Making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

June 26, 2001

Mr. CALLAHAN, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:
The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

**General Investigations**

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $163,260,000, to remain available until expended: Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $1,000,000 of the funds appropriated herein to continue preconstruction engineering and design of the Murrieta Creek, California, flood protection and environmental enhancement project and is further directed to proceed with the project in accordance with cost sharing established for the Murrieta
Creek project in Public Law 106–377: Provided further,

That the Secretary of the Army, acting through the Chief

of Engineers, is directed to use the feasibility report pre-

pared under the authority of section 205 of the Flood Con-

trol Act of 1948, as amended, as the basis for the Rock

Creek-Keefer Slough Flood Control Project, Butte Coun-

ty, California, and is further directed to use $200,000 of

the funds appropriated herein for preconstruction engi-

neering and design of the project: Provided further, That

in conducting the Southwest Valley Flood Damage Reduc-

tion Study, Albuquerque, New Mexico, the Secretary of

the Army, acting through the Chief Engineers, shall in-

clude an evaluation of flood damage reduction measures

that would otherwise be excluded from the feasibility anal-

ysis based on policies regarding the frequency of flooding,

the drainage areas, and the amount of runoff.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control,

shore protection, and related projects authorized by laws;

and detailed studies, and plans and specifications, of

projects (including those for development with participa-

tion or under consideration for participation by States,

local governments, or private groups) authorized or made

eligible for selection by law (but such studies shall not con-

stitute a commitment of the Government to construction),
$1,671,854,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 12, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; and London Locks and Dam, Kanawha River, West Virginia, projects; and of which funds are provided for the following projects in the amounts specified:

San Timoteo Creek (Santa Ana River Mainstem), California, $10,000,000;

Indianapolis Central Waterfront, Indiana, $9,000,000;

Southern and Eastern Kentucky, Kentucky, $4,000,000;

Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Floyd County, Mar-
tin County, and Harlan County, Kentucky, elements
of the Levisa and Tug Forks of the Big Sandy River
and Upper Cumberland River, Kentucky,
$15,450,000: Provided, That $15,000,000 of the
funds appropriated herein shall be deposited in the
San Gabriel Basin Restoration Fund established by
section 110 of division B, title I of Public Law 106–
554, of which $1,000,000 shall be for remediation in
the Central Basin Municipal Water District: Pro-
vided further, That using $1,000,000 of the funds
appropriated herein, the Secretary of the Army, act-
ing through the Chief of Engineers, is directed to
modify the Carr Creek Lake, Kentucky, project at
full Federal expense to provide additional water sup-
ply storage for the Upper Kentucky River Basin:
Provided further, That with $1,200,000 of the funds
appropriated herein, the Secretary of the Army, act-
ing through the Chief of Engineers, is directed to
undertake design deficiency repairs to the Bois
Brule Drainage and Levee District, Missouri, project
authorized and constructed under the authority of
the Flood Control Act of 1936 with cost sharing
consistent with the original project authorization:
Provided further, That in accordance with section
332 of the Water Resources Development Act of
1999, the Secretary of the Army is directed to increase the authorized level of protection of the Bois Brule Drainage and Levee District, Missouri, project from 50 years to 100 years using $700,000 of the funds appropriated herein, and the project costs allocated to the incremental increase in the level of protection shall be cost shared consistent with section 103(a) of the Water Resources Development Act of 1986, notwithstanding section 202(a) of the Water Resources Development Act of 1996.

Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee

For expenses necessary for prosecuting work of flood control, rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g–1), $347,665,000, to remain available until expended.

Operation and Maintenance, General

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of gen-
eral commerce and navigation; surveys and charting of
northern and northwestern lakes and connecting waters;
clearing and straightening channels; and removal of ob-
structions to navigation, $1,864,464,000, to remain avail-
able until expended, of which such sums as become avail-
able in the Harbor Maintenance Trust Fund, pursuant to
Public Law 99–662, may be derived from that Fund, and
of which such sums as become available from the special
account established by the Land and Water Conservation
Act of 1965, as amended (16 U.S.C. 460l), may be derived
from that account for construction, operation, and mainte-
nance of outdoor recreation facilities: Provided, That with
$1,500,000 of the funds appropriated herein, the Sec-
retary of the Army, acting through the Chief of Engineers,
is directed to perform cultural resource mitigation and
recreation improvements at Waco Lake, Texas, at full
Federal expense notwithstanding the provisions of the
Water Supply Act of 1958: Provided further, That the Sec-
retary of the Army, acting through the Chief of Engineers,
is directed to use $2,000,000 of the funds appropriated
herein to grade the basin within the Hansen Dam feature
of the Los Angeles County Drainage Area, California,
project to enhance and maintain flood capacity and to pro-
vide for future use of the basin for compatible purposes
consistent with the Master Plan including recreation and
environmental restoration: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $1,000,000 of the funds appropriated herein to fully investigate the development of an upland disposal site recycling program on the Black Warrior and Tombigbee Rivers project and the Apalachicola, Chattahoochee and Flint Rivers project: Provided further, That, for the Raritan River Basin, Green Brook Sub-Basin, New Jersey, project, the Secretary of the Army, acting through the Chief of Engineers, is directed to implement the locally preferred plan for the element in the western portion of Middlesex Borough, New Jersey, which includes the buyout of up to 22 homes, and flood proofing of four commercial buildings along Prospect Place and Union Avenue, and also the buyout of up to three commercial buildings along Raritan and Lincoln Avenues, at a total estimated cost of $15,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $3,500,000.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $128,000,000, to remain available until expended.
FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation’s early atomic energy program, $140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, and headquarters support functions at the USACE Finance Center, $153,000,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: Provided further, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed
$5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

Corps of Engineers—Civil

Sec. 101. Section 110(3)(B)(ii) of division B, title I of Public Law 106–554 is amended by inserting the following before the period: “Provided, That the Secretary shall credit the San Gabriel Water Quality Authority with the value of all prior expenditures by the non-Federal interests that are compatible with the purposes of this Act”.

Sec. 102. Except for the historic scheduled maintenance dredging in the Delaware River, none of the funds appropriated in this Act shall be used to operate the dredge McFARLAND other than in active ready reserve for urgent dredging, emergencies and in support of national defense.

Sec. 103. (a) The Secretary of the Army, acting through the Chief of Engineers, is directed to include an alternatives analysis of a multipurpose Auburn Dam as a part of the Sacramento District’s current American River watershed long-term study.
(b) The project purposes of a multipurpose Auburn Dam shall include hydropower, water supply, flood control, and ecosystem restoration.

Sec. 104. (a) Conveyance Authorized.—The Secretary of the Army shall convey to the Blue Township Fire District, Blue Township, Kansas, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 4.35 acres located in Pottawatomie County, Tuttle Creek Lake, Kansas.

(b) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(c) Reversion.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership or to be used as a site for a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

Sec. 105. For those shore protection projects funded in this Act which have Project Cooperation Agreements in place, the Secretary of the Army is directed to proceed with those projects in accordance with the cost sharing specified in the Project Cooperation Agreement.
None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the spring-time water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

TITLE II
DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $34,918,000, to remain available until expended, of which $10,749,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,310,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:
For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $691,160,000, to remain available until expended, of which $14,649,000 shall be available for transfer to the Upper Colorado River Basin Fund and $31,442,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which $8,000,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106–163; and of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account
established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting “2001, and 2002” in lieu of “and 2001”.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $7,215,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $26,000,000.
In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $280,000, to remain available until expended: Provided, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $55,039,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $52,968,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this
Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

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

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

Sec. 201. None of the funds made available in this Act may be used by the Bureau of Reclamation (either directly or by making the funds available to an entity under a contract) for the issuance of permits for, or any other activity related to the management of, commercial rafting activities within the Auburn State Recreation Area, California, until the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 12151 et seq.) are met with respect to such commercial rafting activities.

Sec. 202. Section 101(a)(6)(C) of the Water Resources Development Act of 1999 (113 Stat. 274) is amended to read as follows:

“(C) MAKEUP OF WATER SHORTAGES CAUSED BY FLOOD CONTROL OPERATION.—The Secretary of the Interior shall enter into, or modify, such agreements with the Sacramento
Area Flood Control Agency regarding the operation of Folsom Dam and Reservoir, as may be necessary, in order that, notwithstanding any prior agreement or provision of law, 100 percent of the water needed to make up for any water shortage caused by variable flood control operation during any year at Folsom Dam and resulting in a significant impact to the environment or to recreation shall be replaced, to the extent that water is available, as determined by the Secretary of the Interior, with 100 percent of the cost of such available water borne by the Sacramento Area Flood Control Agency.”

TITLE III
DEPARTMENT OF ENERGY
ENERGY PROGRAMS
ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for energy supply activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not
to exceed 17 passenger motor vehicles for replacement only, $639,317,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $227,872,000, to remain available until expended.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, $393,425,000, of which $272,641,000 shall be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, all of which shall remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 25 passenger motor vehicles for replacement only, $3,166,395,000, to remain available until expended.

**Nuclear Waste Disposal**

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $133,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: 

*Provided*, That not to exceed $2,500,000 may be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: 

*Provided further*, That $6,000,000 shall be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: 

*Provided further*, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: 

*Provided further*, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government
by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97–425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.
DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $209,611,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That of the funds provided to the Department of Energy under title III of Public Law 105–277 for activities related to achieving Year 2000 conversion of Federal information technology systems and related expenses, remaining balances, estimated to be $1,480,000, may be transferred to this account, and shall remain available until expended, for continuation of information technology enhancement activities: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $137,810,000 in
fiscal year 2002 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at not more than $71,801,000.

**Office of the Inspector General**


**Atomic Energy Defense Activities**

**National Nuclear Security Administration**

**Weapons Activities**

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for...
plant or facility acquisition, construction, or expansion;
and the purchase of not to exceed 11 passenger motor ve-
hicles for replacement only, $5,123,888,000, to remain
available until expended.

**DEFENSE NUCLEAR NONPROLIFERATION**

For Department of Energy expenses, including the
purchase, construction and acquisition of plant and capital
equipment and other incidental expenses necessary for
atomic energy defense, defense nuclear nonproliferation
activities, in carrying out the purposes of the Department
of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
cluding the acquisition or condemnation of any real prop-
erty or any facility or for plant or facility acquisition, con-
struction, or expansion, $845,341,000, to remain available
until expended.

**NAVAL REACTORS**

For Department of Energy expenses necessary for
naval reactors activities to carry out the Department of
Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
ing the acquisition (by purchase, condemnation, construc-
tion, or otherwise) of real property, plant, and capital
equipment, facilities, and facility expansion,
$688,045,000, to remain available until expended.
Office of the Administrator

For necessary expenses of the Office of the Administrator of the National Nuclear Security Administration, including official reception and representation expenses (not to exceed $12,000), $10,000,000, to remain available until expended.

Environmental and Other Defense Activities

Defence Environmental Restoration and Waste Management

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 30 passenger motor vehicles, of which 27 shall be for replacement only, $5,174,539,000, to remain available until expended.

Defence Facilities Closure Projects

For expenses of the Department of Energy to accelerate the closure of defense environmental management
sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, $1,092,878,000, to remain available until expended.

**DEFENSE ENVIRONMENTAL MANAGEMENT**

**Privatization**

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $143,208,000, to remain available until expended.

**OTHER DEFENSE ACTIVITIES**

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $487,464,000, to remain available until expended.

**DEFENSE NUCLEAR WASTE DISPOSAL**

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or
expansion, $310,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500.

During fiscal year 2002, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $4,891,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, up to $8,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available
until expended for the sole purpose of making purchase power and wheeling expenditures.

**Operation and Maintenance, Southwestern Power Administration**

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $28,038,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $5,200,000 in reimbursements, to remain available until expended: Provided, That up to $1,512,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.
CONSTRUCTION, REHABILITATION, OPERATION AND
MAINTENANCE, WESTERN AREA POWER ADMINIS-
TRATION

For carrying out the functions authorized by title III,
section 302(a)(1)(E) of the Act of August 4, 1977 (42
U.S.C. 7152), and other related activities including con-
servation and renewable resources programs as author-
ized, including official reception and representation ex-
penses in an amount not to exceed $1,500, $172,165,000,
to remain available until expended, of which $166,651,000
shall be derived from the Department of the Interior Recl-
amation Fund: Provided, That of the amount herein ap-
propriated, $1,227,000 is for deposit into the Utah Recl-
amation Mitigation and Conservation Account pursuant
to title IV of the Reclamation Projects Authorization and
Adjustment Act of 1992: Provided further, That up to
$152,624,000 collected by the Western Area Power Ad-
ministration pursuant to the Flood Control Act of 1944
and the Reclamation Project Act of 1939 to recover pur-
chase power and wheeling expenses shall be credited to
this account as offsetting collections, to remain available
until expended for the sole purpose of making purchase
power and wheeling expenditures.
FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,663,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $181,155,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $181,155,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2002 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as reve-
nues are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at not more than $0: Provided further, That none of the funds made available to the Federal Energy Regulatory Commission in this or any other Act may be used to authorize construction of the Gulfstream Natural Gas Project.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

Sec. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Subcommittees of the waiver and setting forth, in specificity, the substantive reasons why the
Secretary believes the requirement for competition should be waived for this particular award.

Sec. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

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


Sec. 303. None of the funds appropriated by this Act may be used to augment the $21,900,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

Sec. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals
32

1 (RFPs) for a program if the program has not been funded
2 by Congress.
3
4 (TRANSFERS OF UNEXPENDED BALANCES)
5
6 Sec. 305. The unexpended balances of prior appro-
7 priations provided for activities in this Act may be trans-
8 ferred to appropriation accounts for such activities estab-
9 lished pursuant to this title. Balances so transferred may
10 be merged with funds in the applicable established ac-
11 counts and thereafter may be accounted for as one fund
12 for the same time period as originally enacted.
13
14 Sec. 306. None of the funds in this or any other Act
15 for the Administrator of the Bonneville Power Administra-
16 tion may be used to enter into any agreement to perform
17 energy efficiency services outside the legally defined Bon-
18 neville service territory, with the exception of services pro-
19 lided internationally, including services provided on a re-
20 imbursable basis, unless the Administrator certifies in ad-
21 vance that such services are not available from private sec-
22 tor businesses.
23
24 Sec. 307. None of the funds appropriated in other
25 than Energy and Water Development Appropriations Acts
26 may be used for Department of Energy laboratory di-
27 rected research and development (LDRD).
28
29 Sec. 308. Not later than March 31, 2002, the Sec-
30 retary of Energy, after consultation with the Nuclear Reg-
31 ulatory Commission and the Occupational Safety and
Health Administration, shall transmit to the Committee on Appropriations, the Committee on Energy and Commerce, and the Committee on Education and the Workforce of the House of Representatives, and to the Committee on Appropriations, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report containing an implementation plan for the transfer, on October 1, 2002—

(1) from the Department of Energy to the Nuclear Regulatory Commission of regulatory authority over nuclear safety at the Department of Energy’s science laboratories; and

(2) from the Department of Energy to the Occupational Safety and Health Administration of regulatory authority over worker safety at such laboratories.

Out of funds appropriated by this Act for Environment, Safety, and Health, the Secretary of Energy shall transfer $4,000,000 to the Nuclear Regulatory Commission and $120,000 to the Occupational Safety and Health Administration. For purposes of this section, the Department of Energy’s science laboratories are the Argonne National Laboratory, the Brookhaven National Laboratory, the
Lawrence Berkeley National Laboratory, the Oak Ridge National Laboratory, the Pacific Northwest National Laboratory, the Ames Laboratory, the Fermi National Accelerator Laboratory, the Princeton Plasma Physics Laboratory, the Stanford Linear Accelerator Center, and the Thomas Jefferson National Accelerator Facility.

SEC. 309. When the Department of Energy makes a user facility available to universities and other potential users, or seeks input from universities and other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a participant. For purposes of this section, the term “user facility” includes, but is not limited to: a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and any other Department facility designated by the Department as a user facility.
TITLE IV
INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended notwithstanding section 405 of said Act, and, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $71,290,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $18,500,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954,
as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $516,900,000, to remain available until expended: Provided, That of the amount appropriated herein, $23,650,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $473,520,000 in fiscal year 2002 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at not more than $43,380,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $6,180,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $5,933,000 in fiscal year 2002 shall be retained and be available until expended, for necessary salaries and expenses in this account notwith-
standing 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at not more than $247,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,100,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

Sec. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

Sec. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.
(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

e) PROHIBITION OF CONTRACTS WITH PERSONS FAKELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Sec. 503. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the En-
environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program—Alternative Repayment Plan” and the “SJVDP—Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

This Act may be cited as the “Energy and Water Development Appropriations Act, 2002”.

HR 2311 RH
A BILL

Making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

JUNE 26, 2001

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed