

Calendar No. 401105TH CONGRESS
2^D SESSION**S. 2138****[Report No. 105-206]**

Making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 5, 1998

Mr. DOMENICI, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for energy and water development for the fiscal year ending September 30, 1999, 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, 1999, 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 \$165,390,000, to remain available until expended, of
19 which funds are provided for the following projects in the
20 amounts specified:

21 Rehoboth and Dewey Beaches, Delaware,
22 \$150,000;

23 Fort Pierce Shore Protection, Florida,
24 \$300,000;

25 Lido Key Beach, Florida, \$300,000;

26 Paducah, Kentucky, \$100,000; and

1 Lake Pontchartrain Basin Comprehensive
2 Study, Louisiana, \$500,000:

3 *Provided*, That the Secretary of the Army, acting through
4 the Chief of Engineers, is directed to use \$700,000 of the
5 funds appropriated in Public Law 102-377 for the Red
6 River Waterway, Shreveport, Louisiana, to Daingerfield,
7 Texas, project for the feasibility phase of the Red River
8 Navigation, Southwest Arkansas, study.

9 CONSTRUCTION, GENERAL

10 For the prosecution of river and harbor, flood control,
11 shore protection, and related projects authorized by laws;
12 and detailed studies, and plans and specifications, of
13 projects (including those for development with participa-
14 tion or under consideration for participation by States,
15 local governments, or private groups) authorized or made
16 eligible for selection by law (but such studies shall not con-
17 stitute a commitment of the Government to construction),
18 \$1,248,068,000, to remain available until expended, of
19 which such sums as are necessary for the Federal share
20 of construction costs for facilities under the Dredge Mate-
21 rial Disposal Facilities program shall be derived from the
22 Harbor Maintenance Trust Fund, as authorized by Public
23 Law 104-303; and of which such sums as are necessary
24 pursuant to Public Law 99-662 shall be derived from the
25 Inland Waterways Trust Fund, for one-half of the costs
26 of construction and rehabilitation of inland waterways

1 projects, including rehabilitation costs for the Lock and
2 Dam 25, Mississippi River, Illinois and Missouri; Lock
3 and Dam 14, Mississippi River, Iowa; Lock and Dam 24,
4 Mississippi River, Illinois and Missouri; and Lock and
5 Dam 3, Mississippi River, Minnesota, projects, and of
6 which funds are provided for the following projects in the
7 amounts specified:

8 Norco Bluffs, California, \$4,000,000;

9 Panama City Beaches, Florida, \$5,000,000;

10 Indianapolis Central Waterfront, Indiana,
11 \$4,000,000;

12 Harlan, Williamsburg, Pike County
13 Middlesboro, Cumberland City/Harland County, and
14 Martin County, elements of the Levisa and Tug
15 Forks of the Big Sandy River and Upper Cum-
16 berland River project in Kentucky, \$28,500,000;

17 Lake Pontchartrain and Vicinity (Hurricane
18 Protection), Louisiana, \$10,000,000;

19 Lake Pontchartrain (Jefferson Parish)
20 Stormwater Discharge, Louisiana, \$6,000,000;

21 Jackson County, Mississippi, \$4,500,000;

22 Pascagoula Harbor, Mississippi, \$10,000,000;

23 Wallisville Lake, Texas, \$8,000,000;

24 Virginia Beach, Virginia (Hurricane Protec-
25 tion), \$20,000,000;

1 Upper Mingo County (including Mingo County
2 Tributaries), Lower Mingo County (Kermit), Wayne
3 County, Hatfield Bottom, and McDowell County,
4 elements of the Levisa and Tug Forks of the Big
5 Sandy River and Upper Cumberland River project in
6 West Virginia, \$12,300,000; and the Grundy, Vir-
7 ginia element of the Levisa and Tug Forks of the
8 Big Sandy River and Upper Cumberland River
9 project, \$1,000,000:

10 *Provided*, That the navigation project for Cook Inlet Navi-
11 gation, Alaska, authorized by Section 101(b)(2) of Public
12 Law 104–303 is modified to authorize the Secretary of
13 the Army, acting through the Chief of Engineers to con-
14 struct the project at a total cost of \$12,600,000 with an
15 estimated first Federal cost of \$9,450,000 and an esti-
16 mated first non-Federal cost of \$3,150,000: *Provided fur-*
17 *ther*, That the Secretary of the Army, acting through the
18 Chief of Engineers is directed to use \$5,000,000 provided
19 herein to construct bluff stabilization measures at author-
20 ized locations for the Natchez Bluff, Mississippi at a total
21 estimated cost of \$26,065,000 with an estimated first
22 Federal cost of \$19,549,000 and an estimated first non-
23 Federal cost of \$6,516,000 and to award continuing con-
24 tracts, which are not to be considered fully funded: *Pro-*
25 *vided further*, That the Secretary of the Army, acting

1 through the Chief of Engineers, is directed to use funds
2 previously appropriated for the LaFarge Lake, Kickapoo
3 River, Wisconsin project to complete and transmit to the
4 appropriate committees of Congress by January 15, 1999
5 a decision document on the advisability of undertaking ac-
6 tivities authorized by Public Law 104–303: *Provided fur-*
7 *ther*, That the Secretary of the Army, acting through the
8 Chief of Engineers, may use up to \$8,000,000 of the fund-
9 ing appropriated herein to initiate construction of an
10 emergency outlet from Devils Lake, North Dakota, to the
11 Sheyenne River, and that this amount is designated by
12 Congress as an emergency requirement pursuant to sec-
13 tion 251(b)(2)(A) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985, as amended (2 U.S.C.
15 901(b)(2)(D)(i)); except that funds shall not become avail-
16 able unless the Secretary of the Army determines that an
17 emergency (as defined in section 102 of the Robert T.
18 Stafford Disaster Relief and Emergency Assistance Act
19 (42 U.S.C. 5122)) exists with respect to the emergency
20 need for the outlet and reports to Congress that the con-
21 struction is technically sound, economically justified, and
22 environmentally acceptable and in compliance with the
23 National Environmental Policy Act of 1969 (42 U.S.C.
24 4321 et seq.): *Provided further*, That the economic jus-
25 tification for the emergency outlet shall be prepared in ac-

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

1 any facility or carry out any activity that would permit
2 the transfer of water from the Missouri River Basin into
3 Devils Lake: *Provided further*, That the entire amount of
4 \$8,000,000 shall be available only to the extent an official
5 budget request, that includes the designation of the entire
6 amount of the request as an emergency requirement as
7 defined by the Balanced Budget and Emergency Deficit
8 Control Act of 1985, as amended, is transmitted by the
9 President to the Congress.

10 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES,

11 ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MIS-
12 SISSIPPI, MISSOURI, AND TENNESSEE

13 For expenses necessary for prosecuting work of flood
14 control, and rescue work, repair, restoration, or mainte-
15 nance of flood control projects threatened or destroyed by
16 flood, as authorized by law (33 U.S.C. 702a, 702g-1),
17 \$313,234,000, to remain available until expended.

18 OPERATION AND MAINTENANCE, GENERAL

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

1 clearing and straightening channels; and removal of ob-
2 structions to navigation, \$1,667,572,000, to remain avail-
3 able until expended, of which such sums as become avail-
4 able from the special account established by the Land and
5 Water Conservation Act of 1965, as amended (16 U.S.C.
6 460*l*), may be derived from that Fund for construction,
7 operation, and maintenance of outdoor recreation facili-
8 ties, and of which funds are provided for the following
9 projects in the amounts specified:

10 Ponce DeLeon Inlet, Florida, \$4,000,000;

11 Delaware River, Philadelphia to the Sea, Pea
12 Patch Island, Delaware and New Jersey,
13 \$1,500,000; and

14 Yuquina Bay and Harbor, North Marina
15 Breakwater, Oregon, \$1,100,000:

16 *Provided*, That no funds, whether appropriated, contrib-
17 uted, or otherwise provided, shall be available to the
18 United States Army Corps of Engineers for the purpose
19 of acquiring land in Jasper County, South Carolina, in
20 connection with the Savannah Harbor navigation project:

21 *Provided further*, That notwithstanding section 103(c)(1)
22 of Public Law 99-662, the Secretary of the Army is di-
23 rected to use up to \$100,000 of the funds appropriated
24 herein for the Bluestone Lake, West Virginia, project to
25 reimburse the Tri-Cities Power Authority the total amount

1 provided by the Authority to the Department of the Army
2 after fiscal year 1997 for the reevaluation study for the
3 project.

4 REGULATORY PROGRAM

5 For expenses necessary for administration of laws
6 pertaining to regulation of navigable waters and wetlands,
7 \$106,000,000, to remain available until expended.

8 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM
9 (INCLUDING TRANSFER OF FUNDS)

10 For expenses necessary to clean up contaminated
11 sites throughout the United States where work was per-
12 formed as part of the Nation's early atomic energy pro-
13 gram, \$140,000,000, to remain available until expended:
14 *Provided*, That the remedial actions by the U.S. Army
15 Corps of Engineers under this program shall consist of
16 the following functions and activities to be performed at
17 eligible sites where remediation has not been completed:
18 sampling and assessment of contaminated areas, charac-
19 terization of site conditions, determination of the nature
20 and extent of contamination, preparation of designation
21 reports, cleanup and closeout of sites, and any other func-
22 tions determined by the Chief of Engineers as necessary
23 of remediation: *Provided further*, That remedial actions by
24 the U.S. Army Corps of Engineers under this program
25 shall be subject to the administrative, procedural, and reg-
26 ulatory provisions of the Comprehensive Environmental

1 Response, Compensation and Liability Act, 42 U.S.C.
2 9601 et seq., and the Notional Oil and Hazardous Sub-
3 stances Pollution Contingency Plan, 40 C.F.R., Chapter
4 1, Part 300: *Provided further*, That, except as stated here-
5 in, these provisions do not alter, curtail or limit the au-
6 thorities, function or responsibilities of other agencies
7 under the Atomic Energy Act, 42 U.S.C. 2011 et seq.:
8 *Provided further*, That the unexpended balances of prior
9 appropriations provided for these activities in this Act or
10 any previous Energy and Water Development Appropria-
11 tions Act may be transferred to and merged with this ap-
12 propriation account, and thereafter, may be accounted for
13 as one fund for the same time period as originally enacted.

14 GENERAL EXPENSES

15 For expenses necessary for general administration
16 and related functions in the Office of the Chief of Engi-
17 neers and offices of the Division Engineers; activities of
18 the Coastal Engineering Research Board, the Humphreys
19 Engineer Center Support Activity, the Water Resources
20 Support Center, and the USACE Finance Center; and for
21 costs of implementing the Secretary of the Army's plan
22 to reduce the number of division offices as directed in title
23 I, Public Law 104–206, \$148,000,000, to remain available
24 until expended: *Provided*, That no part of any other appro-
25 priation provided in title I of this Act shall be available
26 to fund the activities of the Office of the Chief of Engi-

1 needs or the executive direction and management activities
2 of the division offices.

3 REVOLVING FUND

4 Amounts in the Revolving Fund may be used to con-
5 struct a 17,000 square foot addition to the United States
6 Army Corps of Engineers Alaska District main office
7 building on Elemendorf Air Force Base. The Revolving
8 Fund shall be reimbursed for such funding from appro-
9 priations of the benefitting programs by collection each
10 year of user fees sufficient to repay the capitalized cost
11 of the asset and to operate and maintain the asset. Using
12 amounts available in the Revolving Fund, the Secretary
13 of the Army is authorized to renovate office space in the
14 General Accounting Office headquarters building in Wash-
15 ington, DC, for use by the Corps and GAO. The Secretary
16 is authorized to enter into a lease with GAO to occupy
17 such renovated space as appropriate, for the Corps' head-
18 quarters. The Secretary shall ensure that the Revolving
19 Fund is appropriately reimbursed from appropriations of
20 the Corps' benefitting programs by collection each year of
21 amounts sufficient to repay the capitalized cost of such
22 renovation and through rent reductions or rebates from
23 GAO.

24 ADMINISTRATIVE PROVISION

25 Appropriations in this title shall be available for offi-
26 cial reception and representation expenses (not to exceed

1 \$5,000); and during the current fiscal year the Revolving
2 Fund, Corps of Engineers, shall be available for purchase
3 (not to exceed 100 for replacement only) and hire of pas-
4 senger motor vehicles.

5 GENERAL PROVISIONS

6 CORPS OF ENGINEERS—CIVIL

7 SECTION 101. Notwithstanding any other provisions
8 of law, no fully allocated funding policy shall be applied
9 to projects for which funds are identified in the Committee
10 reports accompanying the Act or a subsequent Energy and
11 Water Development Appropriations Act under the Con-
12 struction, General; Operation and Maintenance, General;
13 and Flood Control, Mississippi River and Tributaries, ap-
14 propriation accounts: *Provided*, That the Secretary of the
15 Army, acting through the Chief of Engineers, is directed
16 to undertake these projects using continuing contracts, as
17 authorized in section 10 of the Rivers and Harbors Act
18 of September 22, 1922 (33 U.S.C. 621).

19 SEC. 102. In fiscal year 1999, the Secretary of the
20 Army is authorized and directed to provide planning, de-
21 sign and construction assistance to non-Federal interests
22 in carrying out water-related environmental infrastructure
23 and environmental resources development projects in Alas-
24 ka, including assistance for wastewater treatment and re-
25 lated facilities; water supply, storage, treatment and dis-

1 tribution facilities; development, restoration or improve-
2 ment of wetlands and other aquatic areas for the purpose
3 of protection or development of surface water resources;
4 and bulk fuel storage, rural power, erosion control, and
5 comprehensive utility planning: *Provided*, That the non-
6 Federal interest shall enter into a binding agreement with
7 the Secretary wherein the non-Federal interest will pro-
8 vide all lands, easements, rights-of-way, relocations, and
9 dredge material disposal areas required for the project,
10 and pay 50 per centum of the costs of required feasibility
11 studies, 25 per centum of the costs of designing and con-
12 structing the project, and 100 per centum of the costs of
13 operation, maintenance, repair, replacement or rehabilita-
14 tion of the project: *Provided further*, That the value of
15 lands, easements, rights-of-way, relocations and dredged
16 material disposal areas provided by the non-Federal inter-
17 est shall be credited toward the non-Federal share, not
18 to exceed 25 per centum, of the costs of designing and
19 constructing the project: *Provided further*, That utilizing
20 \$5,000,000 of the funds appropriated herein, the Sec-
21 retary is directed to carry out this section.

22 SEC. 103. None of the funds made available in this
23 Act may be used to revise the Missouri River Master
24 Water Control Manual when it is made known to the Fed-
25 eral entity or official to which the funds are made available

1 that such revision provides for an increase in the spring-
2 time water release program during the spring heavy rain-
3 fall and snow melt period in States that have rivers drain-
4 ing into the Missouri River below the Gavins Point Dam.

5

TITLE II

6

DEPARTMENT OF THE INTERIOR

7

CENTRAL UTAH PROJECT

8

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

9

For carrying out activities authorized by the Central
10 Utah Project Completion Act, and for activities related to
11 the Uintah and Upalco Units authorized by 43 U.S.C.
12 620, \$43,665,000, to remain available until expended, of
13 which \$15,476,000 shall be deposited into the Utah Rec-
14 lamation Mitigation and Conservation Account: *Provided*,
15 That of the amounts deposited into that account,
16 \$5,000,000 shall be considered the Federal contribution
17 authorized by paragraph 402(b)(2) of the Central Utah
18 Project Completion Act and \$10,476,000 shall be available
19 to the Utah Reclamation Mitigation and Conservation
20 Commission to carry out activities authorized under that
21 Act.

22

In addition, for necessary expenses incurred in carry-
23 ing out related responsibilities of the Secretary of the Inte-
24 rior, \$1,283,000, to remain available until expended.

1 BUREAU OF RECLAMATION

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

7 WATER AND RELATED RESOURCES
8 (INCLUDING TRANSFER OF FUNDS)

9 For management, development, and restoration of
10 water and related natural resources and for related activi-
11 ties, including the operation, maintenance and rehabilita-
12 tion of reclamation and other facilities, participation in
13 fulfilling related Federal responsibilities to Native Ameri-
14 cans, and related grants to, and cooperative and other
15 agreements with, State and local governments, Indian
16 Tribes, and others, \$697,919,000, to remain available
17 until expended, of which \$1,873,000 shall be available for
18 transfer to the Upper Colorado River Basin Fund and
19 \$46,218,000 shall be available for transfer to the Lower
20 Colorado River Basin Development Fund, and of which
21 such amounts as may be necessary may be advanced to
22 the Colorado River Dam Fund: *Provided*, That such trans-
23 fers may be increased or decreased within the overall ap-
24 propriation under this heading: *Provided further*, That of
25 the total appropriated, the amount for program activities
26 that can be financed by the Reclamation Fund or the Bu-

1 reau of Reclamation special fee account established by 16
2 U.S.C. 460l–6a(i) shall be derived from that Fund or ac-
3 count: *Provided further*, That funds contributed under 43
4 U.S.C. 395 are available until expended for the purposes
5 for which contributed: *Provided further*, That funds ad-
6 vanced under 43 U.S.C. 397a shall be credited to this ac-
7 count and are available until expended for the same pur-
8 poses as the sums appropriated under this heading: *Pro-*
9 *vided further*, That of the total appropriated, \$25,800,000
10 shall be derived by transfer of unexpended balances from
11 the Bureau of Reclamation Working Capital Fund: *Pro-*
12 *vided further*, That funds available for expenditure for the
13 Departmental Irrigation Drainage Program may be ex-
14 pended by the Bureau of Reclamation for site remediation
15 on a non-reimbursable basis: *Provided further*, That the
16 amount authorized for Indian municipal, rural, and indus-
17 trial water features by section 10 of Public Law 89–108,
18 as amended by section 8 of Public Law 99–294 and sec-
19 tion 1701(b) of Public Law 102–575, is increased by
20 \$2,000,000 (October 1997 prices): *Provided further*, That
21 the Secretary of the Interior is directed to use not to ex-
22 ceed \$3,600,000 of funds appropriated herein as the Bu-
23 reau of Reclamation share for completion of the McCall
24 Area Wastewater Reclamation and Reuse, Idaho, project

1 authorized in Public Law 105–62 and described in PN–
2 FONSI–96–05.

3 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

4 For the cost of direct loans and/or grants,
5 \$12,000,000, to remain available until expended, as au-
6 thorized by the Small Reclamation Projects Act of August
7 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided*,
8 That such costs, including the cost of modifying such
9 loans, shall be as defined in section 502 of the Congres-
10 sional Budget Act of 1974: *Provided further*, That these
11 funds are available to subsidize gross obligations for the
12 principal amount of direct loans not to exceed
13 \$38,000,000.

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

20 CENTRAL VALLEY PROJECT RESTORATION FUND

21 For carrying out the programs, projects, plans, and
22 habitat restoration, improvement, and acquisition provi-
23 sions of the Central Valley Project Improvement Act,
24 \$39,500,000 to be derived from such sums as may be col-
25 lected in the Central Valley Project Restoration Fund pur-
26 suant to sections 3407(d), 3404(c)(3), 3405(f), and

1 3406(c)(1) of Public Law 102–575, to remain available
2 until expended: *Provided*, That the Bureau of Reclamation
3 is directed to assess and collect the full amount of the
4 additional mitigation and restoration payments authorized
5 by section 3407(d) of Public Law 102–575.

6 CALIFORNIA BAY-DELTA ECOSYSTEM RESTORATION
7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses of the Department of the In-
9 terior and other participating Federal agencies in carrying
10 out the California Bay-Delta Environmental Enhancement
11 and Water Security Act consistent with plans to be ap-
12 proved by the Secretary of the Interior, in consultation
13 with such Federal agencies, \$65,000,000, to remain avail-
14 able until expended, of which such amounts as may be nec-
15 essary to conform with such plans shall be transferred to
16 appropriate accounts of such Federal agencies: *Provided*,
17 That such funds may be obligated only as non-Federal
18 sources provide their share in accordance with the cost-
19 sharing agreement required under section 102(d) of such
20 Act: *Provided further*, That such funds may be obligated
21 prior to the completion of a final programmatic environ-
22 mental impact statement only if: (1) consistent with 40
23 CFR 1506.1(c); and (2) used for purposes that the Sec-
24 retary finds are of sufficiently high priority to warrant
25 such an expenditure.

1 POLICY AND ADMINISTRATION

2 For necessary expenses of policy, administration, and
3 related functions in the office of the Commissioner, the
4 Denver office, and offices in the five regions of the Bureau
5 of Reclamation, to remain available until expended,
6 \$48,000,000, to be derived from the Reclamation Fund
7 and be nonreimbursable as provided in 43 U.S.C. 377:
8 *Provided*, That no part of any other appropriation in this
9 Act shall be available for activities or functions budgeted
10 as policy and administration expenses.

11 ADMINISTRATIVE PROVISION

12 Appropriations for the Bureau of Reclamation shall
13 be available for purchase of not to exceed six passenger
14 motor vehicles for replacement only.

15 TITLE III

16 DEPARTMENT OF ENERGY

17 ENERGY PROGRAMS

18 ENERGY SUPPLY

19 For expenses of the Department of Energy activities
20 including the purchase, construction and acquisition of
21 plant and capital equipment and other expenses necessary
22 for energy supply, uranium supply and enrichment activi-
23 ties in carrying out the purposes of the Department of
24 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
25 ing the acquisition or condemnation of any real property
26 or any facility or for plant or facility acquisition, construc-

1 tion, or expansion; and the purchase of 22 passenger
2 motor vehicles for replacement only, \$699,836,000, to re-
3 main available until October 1, 2000, of which not to ex-
4 ceed \$25,000 may be used for official reception and rep-
5 resentation expenses for transparency activities and of
6 which not to exceed \$1,500,000 may be used to pay a por-
7 tion of the expenses necessary to meet the United States'
8 annual obligations of membership in the Nuclear Energy
9 Agency.

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
14 environmental management activities in carrying out the
15 purposes of the Department of Energy Organization Act
16 (42 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 \$456,700,000, 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
25 Atomic Energy Act of 1954 and title X, subtitle A of the
26 Energy Policy Act of 1992, \$200,000,000, to be derived

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

5
6 SCIENCE

6 For expenses of the Department of Energy activities
7 including the purchase, construction and acquisition of
8 plant and capital equipment and other expenses necessary
9 for science activities in carrying out the purposes of the
10 Department of Energy Organization Act (42 U.S.C. 7101
11 et seq.), including the acquisition or condemnation of any
12 real property or facility or for plant or facility acquisition,
13 construction, or expansion, and purchase of 15 passenger
14 motor vehicles for replacement only, \$2,669,560,000, to
15 remain available until expended: *Provided*, That
16 \$7,600,000 of the unobligated balances originally available
17 for Superconducting Super Collider termination activities
18 shall be made available for other activities under this
19 heading.

20 NUCLEAR WASTE DISPOSAL FUND

21 For nuclear waste disposal activities to carry out the
22 purposes of Public Law 97-425, as amended, including
23 the acquisition of real property or facility construction or
24 expansion, \$190,000,000, to remain available until ex-
25 pended, to be derived from the Nuclear Waste Fund; of
26 which not to exceed \$4,875,000 may be provided to the

1 State of Nevada solely to conduct scientific oversight re-
2 sponsibilities pursuant to the Nuclear Waste Policy Act
3 of 1982; and of which not to exceed \$5,540,000 may be
4 provided to affected local governments, as defined in Pub-
5 lic Law 97-425, to conduct appropriate activities pursuant
6 to the Act: *Provided*, That the distribution of the funds
7 to the units of local government shall be determined by
8 the Department of Energy: *Provided further*, That the
9 funds shall be made available to the units of local govern-
10 ment by direct payment: *Provided further*, That within
11 ninety days of the completion of each Federal fiscal year,
12 each local entity shall provide certification to the Depart-
13 ment of Energy, that all funds expended from such pay-
14 ments have been expended for activities as defined in Pub-
15 lic Law 97-425. Failure to provide such certification shall
16 cause such entity to be prohibited from any further fund-
17 ing provided for similar activities: *Provided further*, That
18 none of the funds herein appropriated may be: (1) used
19 directly or indirectly to influence legislative action on any
20 matter pending before Congress or a State legislature or
21 for lobbying activity as provided in 18 U.S.C. 1913; (2)
22 used for litigation expenses; or (3) used to support
23 multistate efforts or other coalition building activities in-
24 consistent with the restrictions contained in this Act.

1 DEPARTMENTAL ADMINISTRATION

2 For salaries and expenses of the Department of En-
3 ergy necessary for departmental administration in carry-
4 ing out the purposes of the Department of Energy Organi-
5 zation Act (42 U.S.C. 7101 et seq.), including the hire
6 of passenger motor vehicles and official reception and rep-
7 resentation expenses (not to exceed \$35,000),
8 \$238,539,000, to remain available until expended: *Pro-*
9 *vided*, That moneys received by the Department for mis-
10 cellaneous revenues estimated to total \$136,530,000 in
11 fiscal year 1999 may be retained and used for operating
12 expenses within this account, and may remain available
13 until expended, as authorized by section 201 of Public
14 Law 95-238, notwithstanding the provisions of 31 U.S.C.
15 3302: *Provided further*, That the sum herein appropriated
16 shall be reduced by the amount of miscellaneous revenues
17 received during fiscal year 1999 so as to result in a final
18 fiscal year 1999 appropriation from the General Fund es-
19 timated at not more than \$102,009,000.

20 OFFICE OF THE INSPECTOR GENERAL

21 For necessary expenses of the Office of the Inspector
22 General in carrying out the provisions of the Inspector
23 General Act of 1978, as amended, \$27,500,000, to remain
24 available until expended.

1 ATOMIC ENERGY DEFENSE ACTIVITIES

2 WEAPONS ACTIVITIES

3 For Department of Energy expenses, including the
4 purchase, construction and acquisition of plant and capital
5 equipment and other incidental expenses necessary for
6 atomic energy defense weapons activities in carrying out
7 the purposes of the Department of Energy Organization
8 Act (42 U.S.C. 7101 et seq.), including the acquisition or
9 condemnation of any real property or any facility or for
10 plant or facility acquisition, construction, or expansion;
11 the purchase of one fixed wing aircraft; and the purchase
12 of passenger motor vehicles (not to exceed 32 for replace-
13 ment only, and one bus), \$4,445,700,000, to remain avail-
14 able until expended: *Provided*, That funding for any ballis-
15 tic missile defense program undertaken by the Depart-
16 ment of Energy for the Department of Defense shall be
17 provided by the Department of Defense according to pro-
18 cedures established for Work for Others by the Depart-
19 ment of Energy.

20 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE

21 MANAGEMENT

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

1 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
2 cluding the acquisition or condemnation of any real prop-
3 erty or any facility or for plant or facility acquisition, con-
4 struction, or expansion; and the purchase of passenger
5 motor vehicles (not to exceed 3 new sedans and 6 for re-
6 placement only, of which 3 are sedans, 2 are buses, and
7 one is an ambulance), \$4,293,403,000, to remain available
8 until expended.

9 DEFENSE FACILITIES CLOSURE PROJECTS

10 For expenses of the Department of Energy to acceler-
11 ate the closure of defense environmental management
12 sites, including the purchase, construction and acquisition
13 of plant and capital equipment and other necessary ex-
14 penses, \$1,048,240,000, to remain available until ex-
15 pended.

16 DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

17 For Department of Energy expenses for privatization
18 projects necessary for atomic energy defense environ-
19 mental restoration and waste management activities au-
20 thorized by the Department of Energy Organization Act
21 (42 U.S.C. 7101, et seq.), \$241,857,000, to remain avail-
22 able until expended.

23 OTHER DEFENSE ACTIVITIES

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

1 defense, other defense activities, in carrying out the pur-
2 poses of the Department of Energy Organization Act (42
3 U.S.C. 7101, et seq.), including the acquisition or con-
4 demnation of any real property or any facility or for plant
5 or facility acquisition, construction, or expansion,
6 \$1,658,160,000, to remain available until expended: *Pro-*
7 *vided*, That of the amount appropriated herein \$5,000,000
8 shall be available for the joint U.S.-Russian development
9 of a passively safe advanced reactor technology to dispose
10 of Russian excess weapons derived plutonium: *Provided*
11 *further*, That \$56,700,000 appropriated herein is to pro-
12 cure plutonium disposition services and to begin Title I
13 design for a mixed-oxide fuel fabrication facility: *Provided*
14 *further*, That such funds shall not be available except as
15 necessary to implement a bilateral program with the Rus-
16 sian Federation to convert to non-weapons forms and dis-
17 pose of excess weapons plutonium in accordance with
18 which the United States will at no time convert to non-
19 weapons forms quantities of excess weapons plutonium
20 greater than those converted to non-weapons forms by the
21 Russian Federation.

22 DEFENSE NUCLEAR WASTE DISPOSAL

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

1 expansion, \$185,000,000, to remain available until ex-
2 pended.

3 POWER MARKETING ADMINISTRATIONS

4 OPERATION AND MAINTENANCE, ALASKA POWER

5 ADMINISTRATION

6 For capital assets acquisition, \$5,000,000, to remain
7 available until expended.

8 BONNEVILLE POWER ADMINISTRATION FUND

9 Expenditures from the Bonneville Power Administra-
10 tion Fund, established pursuant to Public Law 93-454,
11 are approved for official reception and representation ex-
12 penses in an amount not to exceed \$3,000.

13 During fiscal year 1999, no new direct loan obliga-
14 tions may be made.

15 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER

16 ADMINISTRATION

17 For necessary expenses of operation and maintenance
18 of power transmission facilities and of marketing electric
19 power and energy pursuant to the provisions of section
20 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
21 applied to the southeastern power area, \$8,500,000, to re-
22 main available until expended; in addition, notwithstand-
23 ing 31 U.S.C. 3302, not to exceed \$28,000,000 in reim-
24 bursements of which \$20,000,000 is for transmission
25 wheeling and ancillary services and \$8,000,000 is for

1 power purchases at the Richard B. Russell Project, to re-
 2 main available until expended.

3 OPERATION AND MAINTENANCE, SOUTHWESTERN POWER
 4 ADMINISTRATION

5 For necessary expenses of operation and maintenance
 6 of power transmission facilities and of marketing electric
 7 power and energy, and for construction and acquisition of
 8 transmission lines, substations and appurtenant facilities,
 9 and for administrative expenses, including official recep-
 10 tion and representation expenses in an amount not to ex-
 11 ceed \$1,500 in carrying out the provisions of section 5
 12 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
 13 applied to the southwestern power area, \$26,000,000, to
 14 remain available until expended; in addition, notwith-
 15 standing the provisions of 31 U.S.C. 3302, not to exceed
 16 \$4,200,000 in reimbursements, to remain available until
 17 expended.

18 CONSTRUCTION, REHABILITATION, OPERATION AND
 19 MAINTENANCE, WESTERN AREA POWER ADMINISTRATION
 20 (INCLUDING TRANSFER OF FUNDS)

21 For carrying out the functions authorized by title III,
 22 section 302(a)(1)(E) of the Act of August 4, 1977 (42
 23 U.S.C. 7152), and other related activities including con-
 24 servation and renewable resources programs as author-
 25 ized, including official reception and representation ex-
 26 penses in an amount not to exceed \$1,500, \$215,435,000,

1 to remain available until expended, of which \$206,222,000
2 shall be derived from the Department of the Interior Rec-
3 lamation Fund: *Provided*, That of the amount herein ap-
4 propriated, \$5,036,000 is for deposit into the Utah Rec-
5 lamation Mitigation and Conservation Account pursuant
6 to title IV of the Reclamation Projects Authorization and
7 Adjustment Act of 1992.

8 FALCON AND AMISTAD OPERATING AND MAINTENANCE
9 FUND

10 For operation, maintenance, and emergency costs for
11 the hydroelectric facilities at the Falcon and Amistad
12 Dams, \$1,010,000, to remain available until expended,
13 and to be derived from the Falcon and Amistad Operating
14 and Maintenance Fund of the Western Area Power Ad-
15 ministration, as provided in section 423 of the Foreign
16 Relations Authorization Act, Fiscal Years 1994 and 1995.

17 FEDERAL ENERGY REGULATORY COMMISSION
18 SALARIES AND EXPENSES

19 For necessary expenses of the Federal Energy Regu-
20 latory Commission to carry out the provisions of the De-
21 partment of Energy Organization Act (42 U.S.C. 7101 et
22 seq.), including services as authorized by 5 U.S.C. 3109,
23 the hire of passenger motor vehicles, and official reception
24 and representation expenses (not to exceed \$3,000),
25 \$168,898,000, to remain available until expended: *Pro-*
26 *vided*, That notwithstanding any other provision of law,

1 not to exceed \$168,898,000 of revenues from fees and an-
2 nual charges, and other services and collections in fiscal
3 year 1999 shall be retained and used for necessary ex-
4 penses in this account, and shall remain available until
5 expended: *Provided further*, That the sum herein appro-
6 priated from the General Fund shall be reduced as reve-
7 nues are received during fiscal year 1999 so as to result
8 in a final fiscal year 1999 appropriation from the General
9 Fund estimated at not more than \$0.

10 GENERAL PROVISIONS

11 DEPARTMENT OF ENERGY

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

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

1 tees of the waiver and setting forth the reasons for the
2 waiver.

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

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

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

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

23 (2) provide enhanced severance payments or
24 other benefits for employees of the Department of
25 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 or any prior appropriations Act may be used to augment
6 the \$40,000,000 made available for obligation by this Act
7 for severance payments and other benefits and community
8 assistance grants under section 3161 of the National De-
9 fense Authorization Act for Fiscal Year 1993 (Public Law
10 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

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

15 SEC. 306. None of the funds appropriated by this Act
16 or any prior appropriations Act may be used to decrease
17 the concentration of radioactive contamination in waste so
18 that such waste complies with the waste acceptance cri-
19 teria for the Waste Isolation Pilot Plant.

20 **SEC. 307. CHANGE OF NAME OF THE OFFICE OF ENERGY**
21 **RESEARCH.**

22 (a) IN GENERAL.—Section 209 of the Department of
23 Energy Organization Act (42 U.S.C. 7139) is amended—

1 (1) in the section heading, by striking “ENERGY
2 RESEARCH” and inserting “SCIENCE RESEARCH”;
3 and

4 (2) in subsection (a), by striking “Energy Re-
5 search” and inserting “Science Research”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) TABLE OF CONTENTS.—The table of con-
8 tents in the first section of the Department of En-
9 ergy Organization Act (42 U.S.C. prec 7101) is
10 amended by striking the item relating to section 209
11 and inserting the following:

“Section 209. Office of Science Research.”.

12 (2) REFERENCES IN OTHER LAW.—Each of the
13 following is amended by striking “Energy Research”
14 and inserting “Science Research”:

15 (A) The item relating to the Director, Of-
16 fice of Energy Research, Department of Energy
17 in section 5315 of title 5, United States Code.

18 (B) Section 2902(b)(6) of title 10, United
19 States Code.

20 (C) Section 406(h)(2)(A)(v) of the Public
21 Health Service Act (42 U.S.C.
22 284a(h)(2)(A)(v)).

23 (D) Sections 3167(3) and 3168 of the De-
24 partment of Energy Science Education Enhance-
25 ment Act (42 U.S.C. 7381d(3), 7381e).

1 (E) Paragraphs (1) and (2) of section
2 224(b) of the Nuclear Waste Policy Act of 1982
3 (42 U.S.C. 10204(b)).

4 (F) Section 2203(b)(3)(A)(i) of the Energy
5 Policy Act of 1992 (42 U.S.C.
6 13503(b)(3)(A)(i)).

7 SEC. 308. MAINTENANCE OF SECURITY AT DOE
8 URANIUM ENRICHMENT PLANTS.—Section 3107(h) of the
9 USEC Privatization Act (42 U.S.C. 2297h–5(h)) is
10 amended in paragraph (1), by striking “an adequate num-
11 ber of” and inserting “all”; and by inserting the following
12 paragraph:

13 “(2) FUNDING.—The Secretary of Energy shall reim-
14 burse a contractor or subcontractor for the costs of provid-
15 ing security to a gaseous diffusion plant as required to
16 comply with the guidelines referred to in paragraph (1).”.

17 SEC. 309. In order to facilitate administrative oper-
18 ations and promote sales of Federal power, upon request
19 of a joint operating entity, the Administrator of the Bon-
20 neville Power Administration shall sell, pursuant to sec-
21 tion 5(b)(1) of Public Law 96–501, as amended, 94 Stat.
22 2697, 16 U.S.C. 839c, at wholesale to such joint operating
23 entity electric power for the purpose of meeting the firm
24 power loads of regional public bodies and cooperatives that
25 are members or participants of the joint operating entity:

1 *Provided*, That the term “joint operating entity” means
2 an entity that is lawfully organized under state law as a
3 public body or cooperative by, and whose members or par-
4 ticipants include only, two or more public bodies or co-
5 operatives which are customers of the Administrator.

6 (TRANSFERS OF UNEXPENDED BALANCES)

7 SEC. 310. The unexpended balances of prior appro-
8 priations provided for activities in this Act may be trans-
9 ferred to appropriation accounts for such activities estab-
10 lished pursuant to this title. Balances so transferred may
11 be merged with funds in the applicable established ac-
12 counts and thereafter may be accounted for as one fund
13 for the same time period as originally enacted.

14 TITLE IV

15 INDEPENDENT AGENCIES

16 APPALACHIAN REGIONAL COMMISSION

17 For expenses necessary to carry out the programs au-
18 thorized by the Appalachian Regional Development Act of
19 1965, as amended, notwithstanding section 405 of said
20 Act, and for necessary expenses for the Federal Co-Chair-
21 man and the alternate on the Appalachian Regional Com-
22 mission and for payment of the Federal share of the ad-
23 ministrative expenses of the Commission, including serv-
24 ices as authorized by 5 U.S.C. 3109, and hire of passenger
25 motor vehicles, \$67,000,000, to remain available until ex-
26 pended.

1 DENALI COMMISSION

2 For expenses of the Denali Commission including the
3 purchase, construction and acquisition of plant and capital
4 equipment as necessary and other expenses as authorized
5 pursuant to this Act, \$20,000,000, to remain available
6 until expended.

7 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

8 SALARIES AND EXPENSES

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

14 NUCLEAR REGULATORY COMMISSION

15 SALARIES AND EXPENSES

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses of the Commission in carry-
18 ing out the purposes of the Energy Reorganization Act
19 of 1974, as amended, and the Atomic Energy Act of 1954,
20 as amended, including the employment of aliens; services
21 authorized by 5 U.S.C. 3109; publication and dissemina-
22 tion of atomic information; purchase, repair, and cleaning
23 of uniforms; official representation expenses (not to exceed
24 \$20,000); reimbursements to the General Services Admin-
25 istration for security guard services; hire of passenger
26 motor vehicles and aircraft, \$466,000,000, to remain

1 available until expended: *Provided*, That of the amount ap-
2 propriated herein, \$17,000,000 shall be derived from the
3 Nuclear Waste Fund: *Provided further*, That from this ap-
4 propriation, transfers of sums may be made to other agen-
5 cies of the Government for the performance of the work
6 for which this appropriation is made, and in such cases
7 the sums so transferred may be merged with the appro-
8 priation to which transferred: *Provided further*, That mon-
9 eys received by the Commission for the cooperative nuclear
10 safety research program, services rendered to State gov-
11 ernments, foreign governments and international organi-
12 zations, and the material and information access author-
13 ization programs, including criminal history checks under
14 section 149 of the Atomic Energy Act may be retained
15 and used for salaries and expenses associated with those
16 activities, notwithstanding 31 U.S.C. 3302, and shall re-
17 main available until expended: *Provided further*, That rev-
18 enues from licensing fees, inspection services, and other
19 services and collections estimated at \$416,000,000 in fis-
20 cal year 1999 shall be retained and used for necessary
21 salaries and expenses in this account, notwithstanding 31
22 U.S.C. 3302, and shall remain available until expended:
23 *Provided further*, That of the amount appropriated herein,
24 \$33,000,000 shall be available only for agreement State
25 oversight, international activities, the generic decommiss-

1 sioning management program, regulatory support to
2 agreement States, the small entity program, the nonprofit
3 educational program, and other federal agency programs,
4 and shall be excluded from license fee revenues, notwith-
5 standing 42 U.S.C. 2214: *Provided further*, That the sum
6 herein appropriated shall be reduced by the amount of rev-
7 enues received during fiscal year 1999 from licensing fees,
8 inspection services and other services and collections, ex-
9 cluding those moneys received for the cooperative nuclear
10 safety research program, services rendered to State gov-
11 ernments, foreign governments and international organi-
12 zations, and the material and information access author-
13 ization programs, so as to result in a final fiscal year 1999
14 appropriation estimated at not more than \$50,000,000.

15 OFFICE OF INSPECTOR GENERAL

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses of the Office of Inspector
18 General in carrying out the provisions of the Inspector
19 General Act of 1978, as amended, including services au-
20 thorized by 5 U.S.C. 3109, \$4,800,000, to remain avail-
21 able until expended; and in addition, an amount not to
22 exceed 5 percent of this sum may be transferred from Sal-
23 aries and Expenses, Nuclear Regulatory Commission: *Pro-*
24 *vided*, That notice of such transfers shall be given to the
25 Committees on Appropriations of the House of Represent-

1 atives and Senate: *Provided further*, That from this appro-
 2 priation, transfers of sums may be made to other agencies
 3 of the Government for the performance of the work for
 4 which this appropriation is made, and in such cases the
 5 sums so transferred may be merged with the appropriation
 6 to which transferred: *Provided further*, That revenues from
 7 licensing fees, inspection services, and other services and
 8 collections shall be retained and used for necessary sala-
 9 ries and expenses in this account, notwithstanding 31
 10 U.S.C. 3302, and shall remain available until expended:
 11 *Provided further*, That the sum herein appropriated shall
 12 be reduced by the amount of revenues received during fis-
 13 cal year 1999 from licensing fees, inspection services, and
 14 other services and collections, so as to result in a final
 15 fiscal year 1999 appropriation estimated at not more than
 16 \$0.

17 NUCLEAR WASTE TECHNICAL REVIEW BOARD

18 SALARIES AND EXPENSES

19 For necessary expenses of the Nuclear Waste Tech-
 20 nical Review Board, as authorized by Public Law 100-
 21 203, section 5051, \$2,600,000, to be derived from the Nu-
 22 clear Waste Fund, and to remain available until expended.

23 TENNESSEE VALLEY AUTHORITY

24 For the purpose of carrying out the provisions of the
 25 Tennessee Valley Authority Act of 1933, as amended (16

1 U.S.C. ch. 12A), including hire, maintenance, and oper-
2 ation of aircraft, and purchase and hire of passenger
3 motor vehicles, \$70,000,000, to remain available until ex-
4 pended.

5 TITLE V

6 GENERAL PROVISIONS

7 SEC. 501. None of the funds appropriated by this Act
8 may be used in any way, directly or indirectly, to influence
9 congressional action on any legislation or appropriation
10 matters pending before Congress, other than to commu-
11 nicate to Members of Congress as described in section
12 1913 of title 18, United States Code.

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

18 (b) NOTICE REQUIREMENT.—In providing financial
19 assistance to, or entering into any contract with, any en-
20 tity using funds made available in this Act, the head of
21 each Federal agency, to the greatest extent practicable,
22 shall provide to such entity a notice describing the state-
23 ment made in subsection (a) by the Congress.

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

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

11 SEC. 503. None of the funds made available in this
12 Act may be provided by contract or by grant (including
13 a grant of funds to be available for student aid) to any
14 institution of higher education, or subelement thereof, that
15 is currently ineligible for contracts and grants pursuant
16 to section 514 of the Departments of Labor, Health and
17 Human Services, and Education, and Related Agencies
18 Appropriations Act, 1997 (as contained in section 101(e)
19 of division A of Public Law 104–208; 110 Stat. 3009–
20 270).

21 SEC. 504. None of the funds made available in this
22 Act may be obligated or expended to enter into or renew
23 a contract with a contractor that is subject to the report-
24 ing requirement set forth in subsection (d) of section 4212

1 of title 38, United States Code, but has not submitted the
2 most recent report required by such subsection.

3 SEC. 505. None of the funds made available in this
4 Act to pay the salary of any officer or employee of the
5 Department of the Interior may be used for the Animas-
6 La Plata Project, in Colorado and New Mexico, except for:
7 (1) activities required to comply with the applicable provi-
8 sions of current law; and (2) continuation of activities pur-
9 suant to the Colorado Ute Indian Water Rights Settle-
10 ment Act of 1988 (Public Law 100–585).

11 SEC. 506. (a) None of the funds appropriated or oth-
12 erwise made available by this Act may be used to deter-
13 mine the final point of discharge for the interceptor drain
14 for the San Luis Unit until development by the Secretary
15 of the Interior and the State of California of a plan, which
16 shall conform to the water quality standards of the State
17 of California as approved by the Administrator of the En-
18 vironmental Protection Agency, to minimize any detrimen-
19 tal effect of the San Luis drainage waters.

20 (b) The costs of the Kesterson Reservoir Cleanup
21 Program and the costs of the San Joaquin Valley Drain-
22 age Program shall be classified by the Secretary of the
23 Interior as reimbursable or nonreimbursable and collected
24 until fully repaid pursuant to the “Cleanup Program—
25 Alternative Repayment Plan” and the “SJVDP—Alter-

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

11 SEC. 507. Section 6101(a)(3) of the Omnibus Budget
12 Reconciliation Act of 1990 (42 U.S.C. 2214(a)(3)) is
13 amended by striking “September 30, 1998” and inserting
14 “September 30, 1999”.

15 SEC. 508. None of the funds made available in this
16 or any other Act may be used to restart the High Flux
17 Beam Reactor.

18 TITLE VI

19 DENALI COMMISSION

20 SEC. 601. SHORT TITLE.

21 This title may be cited as the “Denali Commission
22 Act of 1998”.

23 SEC. 602. FINDINGS.

24 The Congress finds that—

1 (1) vast regions of the State of Alaska, while
2 abundant in natural resources and rich in potential,
3 trail the rest of the Nation in economic growth;

4 (2) roughly two-thirds of the land and associ-
5 ated natural resources within Alaska are owned by
6 the federal government;

7 (3) many Alaska communities do not have ac-
8 cess to potable water which often results in disease,
9 and in some cases death;

10 (4) the primary means of sewage disposal in
11 some Alaska communities continues to open sewage
12 lagoons, which can result in outbreaks of hepatitis,
13 meningitis, particularly among young children;

14 (5) power costs are as much as ten times higher
15 in some areas of Alaska than in the lower 48 states,
16 which thwarts economic development;

17 (6) bulk fuel storage tanks built by the federal
18 government in many Alaska communities do not
19 comply with the Oil Pollution Act of 1990, could,
20 therefore, be required to be closed, are used to store
21 heating oil critical to survival, and that Alaska com-
22 munities presently have no way to upgrade or re-
23 place the tanks;

1 (7) the majority of Alaska communities have es-
2 sential infrastructure needs which presently cannot
3 be met;

4 (8) the lack of infrastructure and economic op-
5 portunities in Alaska communities has resulted in
6 disproportionately high federal costs for welfare as-
7 sistance, unemployment assistance, food stamps,
8 heating oil, and other federal programs in Alaska;
9 and

10 (9) by addressing infrastructure needs and pro-
11 moting economic development, the reliance of Alaska
12 communities on federal assistance and the cost to
13 the federal government of such assistance could be
14 significantly reduced.

15 **SEC. 603. PURPOSE.**

16 It is the purpose of this Act to assist Alaska in ad-
17 dressing its special problems, to develop its infrastructure
18 and utilities, to promote its economic development in rural
19 communities by utilizing the markets, technical support,
20 and other resources of urban areas, and to establish a
21 framework for joint Federal and State efforts toward pro-
22 viding basic facilities essential to its growth and attacking
23 its common problems.

1 **SEC. 604. DENALI COMMISSION.**

2 (a) **ESTABLISHMENT.**—There is hereby established
3 the Denali Commission which shall be composed of one
4 Federal member appointed by the President with the ad-
5 vice and consent of the Senate, one State member ap-
6 pointed by the Governor after consultation with the Alaska
7 Federation of Natives, the President of the University of
8 Alaska or a designee, the President of the Alaska Chamber
9 of Commerce, and the Executive Director of the Alaska
10 Municipal League. The Federal member shall be com-
11 pensated by the Federal government at level III of the
12 Executive Schedule of subchapter II of chapter 53 of title
13 V, United States Code.

14 (b) **CHAIRMAN; DECISIONS.**—The Federal member
15 shall be the Chairman of the Denali Commission. Deci-
16 sions by the Denali Commission shall require the affirma-
17 tive vote of the Chairman and at least two of the other
18 members of the Commission. With respect to matters that
19 come before the Commission, the Chairman may inform
20 Federal departments and agencies having an interest in
21 the subject matter as appropriate.

22 (c) **FUNCTIONS.**—The Denali Commission, in con-
23 sultation with the Governor of Alaska, shall develop a
24 statewide, comprehensive plan for economic and infra-
25 structure development, establish priorities, approve project
26 and grant proposals, and administer funds appropriated

1 to the Commission. It shall solicit project proposals to
2 modernize infrastructure from local governments and
3 other organizations. The Commission is authorized to
4 adopt rules and regulations governing its conduct, appoint
5 and fix compensation of staff to assist the Commission,
6 accept and use gifts or donations, and enter into and per-
7 form contracts, leases, or cooperative agreements. Admin-
8 istrative expenses of the Commission shall be paid by the
9 federal government and may not exceed 5 percent of any
10 funds appropriated under this Act. The Commission and
11 its grantees shall maintain accurate and complete records
12 which shall be available for audit and examination by the
13 Comptroller General or his designee. The Commission
14 shall submit an annual report six months after the conclu-
15 sion of the fiscal year which shall be submitted to the
16 President, the Chairmen of the House and Senate Appro-
17 priations Committees, and the Governor of Alaska.

18 (d) SPECIAL FUNCTIONS.—

19 (1) RURAL UTILITIES.—In carrying out its
20 other functions, the Denali Commission should pro-
21 vide assistance as appropriate and seek to avoid du-
22 plication and to complement the water and waste-
23 water programs under section 306D of the Consoli-
24 dated Farm and Rural Development Act (7 U.S.C.

1 1926d) and under section 303 of the Safe Drinking
2 Water Act Amendments of 1996 (33 U.S.C. 1263a).

3 (2) BULK FUEL TANKS.—The Denali Commis-
4 sion, in consultation with the Commandant of the
5 United States Coast Guard, shall develop a program
6 to provide for the repair or replacement of bulk fuel
7 storage tanks in Alaska which are not in compliance
8 with federal law, including the Oil Pollution Act of
9 1990, or State law.

10 **SEC. 605. INSPECTOR GENERAL.**

11 Section 8G of the Inspector General Act of 1978, as
12 amended (5 U.S.C. appendix 3 section 8G) is amended
13 in subsection (a)(2) thereof by adding after “the Corpora-
14 tion for Public Broadcasting”, “the Denali Commission,”.

15 **SEC. 606. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to the Denali
17 Commission to carry out this Act and for necessary ex-
18 penses including staff, \$20,000,000 in fiscal year 1999
19 and such sums as may be necessary for each of fiscal years
20 2000 through 2003.

21 This Act may be cited as the “Energy and Water De-
22 velopment Appropriations Act, 1999”.

Calendar No. 401

105TH CONGRESS
2^D SESSION

S. 2138

[Report No. 105-206]

A BILL

Making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes.

JUNE 5, 1998

Read twice and placed on the calendar