

106TH CONGRESS  
2D SESSION

# H. R. 5483

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

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 2000

Mr. PACKARD introduced the following bill; which was referred to the Committee on Appropriations

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## A BILL

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 en-  
5       ergy and water development for the fiscal year ending Sep-  
6       tember 30, 2001, 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 \$160,038,000, to remain available until expended: *Pro-*  
19 *vided*, That in conducting the Southwest Valley Flood  
20 Damage Reduction Study, Albuquerque, New Mexico, 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 the  
24 feasibility analysis based on policies regarding the fre-  
25 quency of flooding, the drainage areas, and the amount

1 of runoff: *Provided further*, That the Secretary of the  
2 Army is directed to use \$750,000 of the funds appro-  
3 priated herein to continue preconstruction engineering and  
4 design for the Murrieta Creek, California flood protection  
5 and environmental restoration project in accordance with  
6 Alternative 6, based on the Murrieta Creek feasibility re-  
7 port and environmental impact statement dated June  
8 2000 at a total cost of \$90,866,000, with an estimated  
9 Federal cost of \$59,063,900 and an estimated non-Fed-  
10 eral cost of \$31,803,100.

11 CONSTRUCTION, GENERAL

12 For the prosecution of river and harbor, flood control,  
13 shore protection, and related projects authorized by laws;  
14 and detailed studies, and plans and specifications, of  
15 projects (including those for development with participa-  
16 tion or under consideration for participation by States,  
17 local governments, or private groups) authorized or made  
18 eligible for selection by law (but such studies shall not con-  
19 stitute a commitment of the Government to construction),  
20 \$1,717,199,000, to remain available until expended, of  
21 which such sums as are necessary for the Federal share  
22 of construction costs for facilities under the Dredged Ma-  
23 terial Disposal Facilities program shall be derived from  
24 the Harbor Maintenance Trust Fund, as authorized by  
25 Public Law 104–303; and of which such sums as are nec-

1 essary pursuant to Public Law 99–662 shall be derived  
2 from the Inland Waterways Trust Fund, for one-half of  
3 the costs of construction and rehabilitation of inland wa-  
4 terways projects, including rehabilitation costs for the  
5 Lock and Dam 12, Mississippi River, Iowa; Lock and Dam  
6 24, Mississippi River, Illinois and Missouri; Lock and  
7 Dam 3, Mississippi River, Minnesota; and London Locks  
8 and Dam, and Kanawha River, West Virginia, projects;  
9 and of which funds are provided for the following projects  
10 in the amounts specified:

11           Elba, Alabama, \$8,400,000;

12           Geneva, Alabama, \$10,800,000;

13           San Gabriel Basin Groundwater Restoration,  
14           California, \$25,000,000;

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

17           Indianapolis Central Waterfront, Indiana,  
18           \$10,000,000;

19           Southern and Eastern Kentucky, Kentucky,  
20           \$4,000,000;

21           Clover Fork, Middlesboro, City of Cumberland,  
22           Town of Martin, Pike County (including Levisa  
23           Fork and Tug Fork Tributaries), Bell County, Mar-  
24           tin County, and Harlan County, Kentucky, elements  
25           of the Levisa and Tug Forks of the Big Sandy River

1 and Upper Cumberland River, Kentucky,  
2 \$20,000,000: *Provided*, That the Secretary of the  
3 Army, acting through the Chief of Engineers, is di-  
4 rected to proceed with planning, engineering, design  
5 and construction of the Town of Martin, Kentucky,  
6 element, in accordance with Plan A as set forth in  
7 the preliminary draft Detailed Project Report, Ap-  
8 pendix T of the General Plan of the Huntington  
9 District Commander;

10 Jackson County, Mississippi, \$2,000,000;

11 Bosque and Leon Rivers, Texas, \$4,000,000;

12 and

13 Upper Mingo County (including Mingo County  
14 Tributaries), Lower Mingo County (Kermit), Wayne  
15 County, and McDowell County, elements of the  
16 Levisa and Tug Forks of the Big Sandy River and  
17 Upper Cumberland River project in West Virginia,  
18 \$4,100,000:

19 *Provided further*, That using \$900,000 of the funds appro-  
20 priated herein, the Secretary of the Army, acting through  
21 the Chief of Engineers, is directed to undertake the Bowie  
22 County Levee project, which is defined as Alternative B  
23 Local Sponsor Option, in the Corps of Engineers docu-  
24 ment entitled Bowie County Local Flood Protection, Red  
25 River, Texas, Project Design Memorandum No. 1, Bowie

1 County Levee, dated April 1997: *Provided further*, That  
2 no part of any appropriation contained in this Act shall  
3 be expended or obligated to begin Phase II of the John  
4 Day Drawdown study or to initiate a study of the draw-  
5 down of McNary Dam unless authorized by law: *Provided*  
6 *further*, That the Secretary of the Army, acting through  
7 the Chief of Engineers, is directed hereafter to use avail-  
8 able Construction, General funds in addition to funding  
9 provided in Public Law 104–206 to complete design and  
10 construction of the Red River Regional Visitors Center in  
11 the vicinity of Shreveport, Louisiana at an estimated cost  
12 of \$6,000,000: *Provided further*, That section 101(b)(4)  
13 of the Water Resources Development Act of 1996, is  
14 amended by striking “total cost of \$8,600,000” and in-  
15 serting “total cost of \$15,000,000”: *Provided further*,  
16 That the Secretary of the Army, acting through the Chief  
17 of Engineers, is directed to use \$3,000,000 of the funds  
18 appropriated herein for additional emergency bank sta-  
19 bilization measures at Galena, Alaska under the same  
20 terms and conditions as previous emergency bank sta-  
21 bilization work undertaken at Galena, Alaska pursuant to  
22 section 116 of Public Law 99–190: *Provided further*, That  
23 with \$4,200,000 of the funds appropriated herein, the  
24 Secretary of the Army, acting through the Chief of Engi-  
25 neers, is directed to continue construction of the Bruns-

1 wick County Beaches, North Carolina-Ocean Isle Beach  
2 portion in accordance with the General Reevaluation Re-  
3 port approved by the Chief of Engineers on May 15, 1998:  
4 *Provided further*, That the Secretary of the Army, acting  
5 through the Chief of Engineers, is directed to use not to  
6 exceed \$300,000 of funds appropriated herein to reim-  
7 burse the City of Renton, Washington, at full Federal ex-  
8 pense, for mitigation expenses incurred for the flood con-  
9 trol project constructed pursuant to 33 U.S.C. 701s at  
10 Cedar River, City of Renton, Washington, as a result of  
11 over-dredging by the Army Corps of Engineers: *Provided*  
12 *further*, That \$2,000,000 of the funds appropriated herein  
13 shall be available for stabilization and renovation of Lock  
14 and Dam 10, Kentucky River, Kentucky, subject to enact-  
15 ment of authorization by law: *Provided further*, That the  
16 Secretary of the Army, acting through the Chief of Engi-  
17 neers, is directed to use \$3,000,000 of the funds appro-  
18 priated herein to initiate construction of a navigation  
19 project at Kaunalapau Harbor, Hawaii: *Provided further*,  
20 That the Secretary of the Army is directed to use  
21 \$2,000,000 of the funds provided herein for Dam Safety  
22 and Seepage/Stability Correction Program to design and  
23 construct seepage control features at Waterbury Dam,  
24 Winooski River, Vermont: *Provided further*, That the Sec-  
25 retary of the Army, acting through the Chief of Engineers,

1 is directed to design and construct barge lanes at the  
2 Houston-Galveston Navigation Channels, Texas, project,  
3 immediately adjacent to either side of the Houston Ship  
4 Channel, from Bolivar Roads to Morgan Point, to a depth  
5 of 12 feet with prior years' Construction, General carry-  
6 over funds: *Provided further*, That the Secretary of the  
7 Army, acting through the Chief of Engineers, may use  
8 Construction, General funding as directed in Public Law  
9 105-62 and Public Law 105-245 to initiate construction  
10 of an emergency outlet from Devils Lake, North Dakota,  
11 to the Sheyenne River, except that the funds shall not be-  
12 come available unless the Secretary of the Army deter-  
13 mines that an emergency (as defined in section 102 of the  
14 Robert T. Stafford Disaster Relief and Emergency Assist-  
15 ance Act (42 U.S.C. 5122)) exists with respect to the  
16 emergency need for the outlet and reports to Congress  
17 that the construction is technically sound, economically  
18 justified, and environmentally acceptable, and in compli-  
19 ance with the National Environmental Policy Act of 1969  
20 (42 U.S.C. 4321 et seq.): *Provided further*, That the eco-  
21 nomic justification for the emergency outlet shall be pre-  
22 pared in accordance with the principles and guidelines for  
23 economic evaluation as required by regulations and proce-  
24 dures of the Army Corps of Engineers for all flood control  
25 projects, and that the economic justification be fully de-



1 scribed, including the analysis of the benefits and costs,  
2 in the project plan documents: *Provided further*, That the  
3 plans for the emergency outlet shall be reviewed and, to  
4 be effective, shall contain assurances provided by the Sec-  
5 retary of State, after consultation with the International  
6 Joint Commission, that the project will not violate the re-  
7 quirements or intent of the Treaty Between the United  
8 States and Great Britain Relating to Boundary Waters  
9 Between the United States and Canada, signed at Wash-  
10 ington, January 11, 1909 (36 Stat. 2448; TS 548) (com-  
11 monly known as the “Boundary Waters Treaty of 1909”):  
12 *Provided further*, That the Secretary of the Army shall  
13 submit the final plans and other documents for the emer-  
14 gency outlet to Congress: *Provided further*, That no funds  
15 made available under this Act or any other Act for any  
16 fiscal year may be used by the Secretary of the Army to  
17 carry out the portion of the feasibility study of the Devils  
18 Lake Basin, North Dakota, authorized under the Energy  
19 and Water Development Appropriations Act, 1993 (Public  
20 Law 102–377), that addresses the needs of the area for  
21 stabilized lake levels through inlet controls, or to otherwise  
22 study any facility or carry out any activity that would per-  
23 mit the transfer of water from the Missouri River Basin  
24 into Devils Lake: *Provided further*, That within available  
25 funds, the Secretary of the Army, acting through the Chief

1 of Engineers, is directed to continue construction of the  
2 Rio Grand de Manati flood control project at Barceloneta,  
3 Puerto Rico, which was initiated under the authority of  
4 the Section 205 program prior to being specifically author-  
5 ized in the Water Resources Development Act of 1999.

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

9 For expenses necessary for prosecuting work of flood  
10 control, and rescue work, repair, restoration, or mainte-  
11 nance of flood control projects threatened or destroyed by  
12 flood, as authorized by law (33 U.S.C. 702a and 702g-  
13 1), \$347,731,000, to remain available until expended: *Pro-*  
14 *vided*, That the Secretary of the Army is directed to com-  
15 plete his analysis and determination of Federal mainte-  
16 nance of the Greenville Inner Harbor, Mississippi naviga-  
17 tion project in accordance with section 509 of the Water  
18 Resources Development Act of 1996.

19 OPERATION AND MAINTENANCE, GENERAL

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

1 northern and northwestern lakes and connecting waters;  
2 clearing and straightening channels; and removal of ob-  
3 structions to navigation, \$1,901,959,000, to remain avail-  
4 able until expended, of which such sums as become avail-  
5 able in the Harbor Maintenance Trust Fund, pursuant to  
6 Public Law 99–662, may be derived from that Fund, and  
7 of which such sums as become available from the special  
8 account established by the Land and Water Conservation  
9 Act of 1965, as amended (16 U.S.C. 460l), may be derived  
10 from that account for construction, operation, and mainte-  
11 nance of outdoor recreation facilities: *Provided*, That the  
12 Secretary of the Army, acting through the Chief of Engi-  
13 neers, from the funds provided herein for the operation  
14 and maintenance of New York Harbor, New York, is di-  
15 rected to prepare the necessary documentation and initiate  
16 removal of submerged obstructions and debris in the area  
17 previously marked by the Ambrose Light Tower in the in-  
18 terest of safe navigation: *Provided further*, That the Sec-  
19 retary of the Army is directed to use \$500,000 of funds  
20 appropriated herein to remove and reinstall the docks and  
21 causeway, in kind, at Astoria East Boat Basin, Oregon:  
22 *Provided further*, That \$500,000 of the funds appropriated  
23 herein for the Ohio River Open Channel, Illinois, Ken-  
24 tucky, Indiana, Ohio, West Virginia, and Pennsylvania,  
25 project, are provided for the Secretary of the Army, acting

1 through the Chief of Engineers, to dredge a channel from  
2 the mouth of Wheeling Creek to Tunnel Green Park in  
3 Wheeling, West Virginia.

#### 4 REGULATORY PROGRAM

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

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





1 tract No. DACW63–76–C–0166, other than financial re-  
2 sponsibilities, except as provided for in subsection (e) of  
3 this section. The Trinity River Authority shall be relieved  
4 of all of its financial responsibilities under the Contract  
5 as of the date the Secretary of the Army enters into the  
6 agreement with the City.

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

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

19 SEC. 102. Agreements proposed for execution by the  
20 Assistant Secretary of the Army for Civil Works or the  
21 United States Army Corps of Engineers after the date of  
22 the enactment of this Act pursuant to section 4 of the  
23 Rivers and Harbor Act of 1915, Public Law 64–291; sec-  
24 tion 11 of the River and Harbor Act of 1925, Public Law  
25 68–585; the Civil Functions Appropriations Act, 1936,



1 Public Law 75–208; section 215 of the Flood Control Act  
2 of 1968, as amended, Public Law 90–483; sections 104,  
3 203, and 204 of the Water Resources Development Act  
4 of 1986, as amended (Public Law 99–662); section 206  
5 of the Water Resources Development Act of 1992, as  
6 amended, Public Law 102–580; section 211 of the Water  
7 Resources Development Act of 1996, Public Law 104–  
8 303, and any other specific project authority, shall be lim-  
9 ited to credits and reimbursements per project not to ex-  
10 ceed \$10,000,000 in each fiscal year, and total credits and  
11 reimbursements for all applicable projects not to exceed  
12 \$50,000,000 in each fiscal year.

13       SEC. 103. The Secretary of the Army, acting through  
14 the Chief of Engineers, is authorized to construct the lo-  
15 cally preferred plan for flood control, environmental res-  
16 toration and recreation, Murrieta Creek, California, de-  
17 scribed as Alternative 6, based on the Murrieta Creek Fea-  
18 sibility Report and Environmental Impact Statement  
19 dated October 2000, at a total cost of \$89,850,000 with  
20 an estimated Federal cost of \$57,735,000 and an esti-  
21 mated non-Federal cost of \$32,115,000.

22       SEC. 104. ST. GEORGES BRIDGE, DELAWARE. None  
23 of the funds made available by this Act may be used to  
24 carry out any activity relating to closure or removal of  
25 the St. Georges Bridge across the Chesapeake and Dela-

1 ware Canal, Delaware, including a hearing or any other  
2 activity relating to preparation of an environmental impact  
3 statement concerning the closure or removal.

4 SEC. 105. Within available funds under title I, the  
5 Secretary of the Army, acting through the Chief of Engi-  
6 neers, shall provide up to \$7,000,000 to replace and up-  
7 grade the dam in Kake, Alaska which collapsed July 2000,  
8 to provide drinking water and hydroelectricity.

## 9 TITLE II

### 10 DEPARTMENT OF THE INTERIOR

#### 11 CENTRAL UTAH PROJECT

##### 12 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

13 For carrying out activities authorized by the Central  
14 Utah Project Completion Act, \$38,724,000, to remain  
15 available until expended, of which \$19,158,000 shall be  
16 deposited into the Utah Reclamation Mitigation and Con-  
17 servation Account: *Provided*, That of the amounts depos-  
18 ited into that account, \$5,000,000 shall be considered the  
19 Federal contribution authorized by paragraph 402(b)(2)  
20 of the Central Utah Project Completion Act and  
21 \$14,158,000 shall be available to the Utah Reclamation  
22 Mitigation and Conservation Commission to carry out ac-  
23 tivities authorized under that Act.

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

4 BUREAU OF RECLAMATION

5 The following appropriations shall be expended to  
6 execute authorized functions of the Bureau of Reclama-  
7 tion:

8 WATER AND RELATED RESOURCES

9 (INCLUDING TRANSFER OF FUNDS)

10 For management, development, and restoration of  
11 water and related natural resources and for related activi-  
12 ties, including the operation, maintenance and rehabilita-  
13 tion of reclamation and other facilities, participation in  
14 fulfilling related Federal responsibilities to Native Ameri-  
15 cans, and related grants to, and cooperative and other  
16 agreements with, State and local governments, Indian  
17 tribes, and others, \$678,450,000, to remain available until  
18 expended, of which \$1,916,000 shall be available for trans-  
19 fer to the Upper Colorado River Basin Fund and  
20 \$39,467,000 shall be available for transfer to the Lower  
21 Colorado River Basin Development Fund; of which such  
22 amounts as may be necessary may be advanced to the Col-  
23 orado River Dam Fund; of which \$16,000,000 shall be  
24 for on-reservation water development, feasibility studies,  
25 and related administrative costs under Public Law 106-  
26 163; of which not more than 25 percent of the amount

1 provided for drought emergency assistance may be used  
2 for financial assistance for the preparation of cooperative  
3 drought contingency plans under title II of Public Law  
4 102–250; and of which not more than \$500,000 is for high  
5 priority projects which shall be carried out by the Youth  
6 Conservation Corps, as authorized by 16 U.S.C. 1706:  
7 *Provided*, That such transfers may be increased or de-  
8 creased within the overall appropriation under this head-  
9 ing: *Provided further*, That of the total appropriated, the  
10 amount for program activities that can be financed by the  
11 Reclamation Fund or the Bureau of Reclamation special  
12 fee account established by 16 U.S.C. 460l–6a(i) shall be  
13 derived from that Fund or account: *Provided further*, That  
14 funds contributed under 43 U.S.C. 395 are available until  
15 expended for the purposes for which contributed: *Provided*  
16 *further*, That funds advanced under 43 U.S.C. 397a shall  
17 be credited to this account and are available until ex-  
18 pended for the same purposes as the sums appropriated  
19 under this heading: *Provided further*, That funds available  
20 for expenditure for the Departmental Irrigation Drainage  
21 Program may be expended by the Bureau of Reclamation  
22 for site remediation on a non-reimbursable basis: *Provided*  
23 *further*, That section 301 of Public Law 102–250, Rec-  
24 lamation States Emergency Drought Relief Act of 1991,  
25 as amended, is amended further by inserting “2000, and

1 2001” in lieu of “and 2000”: *Provided further*, That the  
2 amount authorized for Indian municipal, rural, and indus-  
3 trial water features by section 10 of Public Law 89–108,  
4 as amended by section 8 of Public Law 99–294, section  
5 1701(b) of Public Law 102–575, Public Law 105–245,  
6 and Public Law 106–60 is increased by \$2,000,000 (Octo-  
7 ber 1998 prices): *Provided further*, That the amount au-  
8 thorized for Minidoka Project North Side Pumping Divi-  
9 sion, Idaho, by section 5 of Public Law 81–864, is in-  
10 creased by \$2,805,000: *Provided further*, That the Rec-  
11 lamation Safety of Dams Act of 1978 (43 U.S.C. 509)  
12 is amended as follows: (1) by inserting in section 4(c) after  
13 “1984,” and before “costs” the following: “and the addi-  
14 tional \$95,000,000 further authorized to be appropriated  
15 by amendments to that Act in 2000,”; (2) by inserting  
16 in section 5 after “levels),” and before “plus” the fol-  
17 lowing: “and, effective October 1, 2000, not to exceed an  
18 additional \$95,000,000 (October 1, 2000, price levels),”;  
19 and (3) by striking “sixty days (which” and all that fol-  
20 lows through “day certain)” and inserting in lieu thereof  
21 “30 calendar days”.

22 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

23 For the cost of direct loans and/or grants,  
24 \$8,944,000, to remain available until expended, as author-  
25 ized by the Small Reclamation Projects Act of August 6,  
26 1956, as amended (43 U.S.C. 422a–422l): *Provided*, That

1 such costs, including the cost of modifying such loans,  
2 shall be as defined in section 502 of the Congressional  
3 Budget Act of 1974, as amended: *Provided further*, That  
4 these funds are available to subsidize gross obligations for  
5 the principal amount of direct loans not to exceed  
6 \$27,000,000.

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

13 CENTRAL VALLEY PROJECT RESTORATION FUND

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

## 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 \$50,224,000, 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 four passenger  
14 motor vehicles for replacement only.

## 15 GENERAL PROVISIONS

## 16 DEPARTMENT OF THE INTERIOR

17 SEC. 201. None of the funds appropriated or other-  
18 wise made available by this or any other Act may be used  
19 to pay the salaries and expenses of personnel to purchase  
20 or lease water in the Middle Rio Grande or the Carlsbad  
21 Projects in New Mexico unless said purchase or lease is  
22 in compliance with the purchase requirements of section  
23 202 of Public Law 106-60.

24 SEC. 202. Funds under this title for Drought Emer-  
25 gency Assistance shall be made available primarily for  
26 leasing of water for specified drought related purposes

1 from willing lessors, in compliance with existing State laws  
2 and administered under State water priority allocation.  
3 Such leases may be entered into with an option to pur-  
4 chase: *Provided*, That such purchase is approved by the  
5 State in which the purchase takes place and the purchase  
6 does not cause economic harm within the State in which  
7 the purchase is made.

8       SEC. 203. Beginning in fiscal year 2001 and there-  
9 after, the Secretary of the Interior shall assess and collect  
10 annually from Central Valley Project (CVP) water and  
11 power contractors the sum of \$540,000 (June 2000 price  
12 levels) and remit, without further appropriation, the  
13 amount collected annually to the Trinity Public Utilities  
14 District (TPUD). This assessment shall be payable 70  
15 percent by CVP Preference Power Customers and 30 per-  
16 cent by CVP Water Contractors. The CVP Water Con-  
17 tractor share of this assessment shall be collected by the  
18 Secretary through established Bureau of Reclamation  
19 (Reclamation) Operation and Maintenance ratesetting  
20 practices. The CVP Power Contractor share of this assess-  
21 ment shall be assessed by Reclamation to the Western  
22 Area Power Administration, Sierra Nevada Region (West-  
23 ern), and collected by Western through established power  
24 ratesetting practices.



1        SEC. 204. (a) IN GENERAL.—For fiscal year 2001  
2 and each fiscal year thereafter, the Secretary of the Inte-  
3 rior shall continue funding, from power revenues, the ac-  
4 tivities of the Glen Canyon Dam Adaptive Management  
5 Program as authorized by section 1807 of the Grand Can-  
6 yon Protection Act of 1992 (106 Stat. 4672), at not more  
7 than \$7,850,000 (October 2000 price level), adjusted in  
8 subsequent years to reflect changes in the Consumer Price  
9 Index for All Urban Consumers published by the Bureau  
10 of Labor Statistics of the Department of Labor.

11        (b) VOLUNTARY CONTRIBUTIONS.—Nothing in this  
12 section precludes the use of voluntary financial contribu-  
13 tions (except power revenues) to the Adaptive Manage-  
14 ment Program that may be authorized by law.

15        (c) ACTIVITIES TO BE FUNDED.—The activities to  
16 be funded as provided under subsection (a) include activi-  
17 ties required to meet the requirements of section 1802(a)  
18 and subsections (a) and (b) of section 1805 of the Grand  
19 Canyon Protection Act of 1992 (106 Stat. 4672), includ-  
20 ing the requirements of the Biological Opinion on the Op-  
21 eration of Glen Canyon Dam and activities required by  
22 the Programmatic Agreement on Cultural and Historic  
23 Properties, to the extent that the requirements and activi-  
24 ties are consistent with the Grand Canyon Protection Act  
25 of 1992 (106 Stat. 4672).

1 (d) ADDITIONAL FUNDING.—To the extent that  
2 funding under subsection (a) is insufficient to pay the  
3 costs of the monitoring and research and other activities  
4 of the Glen Canyon Dam Adaptive Management Program,  
5 the Secretary of the Interior may use funding from other  
6 sources, including funds appropriated for that purpose. All  
7 such appropriated funds shall be nonreimbursable and  
8 nonreturnable.

9 SEC. 205. The Secretary of the Interior is authorized  
10 and directed to use not to exceed \$1,000,000 of the funds  
11 appropriated under title II to refund amounts received by  
12 the United States as payments for charges assessed by  
13 the Secretary prior to January 1, 1994 for failure to file  
14 certain certification or reporting forms prior to the receipt  
15 of irrigation water, pursuant to sections 206 and 224(c)  
16 of the Reclamation Reform Act of 1982 (96 Stat. 1226,  
17 1272; 43 U.S.C. 390ff, 390ww(c)), including the amount  
18 of associated interest assessed by the Secretary and paid  
19 to the United States pursuant to section 224(i) of the Rec-  
20 lamation Reform Act of 1982 (101 Stat. 1330–268; 43  
21 U.S.C. 390ww(i)).

22 SEC. 206. CANYON FERRY RESERVOIR, MONTANA.  
23 (a) APPRAISALS.—Section 1004(c)(2)(B) of title X of divi-  
24 sion C of the Omnibus Consolidated and Emergency Sup-

1 plemental Appropriations Act, 1999 (112 Stat. 2681–713;  
2 113 Stat. 1501A–307) is amended—

3 (1) in clause (i), by striking “be based on” and  
4 inserting “use”;

5 (2) in clause (vi), by striking “Notwithstanding  
6 any other provision of law,” and inserting “To the  
7 extent consistent with the Uniform Appraisal Stand-  
8 ards for Federal Land Acquisition,”; and

9 (3) by adding at the end the following:

10 “(vii) APPLICABILITY.—This subparagraph  
11 shall apply to the extent that its application is prac-  
12 ticable and consistent with the Uniform Appraisal  
13 Standards for Federal Land Acquisition.”.

14 (b) TIMING.—Section 1004(f)(2) of title X of division  
15 C of the Omnibus Consolidated and Emergency Supple-  
16 mental Appropriations Act, 1999 (112 Stat. 2681–714;  
17 113 Stat. 1501A–308) is amended by inserting after  
18 “Act,” the following: “in accordance with all applicable  
19 law,”.

20 (c) INTEREST.—Section 1008(b) of title X of division  
21 C of the Omnibus Consolidated and Emergency Supple-  
22 mental Appropriations Act, 1999 (112 Stat. 2681–717;  
23 113 Stat. 1501A–310) is amended by striking paragraph  
24 (4).

1       SEC. 207. Beginning in fiscal year 2000 and there-  
2 after, any amounts provided for the Newlands Water  
3 Rights Fund for purchasing and retiring water rights in  
4 the Newlands Reclamation Project shall be non-reimburs-  
5 able.

6       SEC. 208. USE OF COLORADO-BIG THOMPSON  
7 PROJECT FACILITIES FOR NONPROJECT WATER. The Sec-  
8 retary of the Interior may enter into contracts with the  
9 city of Loveland, Colorado, or its Water and Power De-  
10 partment or any other agency, public utility, or enterprise  
11 of the city, providing for the use of facilities of the Colo-  
12 rado-Big Thompson Project, Colorado, under the Act of  
13 February 21, 1911 (43 U.S.C. 523), for—

14           (1) the impounding, storage, and carriage of  
15 nonproject water originating on the eastern slope of  
16 the Rocky Mountains for domestic, municipal, indus-  
17 trial, and other beneficial purposes; and

18           (2) the exchange of water originating on the  
19 eastern slope of the Rocky Mountains for the pur-  
20 poses specified in paragraph (1), using facilities as-  
21 sociated with the Colorado-Big Thompson Project,  
22 Colorado.

23       SEC. 209. AMENDMENT TO IRRIGATION PROJECT  
24 CONTRACT EXTENSION ACT OF 1998. (a) Section 2(a) of  
25 the Irrigation Project Contract Extension Act of 1998,

1 Public Law 105–293, is amended by striking the date  
2 “December 31, 2000”, and inserting in lieu thereof the  
3 date “December 31, 2003”; and

4 (b) Subsection 2(b) of the Irrigation Project Contract  
5 Extension Act of 1998, Public Law 105–293, is amended  
6 by—

7 (1) striking the phrase “not to go beyond De-  
8 cember 31, 2001”, and inserting in lieu thereof the  
9 phrase “not to go beyond December 31, 2003”; and

10 (2) striking the phrase “terminates prior to De-  
11 cember 31, 2000”, and inserting in lieu thereof “ter-  
12 minates prior to December 31, 2003”.

13 SEC. 210. Section 202 of Division B, Title I, Chapter  
14 2 of Public Law 106–246 is amended by adding at the  
15 end the following: “This section shall be effective through  
16 September 30, 2001.”.

17 SEC. 211. (a) Section 106 of the San Luis Rey Indian  
18 Water Rights Settlement Act (Public Law 100–675; 102  
19 Stat. 4000 et seq.) is amended by adding at the end the  
20 following new subsection:

21 “(f) REQUIREMENT TO FURNISH WATER, POWER  
22 CAPACITY, AND ENERGY.—Notwithstanding any other  
23 provision of law, in order to fulfill the trust responsibility  
24 to the Bands, the Secretary, acting through the Commis-

1 sioner of Reclamation, shall permanently furnish annually  
2 the following:

3           “(1) WATER.—16,000 acre-feet of the water  
4 conserved by the works authorized by title II, for the  
5 benefit of the Bands and the local entities in accord-  
6 ance with the settlement agreement: *Provided*, That  
7 during construction of said works, the Indian Water  
8 Authority and the local entites shall receive 17 per-  
9 cent of any water conserved by said works up to a  
10 maximum of 16,000 acre-feet per year. The Indian  
11 Water Authority and the local entities shall pay  
12 their proportionate share of such costs as are pro-  
13 vided by section 203(b) of title II or are agreed to  
14 by them.

15           “(2) POWER CAPACITY AND ENERGY.—Begin-  
16 ning on the date when conserved water from the  
17 works authorized by title II first becomes available,  
18 power capacity and energy through the Yuma Ari-  
19 zona Area Aggregate Power Managers (Yuma Area  
20 Contractors), at no cost and at no further expense  
21 to the United States, the Indian Water Authority,  
22 the Bands, and the local entities, in amounts suffi-  
23 cient to convey the water conserved pursuant to  
24 paragraph (1) from Lake Havasu through the Colo-  
25 rado River Aqueduct and to the places of use on the

1 Bands' reservations or in the local entities' service  
2 areas in accordance with the settlement agreement.  
3 The Secretary, through a coterminous exhibit to Bu-  
4 reau of Reclamation Contract No. 6-CU-30-P1136,  
5 shall enter into an agreement with the Yuma Area  
6 Contractors which shall provide for furnishing annu-  
7 ally and permanently said power capacity and energy  
8 by said Yuma Area Contractors at no cost and at no  
9 further expense to the United States, the Indian  
10 Water Authority, the Bands, and the local entities.  
11 The Secretary shall authorize the Yuma Area Con-  
12 tractors to utilize Federal project use power pro-  
13 vided for in Bureau of Reclamation Contracts num-  
14 bered 6-CU-30-P1136, 6-CU-30-P1137, and 6-  
15 CU-30-P1138 for the full range of purposes served  
16 by the Yuma Area Contractors, including the pur-  
17 pose of supplying the power capacity and energy to  
18 convey the conserved water referred to in paragraph  
19 (1), for so long as the Yuma Area Contractors meet  
20 their obligation to provide sufficient power capacity  
21 and energy for the conveyance of said conserved  
22 water. If for any reason the Yuma Area Contractors  
23 do not provide said power capacity and energy for  
24 the conveyance of said conserved water, then the  
25 Secretary shall furnish said power capacity and en-

1 energy annually and permanently at the lowest rate as-  
2 signed to project use power within the jurisdiction of  
3 the Bureau of Reclamation in accordance with Ex-  
4 hibit E ‘Project Use Power’ of the Agreement be-  
5 tween Water and Power Resources Service, Depart-  
6 ment of the Interior, and Western Area Power Ad-  
7 ministration, Department of Energy (March 26,  
8 1980).”.

9 (b) Title II of the San Luis Rey Indian Water Rights  
10 Settlement Act (Public Law 100–675; 102 Stat. 4000 et  
11 seq.) is amended by adding at the end the following new  
12 section:

13 **“SEC. 210. ANNUAL REPAYMENT INSTALLMENTS.**

14 “During the period of planning, design, and construc-  
15 tion of the works and during the period that the Indian  
16 Water Authority and the local entities receive up to  
17 16,000 acre-feet of the water conserved by the works, the  
18 annual repayment installments provided in section 102(b)  
19 of the Colorado River Basin Salinity Control Act (Public  
20 Law 93–320; 88 Stat. 268) shall continue to be non-  
21 reimbursable. Nothing in this section shall affect the na-  
22 tional obligation set forth in section 101(c) of such Act.”.

23 SEC. 212. (a) DEFINITIONS.—For the purpose of this  
24 section, the term—



1           (1) “Secretary” means the Secretary of the In-  
2           terior;

3           (2) “Sly Park Unit” means the Sly Park Dam  
4           and Reservoir, Camp Creek Diversion Dam and  
5           Tunnel, and conduits and canals as authorized  
6           under the American River Act of October 14, 1949  
7           (63 Stat. 853), including those used to convey, treat,  
8           and store water delivered from Sly Park, as well as  
9           all recreation facilities thereto; and

10          (3) “District” means the El Dorado Irrigation  
11          District.

12          (b) IN GENERAL.—The Secretary shall, as soon as  
13          practicable after date of the enactment of this Act and  
14          in accordance with all applicable law, transfer all right,  
15          title, and interest in and to the Sly Park Unit to the Dis-  
16          trict.

17          (c) SALE PRICE.—The Secretary is authorized to re-  
18          ceive from the District \$2,000,000 to relieve payment obli-  
19          gations and extinguish the debt under contract number  
20          14–06–200–949IR3, and \$9,500,000 to relieve payment  
21          obligations and extinguish all debts associated with con-  
22          tracts numbered 14–06–200–7734, as amended by con-  
23          tracts numbered 14–06–200–4282A and 14–06–200–  
24          8536A. Notwithstanding the preceding sentence, the Dis-

1 triet shall continue to make payments required by section  
2 3407(c) of Public Law 102–575 through year 2029.

3 (d) CREDIT REVENUE TO PROJECT REPAYMENT.—  
4 Upon payment authorized under subsection (b), the  
5 amount paid shall be credited toward repayment of capital  
6 costs of the Central Valley Project in an amount equal  
7 to the associated undiscounted obligation.

8 (e) FUTURE BENEFITS.—Upon payment, the Sly  
9 Park Unit shall no longer be a Federal reclamation project  
10 or a unit of the Central Valley Project, and the District  
11 shall not be entitled to receive any further reclamation  
12 benefits.

13 (f) LIABILITY.—Except as otherwise provided by law,  
14 effective on the date of conveyance of the Sly Park Unit  
15 under this Act, the United States shall not be liable for  
16 damages of any kind arising out of any act, omission, or  
17 occurrence based on its prior ownership or operation of  
18 the conveyed property.

19 (g) COSTS.—All costs, including interest charges, as-  
20 sociated with the Project that have been included as a re-  
21 imburseable cost of the Central Valley Project are declared  
22 to be nonreimbursable and nonreturnable.

1 TITLE III  
2 DEPARTMENT OF ENERGY  
3 ENERGY PROGRAMS  
4 ENERGY SUPPLY

5 For Department of Energy expenses including the  
6 purchase, construction and acquisition of plant and capital  
7 equipment, and other expenses necessary for energy sup-  
8 ply, and uranium supply and enrichment activities in car-  
9 rying out the purposes of the Department of Energy Orga-  
10 nization Act (42 U.S.C. 7101 et seq.), including the acqui-  
11 sition or condemnation of any real property or any facility  
12 or for plant or facility acquisition, construction, or expan-  
13 sion; and the purchase of not to exceed 17 passenger  
14 motor vehicles for replacement only, \$660,574,000 to re-  
15 main available until expended: *Provided*, That, in addition,  
16 royalties received to compensate the Department of En-  
17 ergy for its participation in the First-Of-A-Kind-Engineer-  
18 ing program shall be credited to this account to be avail-  
19 able until September 30, 2002, for the purposes of Nu-  
20 clear Energy, Science and Technology activities.

21 NON-DEFENSE ENVIRONMENTAL MANAGEMENT

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

1 purposes of the Department of Energy Organization Act  
2 (42 U.S.C. 7101 et seq.), including the acquisition or con-  
3 demnation of any real property or any facility or for plant  
4 or facility acquisition, construction or expansion,  
5 \$277,812,000, to remain available until expended.

6 URANIUM FACILITIES MAINTENANCE AND REMEDIATION

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses to maintain, decontaminate,  
9 decommission, and otherwise remediate uranium proc-  
10 essing facilities, \$393,367,000, of which \$345,038,000  
11 shall be derived from the Uranium Enrichment Decon-  
12 tamination and Decommissioning Fund, all of which shall  
13 remain available until expended: *Provided*, That  
14 \$72,000,000 of amounts derived from the Fund for such  
15 expenses shall be available in accordance with title X, sub-  
16 title A, of the Energy Policy Act of 1992.

17 SCIENCE

18 For Department of Energy expenses including the  
19 purchase, construction and acquisition of plant and capital  
20 equipment, and other expenses necessary for science ac-  
21 tivities in carrying out the purposes of the Department  
22 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
23 cluding the acquisition or condemnation of any real prop-  
24 erty or facility or for plant or facility acquisition, construc-  
25 tion, or expansion, and purchase of not to exceed 58 pas-

1 senger motor vehicles for replacement only,  
2 \$3,186,352,000, to remain available until expended.

### 3 NUCLEAR WASTE DISPOSAL

4 For nuclear waste disposal activities to carry out the  
5 purposes of Public Law 97–425, as amended, including  
6 the acquisition of real property or facility construction or  
7 expansion, \$191,074,000, to remain available until ex-  
8 pended and to be derived from the Nuclear Waste Fund:  
9 *Provided*, That not to exceed \$2,500,000 may be provided  
10 to the State of Nevada solely for expenditures, other than  
11 salaries and expenses of State employees, to conduct sci-  
12 entific oversight responsibilities pursuant to the Nuclear  
13 Waste Policy Act of 1982, Public Law 97–425, as amend-  
14 ed: *Provided further*, That \$6,000,000 shall be provided  
15 to affected units of local governments, as defined in Public  
16 Law 97–425, to conduct appropriate activities pursuant  
17 to the Act: *Provided further*, That the distribution of the  
18 funds as determined by the units of local government shall  
19 be approved by the Department of Energy: *Provided fur-*  
20 *ther*, That the funds for the State of Nevada shall be made  
21 available solely to the Nevada Division of Emergency Man-  
22 agement by direct payment and units of local government  
23 by direct payment: *Provided further*, That within 90 days  
24 of the completion of each Federal fiscal year, the Nevada  
25 Division of Emergency Management and the Governor of

1 the State of Nevada and each local entity shall provide  
2 certification to the Department of Energy that all funds  
3 expended from such payments have been expended for ac-  
4 tivities authorized by Public Law 97–425 and this Act.  
5 Failure to provide such certification shall cause such enti-  
6 ty to be prohibited from any further funding provided for  
7 similar activities: *Provided further*, That none of the funds  
8 herein appropriated may be: (1) used directly or indirectly  
9 to influence legislative action on any matter pending be-  
10 fore Congress or a State legislature or for lobbying activity  
11 as provided in 18 U.S.C. 1913; (2) used for litigation ex-  
12 penses; or (3) used to support multi-State efforts or other  
13 coalition building activities inconsistent with the restric-  
14 tions contained in this Act: *Provided further*, That all pro-  
15 ceeds and recoveries by the Secretary in carrying out ac-  
16 tivities authorized by the Nuclear Waste Policy Act of  
17 1982 in Public Law 97–425, as amended, including but  
18 not limited to, any proceeds from the sale of assets, shall  
19 be available without further appropriation and shall re-  
20 main available until expended.

21 DEPARTMENTAL ADMINISTRATION

22 For salaries and expenses of the Department of En-  
23 ergy necessary for departmental administration in car-  
24 rying out the purposes of the Department of Energy Orga-  
25 nization Act (42 U.S.C. 7101 et seq.), including the hire

1 of passenger motor vehicles and official reception and rep-  
2 resentation expenses (not to exceed \$35,000),  
3 \$226,107,000, to remain available until expended, plus  
4 such additional amounts as necessary to cover increases  
5 in the estimated amount of cost of work for others not-  
6 withstanding the provisions of the Anti-Deficiency Act (31  
7 U.S.C. 1511 et seq.): *Provided*, That such increases in  
8 cost of work are offset by revenue increases of the same  
9 or greater amount, to remain available until expended:  
10 *Provided further*, That moneys received by the Department  
11 for miscellaneous revenues estimated to total  
12 \$151,000,000 in fiscal year 2001 may be retained and  
13 used for operating expenses within this account, and may  
14 remain available until expended, as authorized by section  
15 201 of Public Law 95–238, notwithstanding the provisions  
16 of 31 U.S.C. 3302: *Provided further*, That the sum herein  
17 appropriated shall be reduced by the amount of miscella-  
18 neous revenues received during fiscal year 2001 so as to  
19 result in a final fiscal year 2001 appropriation from the  
20 General Fund estimated at not more than \$75,107,000.

21 OFFICE OF THE INSPECTOR GENERAL

22 For necessary expenses of the Office of the Inspector  
23 General in carrying out the provisions of the Inspector  
24 General Act of 1978, as amended, \$31,500,000, to remain  
25 available until expended.

1           ATOMIC ENERGY DEFENSE ACTIVITIES  
2           NATIONAL NUCLEAR SECURITY ADMINISTRATION  
3                           WEAPONS ACTIVITIES

4           For Department of Energy expenses, including the  
5 purchase, construction and acquisition of plant and capital  
6 equipment and other incidental expenses necessary for  
7 atomic energy defense weapons activities in carrying out  
8 the purposes of the Department of Energy Organization  
9 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
10 condemnation of any real property or any facility or for  
11 plant or facility acquisition, construction, or expansion;  
12 and the purchase of passenger motor vehicles (not to ex-  
13 ceed 12 for replacement only), \$5,015,186,000, to remain  
14 available until expended: *Provided:* That, \$130,000,000  
15 shall be immediately available for Project 96-D-111, the  
16 National Ignition Facility at Lawrence Livermore Na-  
17 tional Laboratory: *Provided further,* That \$69,100,000  
18 shall be available only upon a certification by the Adminis-  
19 trator of the National Nuclear Security Administration to  
20 the Congress after March 31, 2001, that (a) includes a  
21 recommendation on an appropriate path forward for the  
22 project; (b) certifies all established project and scientific  
23 milestones have been met on schedule and on cost; (c) cer-  
24 tifies the first and second quarter project reviews in fiscal  
25 year 2001 determined the project to be on schedule and



1 cost; (d) includes a study of requirements for and alter-  
2 natives to a 192 beam ignition facility for maintaining the  
3 safety and reliability of the current nuclear weapons stock-  
4 pile; (e) certifies an integrated cost-schedule earned-value  
5 project control system has been fully implemented; and (f)  
6 includes a five-year budget plan for the stockpile steward-  
7 ship program.

8 DEFENSE NUCLEAR NONPROLIFERATION

9 For Department of Energy expenses, including the  
10 purchase, construction and acquisition of plant and capital  
11 equipment and other incidental expenses necessary for  
12 atomic energy defense, Defense Nuclear Nonproliferation  
13 activities, in carrying out the purposes of the Department  
14 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
15 cluding the acquisition or condemnation of any real prop-  
16 erty or any facility or for plant or facility acquisition, con-  
17 struction, or expansion, \$874,196,000, to remain available  
18 until expended: *Provided*, That not to exceed \$7,000 may  
19 be used for official reception and representation expenses  
20 for national security and nonproliferation (including trans-  
21 parency) activities in fiscal year 2001.

22 NAVAL REACTORS

23 For Department of Energy expenses necessary for  
24 naval reactors activities to carry out the Department of  
25 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-  
26 ing the acquisition (by purchase, condemnation, construc-

1 tion, or otherwise) of real property, plant, and capital  
2 equipment, facilities, and facility expansion,  
3 \$690,163,000, to remain available until expended.

4 OFFICE OF THE ADMINISTRATOR

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

10 OTHER DEFENSE RELATED ACTIVITIES

11 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE

12 MANAGEMENT

13 For Department of Energy expenses, including the  
14 purchase, construction and acquisition of plant and capital  
15 equipment and other expenses necessary for atomic energy  
16 defense environmental restoration and waste management  
17 activities in carrying out the purposes of the Department  
18 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
19 cluding the acquisition or condemnation of any real prop-  
20 erty or any facility or for plant or facility acquisition, con-  
21 struction, or expansion; and the purchase of 30 passenger  
22 motor vehicles for replacement only, \$4,974,476,000, to  
23 remain available until expended.

24 DEFENSE FACILITIES CLOSURE PROJECTS

25 For expenses of the Department of Energy to accel-  
26 erate the closure of defense environmental management

1 sites, including the purchase, construction and acquisition  
2 of plant and capital equipment and other necessary ex-  
3 penses, \$1,082,714,000, to remain available until ex-  
4 pended.

5           DEFENSE ENVIRONMENTAL MANAGEMENT

6                           PRIVATIZATION

7           For Department of Energy expenses for privatization  
8 projects necessary for atomic energy defense environ-  
9 mental management activities authorized by the Depart-  
10 ment of Energy Organization Act (42 U.S.C. 7101 et  
11 seq.), \$65,000,000, to remain available until expended.

12                           OTHER DEFENSE ACTIVITIES

13           For Department of Energy expenses, including the  
14 purchase, construction and acquisition of plant and capital  
15 equipment and other expenses necessary for atomic energy  
16 defense, other defense activities, in carrying out the pur-  
17 poses of the Department of Energy Organization Act (42  
18 U.S.C. 7101 et seq.), including the acquisition or con-  
19 demnation of any real property or any facility or for plant  
20 or facility acquisition, construction, or expansion,  
21 \$585,755,000, to remain available until expended, of  
22 which \$17,000,000 shall be for the Department of Energy  
23 Employees Compensation Initiative upon enactment of au-  
24 thorization legislation into law.

## 1 DEFENSE NUCLEAR WASTE DISPOSAL

2 For nuclear waste disposal activities to carry out the  
3 purposes of Public Law 97–425, as amended, including  
4 the acquisition of real property or facility construction or  
5 expansion, \$200,000,000, to remain available until ex-  
6 pended.

## 7 POWER MARKETING ADMINISTRATIONS

## 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 the Nez Perce Tribe Resident Fish Sub-  
12 stitution Program, the Cour D’Alene Tribe Trout Produc-  
13 tion facility, and for official reception and representation  
14 expenses in an amount not to exceed \$1,500.

15 During fiscal year 2001, no new direct loan obliga-  
16 tions may be made. Section 511 of the Energy and Water  
17 Development Appropriations Act, 1997 (Public Law 104–  
18 206), is amended by striking the last sentence and insert-  
19 ing “This authority shall expire January 1, 2003.”.

20 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER  
21 ADMINISTRATION

22 For necessary expenses of operation and maintenance  
23 of power transmission facilities and of marketing electric  
24 power and energy, including transmission wheeling and  
25 ancillary services, pursuant to the provisions of section 5

1 of the Flood Control Act of 1944 (16 U.S.C. 825s), as  
2 applied to the southeastern power area, \$3,900,000, to re-  
3 main available until expended; in addition, notwith-  
4 standing the provisions of 31 U.S.C. 3302, amounts col-  
5 lected by the Southeastern Power Administration pursu-  
6 ant to the Flood Control Act to recover purchase power  
7 and wheeling expenses shall be credited to this account  
8 as offsetting collections, to remain available until expended  
9 for the sole purpose of making purchase power and wheel-  
10 ing expenditures as follows: for fiscal year 2001, up to  
11 \$34,463,000; for fiscal year 2002, up to \$26,463,000; for  
12 fiscal year 2003, up to \$20,000,000; and for fiscal year  
13 2004, up to \$15,000,000.

14       OPERATION AND MAINTENANCE, SOUTHWESTERN  
15                                   POWER ADMINISTRATION

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

1 standing the provisions of 31 U.S.C. 3302, not to exceed  
2 \$4,200,000 in reimbursements, to remain available until  
3 expended: *Provided*, That amounts collected by the South-  
4 western Power Administration pursuant to the Flood Con-  
5 trol Act to recover purchase power and wheeling expenses  
6 shall be credited to this account as offsetting collections,  
7 to remain available until expended for the sole purpose  
8 of making purchase power and wheeling expenditures as  
9 follows: for fiscal year 2001, up to \$288,000; for fiscal  
10 year 2002, up to \$288,000; for fiscal year 2003, up to  
11 \$288,000; and for fiscal year 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  
16 U.S.C. 7152), and other related activities including con-  
17 servation and renewable resources programs as author-  
18 ized, including official reception and representation ex-  
19 penses in an amount not to exceed \$1,500, \$165,830,000,  
20 to remain available until expended, of which \$154,616,000  
21 shall be derived from the Department of the Interior Rec-  
22 lamation Fund: *Provided*, That of the amount herein ap-  
23 propriated, \$5,950,000 is for deposit into the Utah Rec-  
24 lamation Mitigation and Conservation Account pursuant  
25 to title IV of the Reclamation Projects Authorization and  
26 Adjustment Act of 1992: *Provided further*, That amounts

1 collected by the Western Area Power Administration pur-  
2 suant to the Flood Control Act of 1944 and the Reclama-  
3 tion Project Act of 1939 to recover purchase power and  
4 wheeling expenses shall be credited to this account as off-  
5 setting collections, to remain available until expended for  
6 the sole purpose of making purchase power and wheeling  
7 expenditures as follows: for fiscal year 2001, up to  
8 \$65,224,000; for fiscal year 2002, up to \$33,500,000; for  
9 fiscal year 2003, up to \$30,000,000; and for fiscal year  
10 2004, up to \$20,000,000.

11 FALCON AND AMISTAD OPERATING AND MAINTENANCE  
12 FUND

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

20 FEDERAL ENERGY REGULATORY COMMISSION  
21 SALARIES AND EXPENSES

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

1 the hire of passenger motor vehicles, and official reception  
 2 and representation expenses (not to exceed \$3,000),  
 3 \$175,200,000, to remain available until expended: *Pro-*  
 4 *vided*, That notwithstanding any other provision of law,  
 5 not to exceed \$175,200,000 of revenues from fees and an-  
 6 nual charges, and other services and collections in fiscal  
 7 year 2001 shall be retained and used for necessary ex-  
 8 penses in this account, and shall remain available until  
 9 expended: *Provided further*, That the sum herein appro-  
 10 priated from the General Fund shall be reduced as reve-  
 11 nues are received during fiscal year 2001 so as to result  
 12 in a final fiscal year 2001 appropriation from the General  
 13 Fund estimated at not more than \$0.

#### 14 RESCISSIONS

##### 15 DEFENSE NUCLEAR WASTE DISPOSAL

###### 16 (RESCISSION)

17 Of the funds appropriated in Public Law 104–46 for  
 18 interim storage of nuclear waste, \$75,000,000 are trans-  
 19 ferred to this heading and are hereby rescinded.

##### 20 DEFENSE ENVIRONMENTAL MANAGEMENT

###### 21 PRIVATIZATION

###### 22 (RESCISSION)

23 Of the funds appropriated in Public Law 106–60 and  
 24 prior Energy and Water Development Acts for the Tank  
 25 Waste Remediation System at Richland, Washington,



1 \$97,000,000 of unexpended balances of prior appropria-  
2 tions are rescinded.

3 GENERAL PROVISIONS

4 DEPARTMENT OF ENERGY

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

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

20 SEC. 302. None of the funds appropriated by this Act  
21 may be used to—

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

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

7           SEC. 303. None of the funds appropriated by this Act  
8           may be used to augment the \$24,500,000 made available  
9           for obligation by this Act for severance payments and  
10          other benefits and community assistance grants under sec-  
11          tion 3161 of the National Defense Authorization Act for  
12          Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644;  
13          42 U.S.C. 7274h) unless the Department of Energy sub-  
14          mits a reprogramming request subject to approval by the  
15          appropriate Congressional committees.

16          SEC. 304. None of the funds appropriated by this Act  
17          may be used to prepare or initiate Requests For Proposals  
18          (RFPs) for a program if the program has not been funded  
19          by Congress.

20                    (TRANSFERS OF UNEXPENDED BALANCES)

21          SEC. 305. The unexpended balances of prior appro-  
22          priations provided for activities in this Act may be trans-  
23          ferred to appropriation accounts for such activities estab-  
24          lished pursuant to this title. Balances so transferred may  
25          be merged with funds in the applicable established ac-

1 counts and thereafter may be accounted for as one fund  
2 for the same time period as originally enacted.

3       SEC. 306. Of the funds in this Act provided to gov-  
4 ernment-owned, contractor-operated laboratories, not to  
5 exceed 6 percent shall be available to be used for Labora-  
6 tory Directed Research and Development.

7       SEC. 307. (a) Of the funds appropriated by this title  
8 to the Department of Energy, not more than  
9 \$185,000,000 shall be available for reimbursement of  
10 management and operating contractor travel expenses, of  
11 which \$10,000,000 is available for use by the Chief Finan-  
12 cial Officer of the Department of Energy for emergency  
13 travel expenses.

14       (b) Funds appropriated by this title to the Depart-  
15 ment of Energy may be used to reimburse a Department  
16 of Energy management and operating contractor for travel  
17 costs of its employees under the contract only to the extent  
18 that the contractor applies to its employees the same rates  
19 and amounts as those that apply to Federal employees  
20 under subchapter I of chapter 57 of title 5, United States  
21 Code, or rates and amounts established by the Secretary  
22 of Energy. The Secretary of Energy may provide excep-  
23 tions to the reimbursement requirements of this section  
24 as the Secretary considers appropriate.

1 (c) The limitation in subsection (a) shall not apply  
2 to reimbursement of management and operating con-  
3 tractor travel expenses within the Laboratory Directed Re-  
4 search and Development program.

5 SEC. 308. No funds are provided in this Act or any  
6 other Act for the Administrator of the Bonneville Power  
7 Administration to enter into any agreement to perform en-  
8 ergy efficiency services outside the legally defined Bonne-  
9 ville service territory, with the exception of services pro-  
10 vided internationally, including services provided on a re-  
11 imburseable basis, unless the Administrator certifies that  
12 such services are not available from private sector busi-  
13 nesses.

14 SEC. 309. None of the funds in this Act may be used  
15 to dispose of transuranic waste in the Waste Isolation  
16 Pilot Plant which contains concentrations of plutonium in  
17 excess of 20 percent by weight for the aggregate of any  
18 material category on the date of enactment of this Act,  
19 or is generated after such date. For the purposes of this  
20 section, the material categories of transuranic waste at the  
21 Rocky Flats Environmental Technology Site include: (1)  
22 ash residues; (2) salt residues; (3) wet residues; (4) direct  
23 repackaged residues; and (5) scrub alloy as referenced in  
24 the "Final Environmental Impact Statement on Manage-  
25 ment of Certain Plutonium Residues and Scrub Alloy

1 Stored at the Rocky Flats Environmental Technology  
2 Site”.

3       SEC. 310. The Administrator of the National Nuclear  
4 Security Administration may authorize the plant manager  
5 of a covered nuclear weapons production plant to engage  
6 in research, development, and demonstration activities  
7 with respect to the engineering and manufacturing capa-  
8 bilities at such plant in order to maintain and enhance  
9 such capabilities at such plant: *Provided*, That of the  
10 amount allocated to a covered nuclear weapons production  
11 plant each fiscal year from amounts available to the De-  
12 partment of Energy for such fiscal year for national secu-  
13 rity programs, not more than an amount equal to 2 per-  
14 cent of such amount may be used for these activities: *Pro-*  
15 *vided further*, That for purposes of this section, the term  
16 “covered nuclear weapons production plant” means the  
17 following:

18           (1) The Kansas City Plant, Kansas City, Mis-  
19       souri.

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

21           (3) The Pantex Plant, Amarillo, Texas.

22           (4) The Savannah River Plant, South Carolina.

23       SEC. 311. Notwithstanding any other law, and with-  
24 out fiscal year limitation, each Federal Power Marketing  
25 Administration is authorized to engage in activities and

1 solicit, undertake and review studies and proposals relat-  
2 ing to the formation and operation of a regional trans-  
3 mission organization.

4       SEC. 312. Not more than \$10,000,000 of funds pre-  
5 viously appropriated for interim waste storage activities  
6 for Defense Nuclear Waste Disposal in Public Law 104-  
7 46, the Energy and Water Development Appropriations  
8 Act, 1996, may be made available to the Department of  
9 Energy upon written certification by the Secretary of En-  
10 ergy to the House and Senate Committees on Appropria-  
11 tions that the Site Recommendation Report cannot be  
12 completed on time without additional funding.

13       SEC. 313. TERM OF OFFICE OF PERSON FIRST AP-  
14 POINTED AS UNDER SECRETARY FOR NUCLEAR SECUR-  
15 RITY OF THE DEPARTMENT OF ENERGY. (a) LENGTH OF  
16 TERM.—The term of office as Under Secretary for Nu-  
17 clear Security of the Department of Energy of the first  
18 person appointed to that position shall be 3 years.

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

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

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

6       SEC. 314. SCOPE OF AUTHORITY OF SECRETARY OF  
7 ENERGY TO MODIFY ORGANIZATION OF NATIONAL NU-  
8 CLEAR SECURITY ADMINISTRATION. (a) SCOPE OF AU-  
9 THORITY.—Subtitle A of the National Nuclear Security  
10 Administration Act (title XXXII of Public Law 106–65;  
11 113 Stat. 957; 50 U.S.C. 2401 et seq.) is amended by  
12 adding at the 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  
17 643 of the Department of Energy Organization Act (42  
18 U.S.C. 7253) or any other provision of law, the Secretary  
19 of Energy may not establish, abolish, alter, consolidate,  
20 or discontinue any organizational unit or component, or  
21 transfer any function, of the Administration, except as au-  
22 thorized 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 Ad-  
8 ministration is governed by the provisions of section 3219  
9 of the National Nuclear Security Administration Act (title  
10 XXXII of Public Law 106–65).”.

11 SEC. 315. PROHIBITION ON PAY OF PERSONNEL EN-  
12 GAGED IN CONCURRENT SERVICE OR DUTIES INSIDE AND  
13 OUTSIDE NATIONAL NUCLEAR SECURITY ADMINISTRA-  
14 TION. Subtitle C of the National Nuclear Security Admin-  
15 istration Act (title XXXII of Public Law 106–65; 50  
16 U.S.C. 2441 et seq.) is amended by adding at the end  
17 the following new section:

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

21 “(a) Except as otherwise expressly provided by stat-  
22 ute, no funds authorized to be appropriated or otherwise  
23 made available for the Department of Energy may be obli-  
24 gated or utilized to pay the basic pay of an officer or em-  
25 ployee of the Department of Energy who—





1 Law 100–456, section 1441, \$18,500,000, to remain  
2 available until expended.

3 DELTA REGIONAL AUTHORITY

4 SALARIES AND EXPENSES

5 For necessary expenses to establish the Delta Re-  
6 gional Authority and to carry out its activities,  
7 \$20,000,000, to remain available until expended.

8 DENALI COMMISSION

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

13 NUCLEAR REGULATORY COMMISSION

14 SALARIES AND EXPENSES

15 For necessary expenses of the Commission in car-  
16 rying out the purposes of the Energy Reorganization Act  
17 of 1974, as amended, and the Atomic Energy Act of 1954,  
18 as amended, including official representation expenses  
19 (not to exceed \$15,000), \$481,900,000, to remain avail-  
20 able until expended: *Provided*, That of the amount appro-  
21 priated herein, \$21,600,000 shall be derived from the Nu-  
22 clear Waste Fund: *Provided further*, That revenues from  
23 licensing fees, inspection services, and other services and  
24 collections estimated at \$447,958,000 in fiscal year 2001  
25 shall be retained and used for necessary salaries and ex-

1 penses in this account, notwithstanding 31 U.S.C. 3302,  
2 and shall remain available until expended: *Provided fur-*  
3 *ther*, That \$3,200,000 of the funds herein appropriated  
4 for regulatory reviews and assistance to other Federal  
5 agencies and States shall be excluded from license fee rev-  
6 enues, notwithstanding 42 U.S.C. 2214: *Provided further*,  
7 That the sum herein appropriated shall be reduced by the  
8 amount of revenues received during fiscal year 2001 so  
9 as to result in a final fiscal year 2001 appropriation esti-  
10 mated at not more than \$33,942,000.

11 OFFICE OF INSPECTOR GENERAL

12 For necessary expenses of the Office of Inspector  
13 General in carrying out the provisions of the Inspector  
14 General Act of 1978, as amended, \$5,500,000, to remain  
15 available until expended: *Provided*, That revenues from li-  
16 censing fees, inspection services, and other services and  
17 collections estimated at \$5,390,000 in fiscal year 2001  
18 shall be retained and be available until expended, for nec-  
19 essary salaries and expenses in this account notwith-  
20 standing 31 U.S.C. 3302: *Provided further*, That the sum  
21 herein appropriated shall be reduced by the amount of rev-  
22 enues received during fiscal year 2001 so as to result in  
23 a final fiscal year 2001 appropriation estimated at not  
24 more than \$110,000.

1           NUCLEAR WASTE TECHNICAL REVIEW BOARD  
2                           SALARIES AND EXPENSES

3           For necessary expenses of the Nuclear Waste Tech-  
4 nical Review Board, as authorized by Public Law 100-  
5 203, section 5051, \$2,900,000, to be derived from the Nu-  
6 clear Waste Fund, and to remain available until expended.

7                           TITLE V  
8                   FISCAL YEAR 2001 EMERGENCY  
9                           APPROPRIATIONS

10                   DEPARTMENT OF ENERGY  
11           ATOMIC ENERGY DEFENSE ACTIVITIES

12                           CERRO GRANDE FIRE ACTIVITIES

13           For necessary expenses to remediate damaged De-  
14 partment of Energy facilities and for other expenses asso-  
15 ciated with the Cerro Grande fire, \$203,460,000, to re-  
16 main available until expended, of which \$2,000,000 shall  
17 be made available to the United States Army Corps of En-  
18 gineers to undertake immediate measures to provide ero-  
19 sion control and sediment protection to sewage lines,  
20 trails, and bridges in Pueblo and Los Alamos Canyons  
21 downstream of Diamond Drive in New Mexico: *Provided*,  
22 That the entire amount shall be available only to the ex-  
23 tent an official budget request for \$203,460,000, that in-  
24 cludes designation of the entire amount of the request as  
25 an emergency requirement as defined in the Balanced

1 Budget and Emergency Deficit Control Act of 1985, as  
2 amended, is transmitted by the President to the Congress:  
3 *Provided further*, That the entire amount is designated by  
4 the Congress as an emergency requirement pursuant to  
5 section 251(b)(2)(A) of the Balanced Budget and Emer-  
6 gency Deficit Control Act of 1985, as amended.

## 7 INDEPENDENT AGENCIES

### 8 APPALACHIAN REGIONAL COMMISSION

9 For necessary expenses to carry out the programs au-  
10 thorized by the Appalachian Regional Development Act of  
11 1965, as amended, \$11,000,000, to remain available until  
12 expended, which shall be available only to the extent an  
13 official budget request for \$11,000,000, that includes des-  
14 ignation of the entire amount of the request as an emer-  
15 gency requirement as defined in the Balanced Budget and  
16 Emergency Deficit Control Act of 1985, as amended, is  
17 transmitted by the President to the Congress: *Provided*,  
18 That the entire amount is designated by the Congress as  
19 an emergency requirement pursuant to section  
20 251(b)(2)(A) of the Balanced Budget and Emergency  
21 Deficit Control Act of 1985, as amended.

## 22 TITLE VI

### 23 GENERAL PROVISIONS

24 SEC. 601. None of the funds appropriated by this Act  
25 may be used in any way, directly or indirectly, to influence

1 congressional action on any legislation or appropriation  
2 matters pending before Congress, other than to commu-  
3 nicate to Members of Congress as described in section  
4 1913 of title 18, United States Code.

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

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

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

1 gibility procedures described in sections 9.400 through  
2 9.409 of title 48, Code of Federal Regulations.

3       SEC. 603. (a) None of the funds appropriated or oth-  
4 erwise made available by this Act may be used to deter-  
5 mine the final point of discharge for the interceptor drain  
6 for the San Luis Unit until development by the Secretary  
7 of the Interior and the State of California of a plan, which  
8 shall conform to the water quality standards of the State  
9 of California as approved by the Administrator of the En-  
10 vironmental Protection Agency, to minimize any detri-  
11 mental effect of the San Luis drainage waters.

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

1 such service or studies pursuant to Federal Reclamation  
2 law.

3       SEC. 604. None of the funds appropriated by this Act  
4 shall be used to propose or issue rules, regulations, de-  
5 crees, or orders for the purpose of implementation, or in  
6 preparation for implementation, of the Kyoto Protocol  
7 which was adopted on December 11, 1997, in Kyoto,  
8 Japan at the Third Conference of the Parties to the  
9 United Nations Framework Convention on Climate  
10 Change, which has not been submitted to the Senate for  
11 advice and consent to ratification pursuant to article II,  
12 section 2, clause 2, of the United States Constitution, and  
13 which has not entered into force pursuant to article 25  
14 of the Protocol.

15       SEC. 605. FUNDING OF THE COASTAL WETLANDS  
16 PLANNING, PROTECTION AND RESTORATION ACT. Section  
17 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)),  
18 is amended in the second sentence by striking “2000” and  
19 inserting “2009”.

20       SEC. 606. REDESIGNATION OF INTERSTATE SANITA-  
21 TION COMMISSION AND DISTRICT. (a) INTERSTATE SANI-  
22 TATION COMMISSION.—

23           (1) IN GENERAL.—The district known as the  
24       “Interstate Sanitation Commission”, established by  
25       article III of the Tri-State Compact described in the



1 Resolution entitled, “A Joint Resolution granting  
2 the consent of Congress to the States of New York,  
3 New Jersey, and Connecticut to enter into a com-  
4 pact for the creation of the Interstate Sanitation  
5 District and the establishment of the Interstate  
6 Sanitation Commission”, approved August 27, 1935  
7 (49 Stat. 933), is redesignated as the “Interstate  
8 Environmental Commission”.

9 (2) REFERENCES.—Any reference in a law, reg-  
10 ulation, map, document, paper, or other record of  
11 the United States to the Interstate Sanitation Com-  
12 mission shall be deemed to be a reference to the  
13 Interstate Environmental Commission.

14 (b) INTERSTATE SANITATION DISTRICT.—

15 (1) IN GENERAL.—The district known as the  
16 “Interstate Sanitation District”, established by arti-  
17 cle II of the Tri-State Compact described in the Res-  
18 olution entitled, “A Joint Resolution granting the  
19 consent of Congress to the States of New York, New  
20 Jersey, and Connecticut to enter into a compact for  
21 the creation of the Interstate Sanitation District and  
22 the establishment of the Interstate Sanitation Com-  
23 mission”, approved August 27, 1935 (49 Stat. 932),  
24 is redesignated as the “Interstate Environmental  
25 District”.



1           “(2) AGGREGATE AMOUNT OF CHARGES.—

2                   “(A) IN GENERAL.—The aggregate  
3 amount of the annual charges collected from all  
4 licensees and certificate holders in a fiscal year  
5 shall equal an amount that approximates the  
6 percentages of the budget authority of the Com-  
7 mission for the fiscal year stated in subpara-  
8 graph (B), less—

9                           “(i) amounts collected under sub-  
10 section (b) during the fiscal year; and

11                           “(ii) amounts appropriated to the  
12 Commission from the Nuclear Waste Fund  
13 for the fiscal year.

14                   “(B) PERCENTAGES.—The percentages re-  
15 ferred to in subparagraph (A) are—

16                           “(i) 98 percent for fiscal year 2001;

17                           “(ii) 96 percent for fiscal year 2002;

18                           “(iii) 94 percent for fiscal year 2003;

19                           “(iv) 92 percent for fiscal year 2004;

20                           and

21                           “(v) 90 percent for fiscal year 2005.”.

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

○