATIVE PROVISIONS*

14 *SEC. 201. Appropriations for the Bureau of Reclama-*
15 *tion shall be available for purchase of not to exceed four*
16 *passenger motor vehicles for replacement only.*

17 *SEC. 202. Funds under this title for Drought Emer-*
18 *gency Assistance shall be made available primarily for leas-*
19 *ing of water for specified drought related purposes from*
20 *willing lessors, in compliance with existing State laws and*
21 *administered under State water priority allocation. Such*
22 *leases may be entered into with an option to purchase: Pro-*
23 *vided, That such purchase is approved by the State in*
24 *which the purchase takes place and the purchase does not*
25 *cause economic harm within the State in which the pur-*
26 *chase is made.*

GENERAL PROVISION

1

2 *SEC. 203. (a) For fiscal year 2001 and each fiscal year*
3 *thereafter, the Secretary of the Interior shall continue the*
4 *funding of monitoring and research, as authorized by sec-*
5 *tion 1807 of the Grand Canyon Protection Act of 1992 (106*
6 *Stat. 4672), at not more than \$7,687,000, adjusted to reflect*
7 *changes in the Consumer Price Index for All Urban Con-*
8 *sumers published by the Bureau of Labor Statistics of the*
9 *Department of Labor.*

10 *(b) The activities to be funded as provided under sub-*
11 *section (a) include activities required to meet the require-*
12 *ments of subsections (a) and (b) of section 1805 of the*
13 *Grand Canyon Protection Act of 1992 (106 Stat. 4672), in-*
14 *cluding the requirements of the Biological Opinion on the*
15 *Operation of Glen Canyon Dam and activities required by*
16 *the Programmatic Agreement on Cultural and Historic*
17 *Properties.*

18 *(c) To the extent that funding under subsection (a) is*
19 *insufficient to pay the costs of the monitoring and research,*
20 *the Secretary of the Interior may use funds appropriated*
21 *to carry out section 8 of the Act of April 11, 1956 (com-*
22 *monly known as the "Colorado River Storage Project Act")*
23 *(43 U.S.C. 620g), to pay those costs.*

24 *SEC. 204. Effective for fiscal year 2000, and each sub-*
25 *sequent fiscal year, notwithstanding any other provision of*

1 *law, no funds appropriated in this or any other act shall*
2 *be expended to implement the policies articulated in the*
3 *memorandum dated June 19, 2000, concerning the Middle*
4 *Rio Grande Project, written by the Solicitor of the Depart-*
5 *ment of the Interior to the Commissioner of the Bureau of*
6 *Reclamation and the Director of the Fish and Wildlife Serv-*
7 *ice, and the legal analysis referenced in the memorandum*
8 *or any subsequent recommendations, directives or other cor-*
9 *respondence including a letter referenced ALB-105 ENV-*
10 *4.00, dated July 6, 2000, to the Chief Executive Officer of*
11 *the Middle Rio Grande Conservancy District from the Albu-*
12 *querque Area Manager of the Bureau of Reclamation ad-*
13 *ressing the issues raised by this Solicitor's memorandum*
14 *except as may be provided in an agreement entered into*
15 *by all affected holders of water rights within the Middle*
16 *Rio Grande Conservancy District and which agreement has*
17 *been approved by the New Mexico State Engineer, or as*
18 *may be required by a final non-appealable court order.*

19 *Effective for fiscal year 2000, and each subsequent fis-*
20 *cal year, notwithstanding any other provision of law, no*
21 *funds appropriated in this or any other Act shall be ex-*
22 *pended to implement the policies, recommendations and di-*
23 *rectives articulated in a letter referenced ENV-4.00, ALB-*
24 *105, dated June 29, 2000, to the Chairman of the Board*
25 *of Directors for the Fort Sumner Irrigation District from*

1 *cles for replacement only, \$691,520,000 to remain available*
2 *until September 30, 2002, of which \$12,000,000 shall be de-*
3 *derived by transfer from the United States Enrichment Cor-*
4 *poration Fund: Provided, That, in addition, royalties re-*
5 *ceived to compensate the Department of Energy for its par-*
6 *ticipation in the First-Of-A-Kind-Engineering program*
7 *shall be credited to this account to be available until Sep-*
8 *tember 30, 2002 for the purposes of Nuclear Energy, Science*
9 *and Technology activities.*

10 *NON-DEFENSE ENVIRONMENTAL MANAGEMENT*

11 *For Department of Energy expenses, including the*
12 *purchase, construction and acquisition of plant and capital*
13 *equipment and other expenses necessary for non-defense en-*
14 *vironmental management activities in carrying out the*
15 *purposes of the Department of Energy Organization Act (42*
16 *U.S.C. 7101 et seq.), including the acquisition or con-*
17 *demnation of any real property or any facility or for plant*
18 *or facility acquisition, construction or expansion,*
19 *\$309,141,000, to remain available until expended.*

20 *URANIUM ENRICHMENT DECONTAMINATION AND*

21 *DECOMMISSIONING FUND*

22 *For necessary expenses in carrying out uranium en-*
23 *richment facility decontamination and decommissioning,*
24 *remedial actions and other activities of title II of the Atom-*
25 *ic Energy Act of 1954 and title X, subtitle A of the Energy*
26 *Policy Act of 1992, \$297,778,000, to be derived from the*

1 *Fund, to remain available until expended: Provided, That*
2 *\$30,000,000 of amounts derived from the Fund for such ex-*
3 *penses shall be available in accordance with title X, subtitle*
4 *A, of the Energy Policy Act of 1992.*

5 *SCIENCE*

6 *For Department of Energy expenses including the pur-*
7 *chase, construction and acquisition of plant and capital*
8 *equipment, and other expenses necessary for science activi-*
9 *ties in carrying out the purposes of the Department of En-*
10 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
11 *the acquisition or condemnation of any real property or*
12 *facility or for plant or facility acquisition, construction, or*
13 *expansion, and purchase of not to exceed 58 passenger*
14 *motor vehicles for replacement only, \$2,870,112,000, to re-*
15 *main available until expended: Provided, That notwith-*
16 *standing any other provision of law, not to exceed*
17 *\$51,163,000 of the funds appropriated herein may be obli-*
18 *gated for the Small Business Innovation Research program*
19 *and not to exceed \$3,069,000 of the funds appropriated*
20 *herein may be obligated for the Small Business Technology*
21 *Transfer program.*

22 *NUCLEAR WASTE DISPOSAL*

23 *For nuclear waste disposal activities to carry out the*
24 *purposes of Public Law 97-425, as amended, including the*
25 *acquisition of real property or facility construction or ex-*
26 *pansion, \$59,175,000, to remain available until expended*

1 *and to be derived from the Nuclear Waste Fund: Provided,*
2 *That not to exceed \$2,500,000 may be provided to the State*
3 *of Nevada solely for expenditures, other than salaries and*
4 *expenses of State employees, to conduct scientific oversight*
5 *responsibilities pursuant to the Nuclear Waste Policy Act*
6 *of 1982, (Public Law 97-425) as amended: Provided fur-*
7 *ther, That not to exceed \$5,887,000 may be provided to af-*
8 *ected units of local governments, as defined in Public Law*
9 *97-425, to conduct appropriate activities pursuant to the*
10 *Act: Provided further, That the distribution of the funds*
11 *as determined by the units of local government shall be ap-*
12 *proved by the Department of Energy: Provided further,*
13 *That the funds for the State of Nevada shall be made solely*
14 *to the Nevada Division of Emergency Management by direct*
15 *payment and units of local government by direct payment:*
16 *Provided further, That within 90 days of the completion*
17 *of each Federal fiscal year, the Nevada Division of Environ-*
18 *mental Management and the Governor of the State of Ne-*
19 *vada and each local entity shall provide certification to the*
20 *Department of Energy, that all funds expended from such*
21 *payments have been expended for activities authorized by*
22 *Public Law 97-425. Failure to provide such certification*
23 *shall cause such entity to be prohibited from any further*
24 *funding provided for similar activities: Provided, That*
25 *none of the funds herein appropriated may be: (1) used di-*

1 *rectly or indirectly to influence legislative action on any*
2 *matter pending before Congress or a State legislature or for*
3 *lobbying activity as provided in 18 U.S.C. 1913; (2) used*
4 *for litigation expenses; or (3) used to support multi-state*
5 *efforts or other coalition building activities inconsistent*
6 *with the restrictions contained in this Act: Provided further,*
7 *That all proceeds and recoveries by the Secretary in car-*
8 *rying out activities authorized by the Nuclear Waste Policy*
9 *Act of 1982 in Public Law 97-425, as amended, including*
10 *but not limited to, any proceeds from the sale of assets, shall*
11 *be available without further appropriation and shall re-*
12 *main available until expended.*

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), \$210,128,000, 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-*
26 *able until expended: Provided further, That moneys received*

1 *by the Department for miscellaneous revenues estimated to*
2 *total \$128,762,000 in fiscal year 2001 may be retained and*
3 *used for operating expenses within this account, and may*
4 *remain available until expended, as authorized by section*
5 *201 of Public Law 95–238, notwithstanding the provisions*
6 *of 31 U.S.C. 3302: Provided further, That the sum herein*
7 *appropriated shall be reduced by the amount of miscella-*
8 *neous revenues received during fiscal year 2001 so as to*
9 *result in a final fiscal year 2001 appropriation from the*
10 *General Fund estimated at not more than \$81,366,000.*

11 *OFFICE OF THE INSPECTOR GENERAL*

12 *For necessary expenses of the Office of the Inspector*
13 *General in carrying out the provisions of the Inspector Gen-*
14 *eral Act of 1978, as amended, \$28,988,000, to remain avail-*
15 *able until expended.*

16 *ATOMIC ENERGY DEFENSE ACTIVITIES*

17 *NATIONAL NUCLEAR SECURITY ADMINISTRATION*

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*
26 *or facility acquisition, construction, or expansion; and the*

1 purchase of passenger motor vehicles (not to exceed 12 for
2 replacement only), \$4,883,289,000, to remain available
3 until expended.

4 DEFENSE NUCLEAR NONPROLIFERATION

5 For Department of Energy expenses, including the
6 purchase, construction and acquisition of plant and capital
7 equipment and other incidental expenses necessary for
8 atomic energy defense, Defense Nuclear Nonproliferation ac-
9 tivities, in carrying out the purposes of the Department of
10 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
11 ing the acquisition or condemnation of any real property
12 or any facility or for plant or facility acquisition, construc-
13 tion, or expansion, \$908,967,000, to remain available until
14 expended: Provided, That not to exceed \$5,000 may be used
15 for official reception and representation expenses for na-
16 tional security and nonproliferation (including trans-
17 parency) activities in fiscal year 2001.

18 NAVAL REACTORS

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

1 *plant or facility acquisition, construction, or expansion,*
2 *\$694,600,000, to remain available until expended.*

3 *OFFICE OF THE ADMINISTRATOR*

4 *For necessary expenses of the Office of the Adminis-*
5 *trator of the National Nuclear Security Administration, in-*
6 *cluding official reception and representation expenses (not*
7 *to exceed \$5,000), \$10,000,000, to remain available until*
8 *expended.*

9 *OTHER DEFENSE RELATED ACTIVITIES*

10 *DEFENSE ENVIRONMENTAL RESTORATION AND WASTE*

11 *MANAGEMENT*

12 *For Department of Energy expenses, including the*
13 *purchase, construction and acquisition of plant and capital*
14 *equipment and other expenses necessary for atomic energy*
15 *defense environmental restoration and waste management*
16 *activities in carrying out the purposes of the Department*
17 *of Energy Organization Act (42 U.S.C. 7101 et seq.), in-*
18 *cluding the acquisition or condemnation of any real prop-*
19 *erty or any facility or for plant or facility acquisition, con-*
20 *struction, or expansion; and the purchase of 67 passenger*
21 *motor vehicles for replacement only, \$4,635,763,000, to re-*
22 *main available until expended: Provided, That any*
23 *amounts appropriated under this heading that are used to*
24 *provide economic assistance under section 15 of the Waste*
25 *Isolation Pilot Plant Land Withdrawal Act (Public Law*
26 *102-579) shall be utilized to the extent necessary to reim-*

1 *burse costs of financial assurances required of a contractor*
2 *by any permit or license of the Waste Isolation Pilot Plant*
3 *issued by the State of New Mexico.*

4 *DEFENSE FACILITIES CLOSURE PROJECTS*

5 *For expenses of the Department of Energy to accelerate*
6 *the closure of defense environmental management sites, in-*
7 *cluding the purchase, construction and acquisition of plant*
8 *and capital equipment and other necessary expenses,*
9 *\$1,082,297,000, to remain available until expended.*

10 *DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION*

11 *For Department of Energy expenses for privatization*
12 *projects necessary for atomic energy defense environmental*
13 *management activities authorized by the Department of*
14 *Energy Organization Act (42 U.S.C. 7101 et seq.),*
15 *\$324,000,000, to remain available until expended.*

16 *OTHER DEFENSE ACTIVITIES*

17 *For Department of Energy expenses, including the*
18 *purchase, construction and acquisition of plant and capital*
19 *equipment and other expenses necessary for atomic energy*
20 *defense, other defense activities, in carrying out the pur-*
21 *poses of the Department of Energy Organization Act (42*
22 *U.S.C. 7101 et seq.), including the acquisition or con-*
23 *demnation of any real property or any facility or for plant*
24 *or facility acquisition, construction, or expansion,*
25 *\$579,463,000, to remain available until expended, of which*

1 \$17,000,000 shall be for the Department of Energy Employ-
2 ees Compensation Initiative upon enactment of authoriza-
3 tion legislation into law.

4 *DEFENSE NUCLEAR WASTE DISPOSAL*

5 *For nuclear waste disposal activities to carry out the*
6 *purposes of Public Law 97-425, as amended, including the*
7 *acquisition of real property or facility construction or ex-*
8 *pansion, \$292,000,000, to remain available until expended.*

9 *POWER MARKETING ADMINISTRATIONS*

10 *BONNEVILLE POWER ADMINISTRATION FUND*

11 *Expenditures from the Bonneville Power Administra-*
12 *tion Fund, established pursuant to Public Law 93-454, are*
13 *approved for the Nez Perce Tribe Resident Fish Substi-*
14 *tution Program, the Cour D'Alene Tribe Trout Production*
15 *facility, and for official reception and representation ex-*
16 *penses in an amount not to exceed \$1,500.*

17 *During fiscal year 2001, no new direct loan obliga-*
18 *tions may be made. Section 511 of the Energy and Water*
19 *Development Appropriations Act, 1997 (Public Law 104-*
20 *206), is amended by striking the last sentence and inserting,*
21 *“This authority shall expire September 30, 2005.”.*

22 *OPERATION AND MAINTENANCE, SOUTHEASTERN POWER*

23 *ADMINISTRATION*

24 *For necessary expenses of operation and maintenance*
25 *of power transmission facilities and of marketing electric*
26 *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, \$3,900,000, to remain
4 available until expended; in addition, notwithstanding the
5 provisions of 31 U.S.C. 3302, amounts collected by the
6 Southeastern Power Administration pursuant to the Flood
7 Control Act to recover purchase power and wheeling ex-
8 penses shall be credited to this account as offsetting collec-
9 tions, to remain available until expended for the sole pur-
10 pose of making purchase power and wheeling expenditures
11 as follows: for fiscal year 2001, up to \$34,463,000; for fiscal
12 year 2002, up to \$26,463,000; for fiscal year 2003, up to
13 \$20,000,000; and for fiscal year 2004, up to \$15,000,000.

14 OPERATION AND MAINTENANCE, SOUTHWESTERN POWER

15 ADMINISTRATION

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses of operation and maintenance
18 of power transmission facilities and of marketing electric
19 power and energy, and for construction and acquisition of
20 transmission lines, substations and appurtenant facilities,
21 and for administrative expenses, including official recep-
22 tion and representation expenses in an amount not to ex-
23 ceed \$1,500 in carrying out the provisions of section 5 of
24 the Flood Control Act of 1944 (16 U.S.C. 825s), as applied
25 to the southwestern power area, \$28,100,000, to remain
26 available until expended; in addition, notwithstanding the

1 *provisions of 31 U.S.C. 3302, not to exceed \$4,200,000 in*
2 *reimbursements, to remain available until expended: Pro-*
3 *vided, That amounts collected by the Southwestern Power*
4 *Administration pursuant to the Flood Control Act to re-*
5 *cover purchase power and wheeling expenses shall be cred-*
6 *ited to this account as offsetting collections, to remain avail-*
7 *able until expended for the sole purpose of making purchase*
8 *power and wheeling expenditures as follows: for fiscal year*
9 *2001, up to \$288,000; for fiscal year 2002, up to \$288,000;*
10 *for fiscal year 2003, up to \$288,000; and for fiscal year*
11 *2004, up to \$288,000.*

12 *CONSTRUCTION, REHABILITATION, OPERATION AND*
13 *MAINTENANCE, WESTERN AREA POWER ADMINISTRATION*

14 *For carrying out the functions authorized by title III,*
15 *section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C.*
16 *7152), and other related activities including conservation*
17 *and renewable resources programs as authorized, including*
18 *official reception and representation expenses in an amount*
19 *not to exceed \$1,500, \$164,916,000, to remain available*
20 *until expended, of which \$154,616,000 shall be derived from*
21 *the Department of the Interior Reclamation Fund: Pro-*
22 *vided, That of the amount herein appropriated, \$5,950,000*
23 *is for deposit into the Utah Reclamation Mitigation and*
24 *Conservation Account pursuant to title IV of the Reclama-*
25 *tion Projects Authorization and Adjustment Act of 1992:*
26 *Provided further, That amounts collected by the Western*

1 *Area Power Administration pursuant to the Flood Control*
2 *Act of 1944 and the Reclamation Project Act of 1939 to*
3 *recover purchase power and wheeling expenses shall be cred-*
4 *ited to this account as offsetting collections, to remain avail-*
5 *able until expended for the sole purpose of making purchase*
6 *power and wheeling expenditures as follows: for fiscal year*
7 *2001, up to \$42,500,000; for fiscal year 2002, up to*
8 *\$33,500,000; for fiscal year 2003, up to \$30,000,000; and*
9 *for fiscal year 2004, up to \$20,000,000.*

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, \$2,670,000, to remain available until expended, and*
15 *to be derived from the Falcon and Amistad Operating and*
16 *Maintenance Fund of the Western Area Power Administra-*
17 *tion, as provided in section 423 of the Foreign Relations*
18 *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*
26 *and representation expenses (not to exceed \$3,000),*

1 *of Energy shall have the exclusive waiver authority for all*
2 *other activities which may not be delegated.*

3 *(c) At least 60 days before a contract award, amend-*
4 *ment, or modification for which the Secretary intends to*
5 *grant such a waiver as provided for in subsection (b), the*
6 *Secretary shall submit to the Subcommittees on Energy and*
7 *Water Development of the Committees on Appropriations*
8 *of the House of Representatives and the Senate a report no-*
9 *tifying the subcommittees of the waiver and setting forth*
10 *the reasons for the waiver.*

11 *(d) At least 60 days before a contract award, amend-*
12 *ment, or modification for which the Administrator of the*
13 *National Nuclear Security Administration intends to grant*
14 *such a waiver as provided in subsection (b), the Adminis-*
15 *trator shall submit to the Subcommittees on Energy and*
16 *Water Development of the Committees on Appropriations*
17 *of the House of Representatives and the Senate a report no-*
18 *tifying the subcommittees of the waiver and setting forth*
19 *the reasons for the waiver.*

20 *SEC. 302. (a) None of the funds appropriated by this*
21 *Act under "Atomic Energy Defense Activities, National Nu-*
22 *clear Security Administration" may be used to award,*
23 *amend, or modify a contract in a manner that deviates*
24 *from the Federal Acquisition Regulation, unless the Admin-*
25 *istrator of the National Nuclear Security Administration*

1 grants, on a case-by-case basis, a waiver to allow for such
2 a deviation. The Administrator may not delegate the au-
3 thority to grant such a waiver.

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

12 SEC. 303. None of the funds appropriated by this Act
13 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 may be used to prepare or initiate Requests For Proposals
24 (RFPs) for a program if the program has not been funded
25 by Congress.

1 *(TRANSFERS OF UNEXPENDED BALANCES)*

2 *SEC. 305. The unexpended balances of prior appro-*
3 *priations provided for activities in this Act may be trans-*
4 *ferred to appropriation accounts for such activities estab-*
5 *lished pursuant to this title. Balances so transferred may*
6 *be merged with funds in the applicable established accounts*
7 *and thereafter may be accounted for as one fund for the*
8 *same time period as originally enacted.*

9 *SEC. 306. Notwithstanding 41 U.S.C. 254c(a), the Sec-*
10 *retary of Energy may use funds appropriated by this Act*
11 *to enter into or continue multi-year contracts for the acqui-*
12 *sition of property or services under the head, "Energy Sup-*
13 *ply" without obligating the estimated costs associated with*
14 *any necessary cancellation or termination of the contract.*
15 *The Secretary of Energy may pay costs of termination or*
16 *cancellation from—*

17 *(1) appropriations originally available for the*
18 *performance of the contract concerned;*

19 *(2) appropriations currently available for pro-*
20 *curement of the type of property or services concerned,*
21 *and not otherwise obligated; or*

22 *(3) funds appropriated for those payments.*

23 *SEC. 307. Of the funds in this Act provided to govern-*
24 *ment-owned, contractor-operated laboratories, up to 6 per-*
25 *cent shall be available to be used for Laboratory Directed*

1 *Research and Development: Provided, That the funds in the*
2 *Environmental Management programs of the Department*
3 *of Energy are available for Laboratory Directed Research*
4 *and Development.*

5 *SEC. 308. (a) Of the funds appropriated by this title*
6 *to the Department of Energy, not more than \$200,000,000*
7 *shall be available for reimbursement of management and*
8 *operating contractor travel expenses.*

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

20 *SEC. 309. (a) None of the funds in this Act or any*
21 *future Energy and Water Development Appropriations Act*
22 *may be expended after December 31 of each year under a*
23 *covered contract unless the funds are expended in accord-*
24 *ance with a Laboratory Funding Plan that has been ap-*
25 *proved by the Administrator of the National Nuclear Secu-*

1 rity Administration. At the beginning of each fiscal year,
2 the Administrator shall issue directions to the laboratories
3 for the programs, projects, and activities to be conducted
4 in that fiscal year. The Administrator and the Laboratories
5 shall devise a Laboratory Funding Plan that identifies the
6 resources needed to carry out these programs, projects, and
7 activities. Funds shall be released to the Laboratories only
8 after the Administrator has approved the Laboratory Fund-
9 ing Plan. The Administrator of the National Nuclear Secu-
10 rity Administration may provide exceptions to this require-
11 ment as the Secretary considers appropriate.

12 (b) For purposes of this section, “covered contract”
13 means a contract for the management and operation of the
14 following laboratories: Lawrence Livermore National Lab-
15 oratory, Los Alamos National Laboratory, and Sandia Na-
16 tional Laboratories.

17 SEC. 310. Section 310(b) of Public Law 106–60 (113
18 Stat. 496) is amended by striking “Lawrence Livermore
19 National Laboratory, Los Alamos National Laboratory,
20 Oak Ridge National Laboratory, Pacific Northwest Na-
21 tional Laboratory, and Sandia National Laboratories.” in
22 paragraph (b), and inserting “Oak Ridge National Labora-
23 tory, and Pacific Northwest National Laboratory.”.

24 SEC. 311. None of the funds provided in this Act may
25 be used to establish or maintain independent centers at a

1 *Department of Energy laboratory or facility unless such*
2 *funds have been specifically identified in the budget submis-*
3 *sion.*

4 *SEC. 312. None of the funds made available in this*
5 *or any other Act may be used to restart the High Flux*
6 *Beam Reactor.*

7 *SEC. 313. None of the funds in this Act may be used*
8 *to dispose of transuranic waste in the Waste Isolation Pilot*
9 *Plant which contains concentrations of plutonium in excess*
10 *of 20 percent by weight for the aggregate of any material*
11 *category on the date of the enactment of this Act, or is gen-*
12 *erated after such date.*

13 *SEC. 314. TERM OF OFFICE OF PERSON FIRST AP-*
14 *POINTED AS UNDER SECRETARY FOR NUCLEAR SECURITY*
15 *OF THE DEPARTMENT OF ENERGY. (a) LENGTH OF*
16 *TERM.—The term of office as Under Secretary for Nuclear*
17 *Security of the Department of Energy of the first person*
18 *appointed to that position shall be three years.*

19 *(b) EXCLUSIVE REASONS FOR REMOVAL.—The exclu-*
20 *sive reasons for removal from office as Under Secretary for*
21 *Nuclear Security of the person described in subsection (a)*
22 *shall be inefficiency, neglect of duty, or malfeasance in of-*
23 *fice.*

24 *(c) POSITION DESCRIBED.—The position of Under*
25 *Secretary for Nuclear Security of the Department of Energy*

1 referred to in this section is the position established by sub-
2 section (c) of section 202 of the Department of Energy Orga-
3 nization Act (42 U.S.C. 7132), as added by section 3202
4 of the National Nuclear Security Administration Act (title
5 XXXII of Public Law 106–65; 113 Stat. 954)).

6 SEC. 315. SCOPE OF AUTHORITY OF SECRETARY OF
7 ENERGY TO MODIFY ORGANIZATION OF NATIONAL NU-
8 CLEAR SECURITY ADMINISTRATION. (a) SCOPE OF AUTHOR-
9 ITY.—Subtitle A of the National Nuclear Security Adminis-
10 tration Act (title XXXII of Public Law 106–65; 113 Stat.
11 957; 50 U.S.C. 2401 et seq.) is amended by adding at the
12 end the following new section:

13 **“SEC. 3219. SCOPE OF AUTHORITY OF SECRETARY OF EN-**
14 **ERGY TO MODIFY ORGANIZATION OF ADMIN-**
15 **ISTRATION.**

16 “Notwithstanding the authority granted by section 643
17 of the Department of Energy Organization Act (42 U.S.C.
18 7253) or any other provision of law, the Secretary of En-
19 ergy may not establish, abolish, alter, consolidate, or dis-
20 continue any organizational unit or component, or transfer
21 any function, of the Administration, except as authorized
22 by subsection (b) or (c) of section 3291.”.

23 (b) CONFORMING AMENDMENTS.—Section 643 of the
24 Department of Energy Organization Act (42 U.S.C. 7253)
25 is amended—

1 (1) *by striking “The Secretary” and inserting*
2 *“(a) Subject to subsection (b), the Secretary”;* and

3 (2) *by adding at the end the following new sub-*
4 *section:*

5 *“(b) The authority of the Secretary to establish, abol-*
6 *ish, alter, consolidate, or discontinue any organizational*
7 *unit or component of the National Nuclear Security Admin-*
8 *istration is governed by the provisions of section 3219 of*
9 *the National Nuclear Security Administration Act (title*
10 *XXXII of Public Law 106–65).”.*

11 *SEC. 316. PROHIBITION ON PAY OF PERSONNEL EN-*
12 *GAGED IN CONCURRENT SERVICE OR DUTIES INSIDE AND*
13 *OUTSIDE NATIONAL NUCLEAR SECURITY ADMINISTRATION.*
14 *Subtitle C of the National Nuclear Security Administration*
15 *Act (title XXXII of Public Law 106–65; 50 U.S.C. 2441*
16 *et seq.) is amended by adding at the end the following new*
17 *section:*

18 **“SEC. 3245. PROHIBITION ON PAY OF PERSONNEL ENGAGED**
19 **IN CONCURRENT SERVICE OR DUTIES INSIDE**
20 **AND OUTSIDE ADMINISTRATION.**

21 *“(a) Except as otherwise expressly provided by statute,*
22 *no funds authorized to be appropriated or otherwise made*
23 *available for the Department of Energy may be obligated*
24 *or utilized to pay the basic pay of an officer or employee*
25 *of the Department of Energy who—*

1 “(1) serves concurrently in a position in the Ad-
2 ministration and a position outside the Administra-
3 tion; or

4 “(2) performs concurrently the duties of a posi-
5 tion in the Administration and the duties of a posi-
6 tion outside the Administration.”

7 “(b) The provision of this section shall take effect 60
8 days after the date of enactment of this section.”

9 SEC. 317. *The Administrator of the National Nuclear*
10 *Security Administration may authorize the plant manager*
11 *of a covered nuclear weapons production plant to engage*
12 *in research, development, and demonstration activities with*
13 *respect to the engineering and manufacturing capabilities*
14 *at such plant in order to maintain and enhance such capa-*
15 *bilities at such plant: Provided, That of the amount allo-*
16 *cated to a covered nuclear weapons production plant each*
17 *fiscal year from amounts available to the Department of*
18 *Energy for such fiscal year for national security programs,*
19 *not more than an amount equal to 2 percent of such amount*
20 *may be used for these activities: Provided further, That for*
21 *purposes of this section, the term “covered nuclear weapons*
22 *production plant” means the following:*

23 (1) *The Kansas City Plant, Kansas City, Mis-*
24 *souri.*

25 (2) *The Y-12 Plant, Oak Ridge, Tennessee.*

1 (3) *The Pantex Plant, Amarillo, Texas.*

2 *SEC. 318. LIMITING THE INCLUSION OF COSTS OF*
3 *PROTECTION OF, MITIGATION OF DAMAGE TO, AND EN-*
4 *HANCEMENT OF FISH AND WILDLIFE, WITHIN RATES*
5 *CHARGED BY THE BONNEVILLE POWER ADMINISTRATION,*
6 *TO THE RATE PERIOD IN WHICH THE COSTS ARE IN-*
7 *CURRED. Section 7 of the Pacific Northwest Electric Power*
8 *Planning and Conservation Act (16 U.S.C. 839e) is amend-*
9 *ed by adding at the end the following:*

10 “(n) *LIMITING THE INCLUSION OF COSTS OF PROTEC-*
11 *TION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT*
12 *OF FISH AND WILDLIFE, WITHIN RATES CHARGED BY THE*
13 *BONNEVILLE POWER ADMINISTRATION, TO THE RATE PE-*
14 *RIOD IN WHICH THE COSTS ARE INCURRED.—Notwith-*
15 *standing any other provision of this section, rates estab-*
16 *lished by the Administrator, under this section shall recover*
17 *costs for protection, mitigation and enhancement of fish and*
18 *wildlife, whether under the Pacific Northwest Electric*
19 *Power Planning and Conservation Act or any other Act,*
20 *not to exceed such amounts the Administrator forecasts will*
21 *be expended during the fiscal year 2002–2006 rate period,*
22 *while preserving the Administrator’s ability to establish ap-*
23 *propriate reserves and maintain a high Treasury payment*
24 *probability for the subsequent rate period.”.*

1 *DELTA REGIONAL AUTHORITY*

2 *SALARIES AND EXPENSES*

3 *For necessary expenses to establish the Delta Regional*
4 *Authority and to carry out its activities, \$20,000,000, to*
5 *remain available until expended, subject to enactment of*
6 *authorization by law.*

7 *DENALI COMMISSION*

8 *For expenses of the Denali Commission including the*
9 *purchase, construction and acquisition of plant and capital*
10 *equipment as necessary and other expenses, \$30,000,000, to*
11 *remain available until expended.*

12 *NUCLEAR REGULATORY COMMISSION*

13 *SALARIES AND EXPENSES*

14 *For necessary expenses of the Commission in carrying*
15 *out the purposes of the Energy Reorganization Act of 1974,*
16 *as amended, and the Atomic Energy Act of 1954, as amend-*
17 *ed, including official representation expenses (not to exceed*
18 *\$15,000), \$481,900,000, to remain available until expended:*
19 *Provided, That of the amount appropriated herein,*
20 *\$21,600,000 shall be derived from the Nuclear Waste Fund:*
21 *Provided further, That revenues from licensing fees, inspec-*
22 *tion services, and other services and collections estimated*
23 *at \$457,100,000 in fiscal year 2001 shall be retained and*
24 *used for necessary salaries and expenses in this account,*
25 *notwithstanding 31 U.S.C. 3302, and shall remain avail-*

1 able until expended: Provided further, That \$3,200,000 of
2 the funds herein appropriated for regulatory reviews and
3 assistance to other Federal agencies and States shall be ex-
4 cluded from license fee revenues, notwithstanding 42 U.S.C.
5 2214: Provided further, That the sum herein appropriated
6 shall be reduced by the amount of revenues received during
7 fiscal year 2001 so as to result in a final fiscal year 2001
8 appropriation estimated at not more than \$24,800,000.

9 OFFICE OF INSPECTOR GENERAL

10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses of the Office of Inspector Gen-
12 eral in carrying out the provisions of the Inspector General
13 Act of 1978, as amended, \$5,500,000, to remain available
14 until expended: Provided, That revenues from licensing fees,
15 inspection services, and other services and collections esti-
16 mated at \$5,500,000 in fiscal year 2001 shall be retained
17 and be available until expended, for necessary salaries and
18 expenses in this account: Provided further, That the sum
19 herein appropriated shall be reduced by the amount of reve-
20 nues received during fiscal year 2001 so as to result in a
21 final fiscal year 2001 appropriation estimated at not more
22 than \$0.

1 *NUCLEAR WASTE TECHNICAL REVIEW BOARD*2 *SALARIES AND EXPENSES*3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For necessary expenses of the Nuclear Waste Technical*
5 *Review Board, as authorized by Public Law 100–203, sec-*
6 *tion 5051, \$3,000,000, to be derived from the Nuclear Waste*
7 *Fund, and to remain available until expended.*

8 *TITLE V*9 *FISCAL YEAR 2000 SUPPLEMENTAL*10 *APPROPRIATIONS*11 *DEPARTMENT OF ENERGY*12 *ATOMIC ENERGY DEFENSE ACTIVITIES*13 *CERRO GRANDE FIRE ACTIVITIES*

14 *For necessary expenses for fiscal year 2000 to reme-*
15 *diate damaged Department of Energy facilities and for*
16 *other expenses associated with the Cerro Grande fire,*
17 *\$203,460,000, to remain available until expended and to*
18 *become available upon enactment: Provided, That the entire*
19 *amount shall be available only to the extent an official*
20 *budget request for \$204,000,000, that includes designation*
21 *of the entire amount of the request as an emergency require-*
22 *ment as defined in the Balanced Budget and Emergency*
23 *Deficit Control Act of 1985, as amended, is transmitted by*
24 *the President to the Congress: Provided further, That the*
25 *entire amount is designated by the Congress as an emer-*
26 *gency requirement pursuant to section 251(b)(2)(A) of the*

1 *Balanced Budget and Emergency Deficit Control Act of*
2 *1985, as amended.*

3 *TITLE VI*

4 *RESCISSION*

5 *DEPARTMENT OF ENERGY*

6 *DEFENSE NUCLEAR WASTE DISPOSAL*

7 *(RESCISSION)*

8 *Of the funds appropriated in Public Law 104–46 for*
9 *interim storage of nuclear waste, \$85,000,000 are trans-*
10 *ferred to this heading and are hereby rescinded.*

11 *TITLE VII*

12 *GENERAL PROVISIONS*

13 *SEC. 701. None of the funds appropriated by this Act*
14 *may be used in any way, directly or indirectly, to influence*
15 *congressional action on any legislation or appropriation*
16 *matters pending before Congress, other than to commu-*
17 *nicate to Members of Congress as described in section 1913*
18 *of title 18, United States Code.*

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

24 *(b) NOTICE REQUIREMENT.—In providing financial*
25 *assistance to, or entering into any contract with, any entity*

1 *using funds made available in this Act, the head of each*
2 *Federal agency, to the greatest extent practicable, shall pro-*
3 *vide to such entity a notice describing the statement made*
4 *in subsection (a) by the Congress.*

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

17 SEC. 703. (a) *None of the funds appropriated or other-*
18 *wise made available by this Act may be used to determine*
19 *the final point of discharge for the interceptor drain for*
20 *the San Luis Unit until development by the Secretary of*
21 *the Interior and the State of California of a plan, which*
22 *shall conform to the water quality standards of the State*
23 *of California as approved by the Administrator of the Envi-*
24 *ronmental Protection Agency, to minimize any detrimental*
25 *effect of the San Luis drainage waters.*

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

16 **SEC. 704.** *Section 6101(a)(3) of the Omnibus Budget*
17 *Reconciliation Act of 1990, as amended (42 U.S.C.*
18 *2214(a)(3)) and Public Law 106–60 (113 Stat. 501), is fur-*
19 *ther amended by striking “September 30, 2000” and insert-*
20 *ing “September 30, 2001”.*

21 **SEC. 705.** *None of the funds appropriated by this Act*
22 *shall be used to propose or issue rules, regulations, decrees,*
23 *or orders for the purpose of implementation, or in prepara-*
24 *tion for implementation, of the Kyoto Protocol which was*
25 *adopted on December 11, 1997, in Kyoto, Japan at the*

1 *Third Conference of the Parties to the United Nations*
2 *Framework Convention on Climate Change, which has not*
3 *been submitted to the Senate for advice and consent to rati-*
4 *fication pursuant to article II, section 2, clause 2, of the*
5 *United States Constitution, and which has not entered into*
6 *force pursuant to article 25 of the Protocol.*

7 *SEC. 706. (a) Sections 5105, 5106 and 5109 of Divi-*
8 *sion B of an Act making appropriations for military con-*
9 *struction, family housing, and base realignment and closure*
10 *for the Department of Defense for the fiscal year ending*
11 *September 30, 2001, and for other purposes (Public Law*
12 *106–246), are repealed.*

13 *(b) Subsection (a) shall take effect on the date of enact-*
14 *ment of this Act.*

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

Calendar No. 688

106TH CONGRESS
2D SESSION

H.R. 4733

AN ACT

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

JUNE 28, 2000

Received; read twice and referred to the Committee on
Appropriations

JULY 18, 2000

Reported with an amendment