

Calendar No. 107

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1004**

[Report No. 105-44]

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**A BILL**

Making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes.

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JULY 10, 1997

Read twice and placed on the calendar

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1<sup>ST</sup> SESSION**S. 1004****[Report No. 105-44]**

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## IN THE SENATE OF THE UNITED STATES

JULY 10, 1997

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

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**A BILL**

Making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That the following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for the  
5 fiscal year ending September 30, 1998, for energy and  
6 water development, and for other purposes, namely:

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

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

11 GENERAL INVESTIGATIONS

12 For expenses necessary for the collection and study  
13 of basic information pertaining to river and harbor, flood  
14 control, shore protection, and related projects, restudy of  
15 authorized projects, miscellaneous investigations, and,  
16 when authorized by laws, surveys and detailed studies and  
17 plans and specifications of projects prior to construction,  
18 \$164,065,000, to remain available until expended, of  
19 which funds are provided for the following projects in the  
20 amounts specified:

21 Norco Bluffs, California, \$200,000;

22 Laulaulei, Hawaii, \$200,000;

23 Tahoe Basin Study, Nevada and California,  
24 \$320,000; and

25 Barnegat Inlet to Little Egg Harbor Inlet, New  
26 Jersey, \$400,000.

## 1 CONSTRUCTION, GENERAL

2 For the prosecution of river and harbor, flood control,  
3 shore protection, and related projects authorized by laws;  
4 and detailed studies, and plans and specifications, of  
5 projects (including those for development with participa-  
6 tion or under consideration for participation by States,  
7 local governments, or private groups) authorized or made  
8 eligible for selection by law (but such studies shall not con-  
9 stitute a commitment of the Government to construction),  
10 \$1,284,266,000, to remain available until expended, of  
11 which such sums as are necessary pursuant to Public Law  
12 99-662 shall be derived from the Inland Waterways Trust  
13 Fund, for one-half of the costs of construction and reha-  
14 bilitation of inland waterways projects, including rehabili-  
15 tation costs for the Lock and Dam 25, Mississippi River,  
16 Illinois and Missouri, Lock and Dam 14, Mississippi  
17 River, Iowa, Lock and Dam 24, Mississippi River, Illinois  
18 and Missouri, and Lock and Dam 3, Mississippi River,  
19 Minnesota, projects, and of which funds are provided for  
20 the following projects in the amounts specified:

21 Arkansas River, Tucker Creek, Arkansas,  
22 \$300,000;

23 Red River Emergency Bank Protection, Arkan-  
24 sas, \$3,500,000;

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

1 Harlan (Levisa and Tug Forks of the Big  
2 Sandy River and Upper Cumberland River), Ken-  
3 tucky, \$18,000,000;

4 Martin County (Levisa and Tug Forks of the  
5 Big Sandy River and Upper Cumberland River),  
6 Kentucky, \$5,500,000;

7 Middlesboro (Levisa and Tug Forks of the Big  
8 Sandy River and Upper Cumberland River), Ken-  
9 tucky, \$7,200,000;

10 Pike County (Levisa and Tug Forks of the Big  
11 Sandy River and Upper Cumberland River), Ken-  
12 tucky, \$5,800,000;

13 Town of Martin (Levisa and Tug Forks of the  
14 Big Sandy River and Upper Cumberland River),  
15 Kentucky, \$700,000;

16 Williamsburg (Levisa and Tug Forks of the Big  
17 Sandy River and Upper Cumberland River), Ken-  
18 tucky, \$4,690,000;

19 Lake Ponchartrain Stormwater Discharge, Lou-  
20 isiana, \$3,000,000;

21 Natchez Bluff, Mississippi, \$4,000,000;

22 Jackson County, Mississippi (Water Supply),  
23 \$3,000,000;

24 Pearl River, Mississippi (Walkiah Bluff),  
25 \$2,000,000;

1 Wallisville Lake, Texas, \$10,000,000;  
2 Virginia Beach, Virginia (Reimbursement),  
3 \$925,000;  
4 Virginia Beach, Virginia (Hurricane Protec-  
5 tion), \$15,000,000;  
6 Hatfield Bottom (Levisa and Tug Forks of the  
7 Big Sandy River and Upper Cumberland River),  
8 West Virginia, \$1,000,000;  
9 Lower Mingo (Kermit) (Levisa and Tug Forks  
10 of the Big Sandy River and Upper Cumberland  
11 River), West Virginia, \$6,300,000;  
12 Lower Mingo, West Virginia, Tributaries Sup-  
13 plement, \$150,000;  
14 Upper Mingo County (Levisa and Tug Forks of  
15 the Big Sandy River and Upper Cumberland River),  
16 West Virginia, \$3,000,000;  
17 Levisa Basin Flood Warning System (Levisa  
18 and Tug Forks of the Big Sandy River and Upper  
19 Cumberland River), Kentucky, \$400,000;  
20 Tug Fork Basin Flood Warning System (Levisa  
21 and Tug Forks of the Big Sandy River and Upper  
22 Cumberland River), West Virginia, \$400,000; and  
23 Wayne County (Levisa and Tug Forks of the  
24 Big Sandy River and Upper Cumberland River),  
25 West Virginia, \$1,200,000:

1 *Provided further*, That the Secretary of the Army is di-  
2 rected to design and implement at full Federal expense  
3 an early flood warning system for the Tug Fork and  
4 Levisa Basins, West Virginia and Kentucky, within eight-  
5 een months of the date of enactment of this Act: *Provided*  
6 *further*, That the Secretary of the Army, acting through  
7 the Chief of Engineers, is directed to combine the Wil-  
8 mington Harbor-Northeast Cape Fear River authorized by  
9 the Water Resource Development Act of 1986, section  
10 202(a), the Wilmington Harbor Channel Widening author-  
11 ized by the Water Resources Development Act of 1986,  
12 section 101(a)(23), and the Cape Fear-Northeast (Cape  
13 Fear) River authorized by the Water Resource Develop-  
14 ment Act of 1996, section 101(a)(22), North Carolina  
15 projects into one project with one project cooperation  
16 agreement based on cost sharing as a single project and  
17 that with \$2,430,000 of the funds appropriated herein, is  
18 directed to continue design and initiate construction of the  
19 combined project: *Provided further*, That the Secretary of  
20 the Army, acting through the Chief of Engineers, is di-  
21 rected to use \$15,000,000 of the funds appropriated here-  
22 in to initiate construction of the Houston-Galveston Navi-  
23 gation Channels, Texas, project and execute a Project Co-  
24 operation Agreement for the entire project authorized in

1 the Water Resources Development Act of 1996, Public law  
2 104–303.

3 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBU-  
4 TARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISI-  
5 ANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

6 For expenses necessary for prosecuting work of flood  
7 control, and rescue work, repair, restoration, or mainte-  
8 nance of flood control projects threatened or destroyed by  
9 flood, as authorized by law (33 U.S.C. 702a, 702g–1),  
10 \$289,000,000, to remain available until expended: *Pro-*  
11 *vided*, That notwithstanding the funding limitations set  
12 forth in Public Law 104–6 (109 Stat. 85), the Secretary  
13 of the Army, acting through the Chief of Engineers, is  
14 authorized and directed to use additional funds appro-  
15 priated herein or previously appropriated to complete re-  
16 medial measures to prevent slope instability at Hickman  
17 Bluff, Kentucky.

18 OPERATION AND MAINTENANCE, GENERAL

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



1 clearing and straightening channels; and removal of ob-  
2 structions to navigation, \$1,661,203,000, to remain avail-  
3 able until expended, of which such sums as become avail-  
4 able in the Harbor Maintenance Trust Fund, pursuant to  
5 Public Law 99-662, may be derived from that fund, and  
6 of which such sums as become available from the special  
7 account established by the Land and Water Conservation  
8 Act of 1965, as amended (16 U.S.C. 460l), may be derived  
9 from that fund for construction, operation, and mainte-  
10 nance of outdoor recreation facilities, and of which funds  
11 are provided for the following projects in the amounts  
12 specified:

13           Beverly Shores, Indiana, \$1,700,000:

14 *Provided*, That no funds, whether appropriated, contrib-  
15 uted, or otherwise provided, shall be available to the Unit-  
16 ed States Army Corps of Engineers for the purpose of ac-  
17 quiring land in Jasper County, South Carolina, in connec-  
18 tion with the Savannah Harbor navigation project: *Pro-*  
19 *vided further*, That the Secretary of the Army, acting  
20 through the Chief of Engineers, is authorized and directed  
21 to dredge a navigational channel in the Chena River at  
22 Fairbanks, Alaska from its confluence with the Tanana  
23 River upstream to the University Road Bridge that will  
24 allow the safe passage during normal water levels of ves-

1 sels up to 350 feet in length, 60 feet in width, and drafting  
2 up to 3 feet.

3 REGULATORY PROGRAM

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

7 FLOOD CONTROL AND COASTAL EMERGENCIES

8 For expenses necessary for emergency flood control,  
9 hurricane, and shore protection activities, as authorized  
10 by section 5 of the Flood Control Act approved August  
11 18, 1941, as amended, \$10,000,000, to remain available  
12 until expended.

13 GENERAL EXPENSES

14 For expenses necessary for general administration  
15 and related functions in the Office of the Chief of Engi-  
16 neers and offices of the Division Engineers; activities of  
17 the Coastal Engineering Research Board, the Humphreys  
18 Engineer Center Support Activity, the Engineering Stra-  
19 tegic Studies Center, the Water Resources Support Cen-  
20 ter, the USACE Finance Center and for costs of imple-  
21 menting the Secretary of the Army's plan to reduce the  
22 number of division offices as directed in title I, Public Law  
23 104-46, \$148,000,000, to remain available until ex-  
24 pended: *Provided*, That no part of any other appropriation  
25 provided in title I of this Act shall be available to fund  
26 the activities of the Office of the Chief of Engineers or

1 the executive direction and management activities of the  
2 Division Offices.

3 REVOLVING FUND

4 Amounts in the Revolving Fund may be used to con-  
5 struct a 17,000 square foot addition to the United States  
6 Army Corps of Engineers Alaska District main office  
7 building on Elemendorf Air Force Base. The Revolving  
8 Fund shall be reimbursed for such funding from the bene-  
9 fitting appropriations by collection each year of user fees  
10 sufficient to repay the capitalized cost of the asset and  
11 to operate and maintain the asset.

12 ADMINISTRATIVE PROVISION

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

19 GENERAL PROVISIONS

20 CORPS OF ENGINEERS—CIVIL

21 SEC. 101. (a) In fiscal year 1998, the Secretary of  
22 the Army shall advertise for competitive bid at least  
23 8,500,000 cubic yards of the hopper dredge volume accom-  
24 plished with government owned dredges in fiscal year  
25 1992.

1 (b) Notwithstanding the provisions of this section, the  
2 Secretary is authorized to use the dredge fleet of the Corps  
3 of Engineers to undertake projects when industry does not  
4 perform as required by the contract specifications or when  
5 the bids are more than 25 percent in excess of what the  
6 Secretary determines to be a fair and reasonable estimated  
7 cost of a well equipped contractor doing the work or to  
8 respond to emergency requirements.

9 SEC. 102. In fiscal year 1998 and thereafter, the Sec-  
10 retary of the Army is authorized and directed to provide  
11 planning, design and construction assistance to non-Fed-  
12 eral interests in carrying out water related environmental  
13 infrastructure and environmental resources development  
14 projects, including assistance for wastewater treatment  
15 and related facilities; water supply, storage, treatment and  
16 distribution facilities; and development, restoration or im-  
17 provement of wetlands and other aquatic areas for the  
18 purpose of protection or development of surface water re-  
19 sources: *Provided*, That the non-Federal interest shall  
20 enter into a binding agreement with the Secretary wherein  
21 the non-Federal interest will provide all lands, easements,  
22 rights-of-way, relocations, and dredge material disposal  
23 areas required for the project, and pay 50 per centum of  
24 the costs of required feasibility studies, 25 per centum of  
25 the costs of designing and constructing the project, and

1 100 per centum of the costs of operation, maintenance,  
 2 repair, replacement or rehabilitation of the project: *Pro-*  
 3 *vided further*, That the value of lands, easements, rights-  
 4 of-way, relocations and dredged material disposal areas  
 5 provided by the non-Federal interest shall be credited to-  
 6 ward the non-Federal share, not to exceed 25 per centum,  
 7 of the costs of dredging and constructing the project: *Pro-*  
 8 *vided further*, That hereafter the Federal share of the  
 9 costs of each of the individual projects undertaken shall  
 10 not exceed \$5,000,000: *Provided further*, That utilizing  
 11 \$10,000,000 of the funds appropriated herein, the Sec-  
 12 retary is directed to carry out this section.

## 13 TITLE II

### 14 DEPARTMENT OF THE INTERIOR

#### 15 CENTRAL UTAH PROJECT

##### 16 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

17 For carrying out activities authorized by the Central  
 18 Utah Project Completion Act, Public Law 102-575 (106  
 19 Stat. 4605), and for activities related to the Uintah and  
 20 Upalco Units authorized by 43 U.S.C. 620, \$40,353,000,  
 21 to remain available until expended, of which \$16,610,000  
 22 shall be deposited into the Utah Reclamation Mitigation  
 23 and Conservation Account: *Provided*, That of the amounts  
 24 deposited into that account, \$5,000,000 shall be consid-  
 25 ered the Federal contribution authorized by paragraph

1 402(b)(2) of the Central Utah Project Completion Act and  
2 \$11,610,000 shall be available to the Utah Reclamation  
3 Mitigation and Conservation Commission to carry out ac-  
4 tivities authorized under that Act.

5 In addition, for necessary expenses incurred in carry-  
6 ing out responsibilities of the Secretary of the Interior  
7 under that Act, \$800,000, to remain available until ex-  
8 pended.

#### 9 BUREAU OF RECLAMATION

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

#### 15 WATER AND RELATED RESOURCES

#### 16 (INCLUDING TRANSFER OF FUNDS)

17 For management, development, and restoration of  
18 water and related natural resources and for related activi-  
19 ties, including the operation, maintenance and rehabilita-  
20 tion of reclamation and other facilities, participation in  
21 fulfilling related Federal responsibilities to Native Ameri-  
22 cans, and related grants to, and cooperative and other  
23 agreements with, state and local governments, Indian  
24 tribes, and others, to remain available until expended,  
25 \$688,379,000, of which \$18,758,000 shall be available for  
26 transfer to the Upper Colorado River Basin Fund and

1 \$55,920,000 shall be available for transfer to the Lower  
2 Colorado River Basin Development Fund, and of which  
3 such amounts as may be necessary may be advanced to  
4 the Colorado River Dam Fund: *Provided*, That such trans-  
5 fers may be increased or decreased within the overall ap-  
6 propriation under this heading: *Provided further*, That of  
7 the total appropriated, the amount for program activities  
8 that can be financed by the Reclamation Fund or the Bu-  
9 reau of Reclamation special fee account established by 16  
10 U.S.C. 4601–6a(i) shall be derived from that Fund or ac-  
11 count: *Provided further*, That funds contributed under 43  
12 U.S.C. 395 are available until expended for the purposes  
13 for which contributed: *Provided further*, That funds ad-  
14 vanced under 43 U.S.C. 397a shall be credited to this ac-  
15 count and are available until expended for the same pur-  
16 poses as the sums appropriated under this heading: *Pro-*  
17 *vided further*, That using \$500,000 of funds appropriated  
18 herein, the Secretary of the Interior shall undertake a non-  
19 reimbursable project to install drains in the Pena Blanca  
20 area of New Mexico to prevent seepage from Cochiti Dam:  
21 *Provided further*, That funds available for expenditure for  
22 the Departmental Irrigation Drainage Program may be  
23 expended by the Bureau of Reclamation for site remedi-  
24 ation on a nonreimbursable basis: *Provided further*, That  
25 section 10 of Public Law 89–108 as amended by section

1 8 of Public Law 99–294 and section 1701(b) of Public  
2 Law 102–575, is further amended by striking  
3 “\$61,000,000” and inserting in lieu thereof  
4 “\$62,300,000”: *Provided further*, That the unexpended  
5 balances of the Bureau of Reclamation appropriation ac-  
6 counts for “Construction Program (Including Transfer of  
7 Funds)”, “General Investigations”, “Emergency Fund”,  
8 and “Operation and Maintenance” shall be transferred to  
9 and merged with this account, to be available for the pur-  
10 poses for which they originally were appropriated.

11 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

12 For the cost of direct loans and/or grants,  
13 \$10,000,000, to remain available until expended, as au-  
14 thorized by the Small Reclamation Projects Act of August  
15 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided*,  
16 That such costs, including the cost of modifying such  
17 loans, shall be as defined in section 502 of the Congres-  
18 sional Budget Act of 1974: *Provided further*, That these  
19 funds are available to subsidize gross obligations for the  
20 principal amount of direct loans not to exceed  
21 \$31,000,000.

22 In addition, for administrative expenses necessary to  
23 carry out the program for direct loans and/or grants, to  
24 remain available until expended, \$425,000: *Provided*, That  
25 of the total sums appropriated, the amount of program



1 activities that can be financed by the Reclamation Fund  
2 shall be derived from that Fund.

3 CALIFORNIA BAY-DELTA ECOSYSTEM RESTORATION

4 For necessary expenses of the Department of the In-  
5 terior and other participating Federal agencies in carrying  
6 out the California Bay-Delta Environmental Enhancement  
7 and Water Security Act consistent with plans to be ap-  
8 proved by the Secretary of the Interior, in consultation  
9 with such Federal agencies, \$50,000,000, to remain avail-  
10 able until expended, of which such amounts as may be nec-  
11 essary to conform with such plans shall be transferred to  
12 appropriate accounts of such Federal agencies: *Provided*,  
13 That such funds may be obligated only as non-Federal  
14 sources provide their share in accordance with the cost-  
15 sharing agreement required under section 102(d) of such  
16 Act: *Provided further*, That such funds may be obligated  
17 prior to the completion of a final programmatic environ-  
18 mental impact statement only if (1) consistent with 40  
19 C.F.R. 1506.1(c), and (2) used for purposes that the Sec-  
20 retary finds are of sufficiently high priority to warrant  
21 such an expenditure.

22 CENTRAL VALLEY PROJECT RESTORATION FUND

23 For carrying out the programs, projects, plans, and  
24 habitat restoration, improvement, and acquisition provi-  
25 sions of the Central Valley Project Improvement Act, such  
26 sums as may be collected in the Central Valley Project

1 Restoration Fund pursuant to sections 3407(d),  
2 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–  
3 575, to remain available until expended: *Provided*, That  
4 the Bureau of Reclamation is directed to levy additional  
5 mitigation and restoration payments totaling \$25,130,000  
6 (October 1992 price levels) on a three-year rolling average  
7 basis, as authorized by section 3407(d) of Public Law  
8 102–575.

9 POLICY AND ADMINISTRATION

10 For necessary expenses of policy, administration and  
11 related functions in the office of the Commissioner, the  
12 Denver office, and offices in the five regions of the Bureau  
13 of Reclamation, to remain available until expended,  
14 \$47,558,000, to be derived from the Reclamation Fund  
15 and be nonreimbursable as provided in 43 U.S.C. 377:  
16 *Provided*, That no part of any other appropriation in this  
17 Act shall be available for activities or functions budgeted  
18 as policy and administration expenses.

19 SPECIAL FUNDS

20 (TRANSFER OF FUNDS)

21 Sums herein referred to as being derived from the  
22 reclamation fund or special fee account are appropriated  
23 from the special funds in the Treasury created by the Act  
24 of June 17, 1902 (43 U.S.C. 391) or the Act of December  
25 22, 1987 (16 U.S.C. 4601–6a, as amended), respectively.  
26 Such sums shall be transferred, upon request of the Sec-

1 retary, to be merged with and expended under the heads  
2 herein specified.

3 ADMINISTRATIVE PROVISION

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

7 TITLE III

8 DEPARTMENT OF ENERGY

9 NON-DEFENSE PROGRAMS

10 ENERGY RESEARCH

11 For expenses of the Department of Energy activities  
12 including the purchase, construction and acquisition of  
13 plant and capital equipment and other expenses necessary  
14 for energy research in carrying out the purposes of the  
15 Department of Energy Organization Act (42 U.S.C. 7101,  
16 et seq.), including the acquisition or condemnation of any  
17 real property or any facility or for plant or facility acquisi-  
18 tion, construction, or expansion; purchase of passenger  
19 motor vehicles (not to exceed 13 for replacement only),  
20 \$953,915,000, to remain available until expended; and, in  
21 addition, \$13,025,000 for energy assets acquisition, to re-  
22 main available until expended.

23 ENVIRONMENTAL MANAGEMENT

24 (NONDEFENSE)

25 For Department of Energy expenses, including the  
26 purchase, construction and acquisition of plant and capital

1 equipment and other expenses necessary for nondefense  
2 environmental management activities in carrying out the  
3 purposes of the Department of Energy Organization Act  
4 (42 U.S.C. 7101, et seq.), including the acquisition or con-  
5 demnation of any real property or any facility or for plant  
6 or facility acquisition, construction, or expansion,  
7 \$664,684,000, to remain available until expended.

8           URANIUM ENRICHMENT DECONTAMINATION AND  
9                           DECOMMISSIONING FUND

10         For necessary expenses in carrying out uranium en-  
11 richment facility decontamination and decommissioning,  
12 remedial actions and other activities of title II of the  
13 Atomic Energy Act of 1954 and title X, subtitle A of the  
14 Energy Policy Act of 1992, \$230,000,000, to be derived  
15 from the Fund, to remain available until expended.

16                           NUCLEAR WASTE DISPOSAL FUND

17         For nuclear waste disposal activities to carry out the  
18 purposes of Public Law 97-425, as amended, including  
19 the acquisition of real property or facility construction or  
20 expansion, \$160,000,000, to remain available until ex-  
21 pended, to be derived from the Nuclear Waste Fund; of  
22 which \$4,000,000 shall be available to the Nuclear Regu-  
23 latory Commission to license a multi-purpose cannister de-  
24 sign; and of which not to exceed \$1,500,000 may be pro-  
25 vided to the State of Nevada, solely to conduct scientific  
26 oversight responsibilities pursuant to the Nuclear Waste

1 Policy Act of 1982, (Public Law 97-425), as amended;  
2 and of which not to exceed \$6,175,000 may be provided  
3 to affected local governments, as defined in Public Law  
4 97-425, to conduct appropriate activities pursuant to the  
5 Act: *Provided further*, That the distribution of the funds  
6 to the units of local government shall be determined by  
7 the Department of Energy: *Provided further*, That the  
8 funds shall be made available to the State and units of  
9 local government by direct payment: *Provided further*,  
10 That within ninety days of the completion of each Federal  
11 fiscal year, each State or local entity shall provide certifi-  
12 cation to the Department of Energy, that all funds ex-  
13 pended from such payments have been expended for activi-  
14 ties as defined in Public Law 97-425. Failure to provide  
15 such certification shall cause such entity to be prohibited  
16 from any further funding provided for similar activities:  
17 *Provided further*, That none of the funds herein appro-  
18 priated may be: (1) used directly or indirectly to influence  
19 legislative action on any matter pending before Congress  
20 or a State legislature or for lobbying activity as provided  
21 in 18 U.S.C. 1913; (2) used for litigation expenses; or (3)  
22 used to support multistate efforts or other coalition build-  
23 ing activities inconsistent with the restrictions contained  
24 in this Act.

## SCIENCE

1  
2 For expenses of the Department of Energy activities  
3 including the purchase, construction and acquisition of  
4 plant and capital equipment and other expenses necessary  
5 for general science and research activities in carrying out  
6 the purposes of the Department of Energy Organization  
7 Act (42 U.S.C. 7101, et seq.), including the acquisition  
8 or condemnation of any real property or facility or for  
9 plant or facility acquisition, construction, or expansion;  
10 and the purchase of 5 passenger motor vehicles for re-  
11 placement only, \$2,084,567,000, to remain available until  
12 expended; and, in addition, \$138,510,000 science assets  
13 acquisition, to remain available until expended.

## DEPARTMENTAL ADMINISTRATION

14  
15 For salaries and expenses of the Department of En-  
16 ergy necessary for Departmental Administration in carry-  
17 ing out the purposes of the Department of Energy Organi-  
18 zation Act (42 U.S.C. 7101, et seq.), including the hire  
19 of passenger motor vehicles and official reception and rep-  
20 resentation expenses (not to exceed \$35,000),  
21 \$220,847,000, to remain available until expended, plus  
22 such additional amounts as necessary to cover increases  
23 in the estimated amount of cost of work for others not-  
24 withstanding the provisions of the Anti-Deficiency Act (31  
25 U.S.C. 1511, et seq.): *Provided*, That such increases in  
26 cost of work are offset by revenue increases of the same

1 or greater amount, to remain available until expended:  
2 *Provided further*, That moneys received by the Department  
3 for miscellaneous revenues estimated to total  
4 \$131,330,000 in fiscal year 1998 may be retained and  
5 used for operating expenses within this account, and may  
6 remain available until expended, as authorized by section  
7 201 of Public Law 95–238, notwithstanding the provisions  
8 of 31 U.S.C. 3302: *Provided further*, That the sum herein  
9 appropriated shall be reduced by the amount of mis-  
10 cellaneous revenues received during fiscal year 1998 so as  
11 to result in a final fiscal year 1998 appropriation from  
12 the General Fund estimated at not more than  
13 \$89,517,000.

14 OFFICE OF THE INSPECTOR GENERAL

15 For necessary expenses of the Office of the Inspector  
16 General in carrying out the provisions of the Inspector  
17 General Act of 1978, as amended, \$27,500,000, to remain  
18 available until expended.

19 ATOMIC ENERGY DEFENSE ACTIVITIES

20 WEAPONS ACTIVITIES

21 For Department of Energy expenses, including the  
22 purchase, construction and acquisition of plant and capital  
23 equipment and other expenses necessary for atomic energy  
24 defense weapons activities in carrying out the purposes of  
25 the Department of Energy Organization Act (42 U.S.C.  
26 7101, et seq.), including the acquisition or condemnation

1 of any real property or any facility or for plant or facility  
2 acquisition, construction, or expansion; and the purchase  
3 of passenger motor vehicles (not to exceed 70 for replace-  
4 ment only), \$4,302,450,000, to remain available until ex-  
5 pended: *Provided*, That funding for any ballistic missile  
6 defense program undertaken by the Department of Energy  
7 for the Department of Defense shall be provided by the  
8 Department of Defense according to procedures estab-  
9 lished for Work for Others by the Department of Energy.

10 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE

11 MANAGEMENT

12 For Department of Energy expenses, including the  
13 purchase, construction and acquisition of plant and capital  
14 equipment and other expenses necessary for atomic energy  
15 defense environmental restoration and waste management  
16 activities in carrying out the purposes of the Department  
17 of Energy Organization Act (42 U.S.C. 7101, et seq.), in-  
18 cluding the acquisition or condemnation of any real prop-  
19 erty or any facility or for plant or facility acquisition, con-  
20 struction, or expansion; and the purchase of passenger  
21 motor vehicles (not to exceed 6 for replacement only),  
22 \$5,311,974,000, to remain available until expended, of  
23 which \$65,000,000 shall be available only for “Closure  
24 Projects” to accelerate closure of specific facilities and  
25 thereby significantly reduce outyear costs; and, in addi-



1 tion, \$343,000,000 for privatization projects, to remain  
2 available until expended.

3 OTHER DEFENSE ACTIVITIES

4 For Department of Energy expenses, including the  
5 purchase, construction and acquisition of plant and capital  
6 equipment and other expenses necessary for atomic energy  
7 defense, other defense activities, in carrying out the pur-  
8 poses of the Department of Energy Organization Act (42  
9 U.S.C. 7101, et seq.), including the acquisition or con-  
10 demnation of any real property or any facility or for plant  
11 or facility acquisition, construction, or expansion, and the  
12 purchase of passenger motor vehicles (not to exceed 2 for  
13 replacement only), \$1,637,981,000, to remain available  
14 until expended.

15 DEFENSE NUCLEAR WASTE DISPOSAL

16 For nuclear waste disposal activities to carry out the  
17 purposes of Public Law 97-425, as amended, including  
18 the acquisition of real property or facility construction or  
19 expansion, \$190,000,000, to remain available until ex-  
20 pended.

21 POWER MARKETING ADMINISTRATIONS

22 OPERATION AND MAINTENANCE, ALASKA POWER

23 ADMINISTRATION

24 For necessary expenses of operation and maintenance  
25 of projects in Alaska and of marketing electric power and  
26 energy, \$3,500,000, to remain available until expended;

1 and, in addition, \$20,000,000 for capital assets acquisi-  
2 tion, to remain available until expended.

3           BONNEVILLE POWER ADMINISTRATION FUND

4           Expenditures from the Bonneville Power Administra-  
5 tion Fund, established pursuant to Public Law 93-454,  
6 are approved for the anadromous fish supplementation fa-  
7 cilities in the Yakima River Basin, Methow River Basin  
8 and Upper Snake River Basin, for the Billy Shaw Res-  
9 ervoir resident fish substitution project, and for the resi-  
10 dent trout fish culture facility in southeast Idaho; and for  
11 official reception and representation expenses in an  
12 amount not to exceed \$3,000.

13          During fiscal year 1998, no new direct loan obliga-  
14 tions may be made.

15          OPERATION AND MAINTENANCE, SOUTHEASTERN POWER  
16    ADMINISTRATION

17          For necessary expenses of operation and maintenance  
18 of power transmission facilities and of marketing electric  
19 power and energy pursuant to the provisions of section  
20 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as  
21 applied to the southeastern power area, \$12,222,000, to  
22 remain available until expended; in addition, notwith-  
23 standing 31 U.S.C. 3302, not to exceed \$20,000,000 in  
24 reimbursements for transmission wheeling and ancillary  
25 services, to remain available until expended.

1 OPERATION AND MAINTENANCE, SOUTHWESTERN POWER  
2 ADMINISTRATION

3 For necessary expenses of operation and maintenance  
4 of power transmission facilities and of marketing electric  
5 power and energy, and for construction and acquisition of  
6 transmission lines, substations and appurtenant facilities,  
7 and for administrative expenses, including official recep-  
8 tion and representation expenses in an amount not to ex-  
9 ceed \$1,500 in carrying out the provisions of section 5  
10 of the Flood Control Act of 1944 (16 U.S.C. 825s), as  
11 applied to the southwestern power area, \$26,500,000, to  
12 remain available until expended; in addition, notwith-  
13 standing the provisions of 31 U.S.C. 3302, not to exceed  
14 \$4,650,000 in reimbursements, to remain available until  
15 expended.

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

19 For carrying out the functions authorized by title III,  
20 section 302(a)(1)(E) of the Act of August 4, 1977 (42  
21 U.S.C. 7101, et seq.), and other related activities includ-  
22 ing conservation and renewable resources programs as au-  
23 thorized, including the replacement of not more than 2  
24 helicopters through transfers, exchange, or sale, and offi-  
25 cial reception and representation expenses in an amount  
26 not to exceed \$1,500, \$180,334,000, to remain available

1 until expended, of which \$174,935,000 shall be derived  
2 from the Department of the Interior Reclamation Fund:  
3 *Provided*, That of the amount herein appropriated,  
4 \$5,592,000 is for deposit into the Utah Reclamation Miti-  
5 gation and Conservation Account pursuant to title IV of  
6 the Reclamation Projects Authorization and Adjustment  
7 Act of 1992: *Provided further*, That the Secretary of the  
8 Treasury is authorized to transfer from the Colorado  
9 River Dam Fund to the Western Area Power Administra-  
10 tion \$5,592,000 to carry out the power marketing and  
11 transmission activities of the Boulder Canyon project as  
12 provided in section 104(a)(4) of the Hoover Power Plant  
13 Act of 1984, to remain available until expended.

14 FALCON AND AMISTAD OPERATING AND MAINTENANCE  
15 FUND

16 For operation, maintenance, and emergency costs for  
17 the hydroelectric facilities at the Falcon and Amistad  
18 Dams, \$1,065,000, to remain available until expended,  
19 and to be derived from the Falcon and Amistad Operating  
20 and Maintenance Fund of the Western Area Power Ad-  
21 ministration, as provided in section 423 of the Foreign  
22 Relations Authorization Act, fiscal years 1994 and 1995.

23 FEDERAL ENERGY REGULATORY COMMISSION  
24 SALARIES AND EXPENSES

25 For necessary expenses of the Federal Energy Regu-  
26 latory Commission to carry out the provisions of the De-

1 partment of Energy Organization Act (42 U.S.C. 7101,  
 2 et seq.), including services as authorized by 5 U.S.C.  
 3 3109, the hire of passenger motor vehicles, and official  
 4 reception and representation expenses (not to exceed  
 5 \$3,000), \$162,141,000, to remain available until ex-  
 6 pended: *Provided*, That notwithstanding any other provi-  
 7 sion of law, not to exceed \$162,141,000 of revenues from  
 8 fees and annual charges, and other services and collections  
 9 in fiscal year 1998 shall be retained and used for nec-  
 10 essary expenses in this account, and shall remain available  
 11 until expended: *Provided further*, That the sum herein ap-  
 12 propriated from the General Fund shall be reduced as rev-  
 13 enues are received during fiscal year 1998 so as to result  
 14 in a final fiscal year 1998 appropriation from the General  
 15 Fund estimated at not more than \$0.

16 GENERAL PROVISIONS

17 TITLE IV

18 INDEPENDENT AGENCIES

19 APPALACHIAN REGIONAL COMMISSION

20 For expenses necessary to carry out the programs au-  
 21 thorized by the Appalachian Regional Development Act of  
 22 1965, as amended, notwithstanding section 405 of said  
 23 Act, and for necessary expenses for the Federal Co-Chair-  
 24 man and the alternate on the Appalachian Regional Com-  
 25 mission and for payment of the Federal share of the ad-

1 ministrative expenses of the Commission, including serv-  
2 ices as authorized by 5 U.S.C. 3109, and hire of passenger  
3 motor vehicles, \$160,000,000, to remain available until ex-  
4 pended.

5           DEFENSE NUCLEAR FACILITIES SAFETY BOARD  
6                               SALARIES AND EXPENSES

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

12                           NUCLEAR REGULATORY COMMISSION  
13                               SALARIES AND EXPENSES  
14                               (INCLUDING TRANSFER OF FUNDS)

15           For necessary expenses of the Commission in carry-  
16 ing out the purposes of the Energy Reorganization Act  
17 of 1974, as amended, and the Atomic Energy Act of 1954,  
18 as amended, including the employment of aliens; services  
19 authorized by 5 U.S.C. 3109; publication and dissemina-  
20 tion of atomic information; purchase, repair, and cleaning  
21 of uniforms; official representation expenses (not to exceed  
22 \$20,000); reimbursements to the General Services Admin-  
23 istration for security guard services; hire of passenger  
24 motor vehicles and aircraft, \$476,500,000, to remain  
25 available until expended: *Provided*, That of the amount ap-  
26 propriated herein, \$17,000,000 shall be derived from the

1 Nuclear Waste Fund: *Provided further*, That from this ap-  
2 propriation, transfer of sums may be made to other agen-  
3 cies of the Government for the performance of the work  
4 for which this appropriation is made, and in such cases  
5 the sums so transferred may be merged with the appro-  
6 priation to which transferred: *Provided further*, That mon-  
7 eys received by the Commission for the cooperative nuclear  
8 safety research program, services rendered to State gov-  
9 ernments, foreign governments and international organi-  
10 zations, and the material and information access author-  
11 ization programs, including criminal history checks under  
12 section 149 of the Atomic Energy Act may be retained  
13 and used for salaries and expenses associated with those  
14 activities, notwithstanding 31 U.S.C. 3302, and shall re-  
15 main available until expended: *Provided further*, That reve-  
16 nues from licensing fees, inspection services, and other  
17 services and collections estimated at \$457,500,000 in fis-  
18 cal year 1998 shall be retained and used for necessary  
19 salaries and expenses in this account, notwithstanding 31  
20 U.S.C. 3302, and shall remain available until expended:  
21 *Provided further*, That the funds herein appropriated for  
22 regulatory reviews and other assistance provided to the  
23 Department of Energy and other Federal agencies shall  
24 be excluded from license fee revenues, notwithstanding 42  
25 U.S.C. 2214: *Provided further*, That the sum herein ap-

1 appropriated shall be reduced by the amount of revenues re-  
2 ceived during fiscal year 1998 from licensing fees, inspec-  
3 tion services and other services and collections, excluding  
4 those moneys received for the cooperative nuclear safety  
5 research program, services rendered to State governments,  
6 foreign governments and international organizations, and  
7 the material and information access authorization pro-  
8 grams, so as to result in a final fiscal year 1997 appro-  
9 priation estimated at not more than \$19,000,000.

10                                   OFFICE OF INSPECTOR GENERAL  
11                                   (INCLUDING TRANSFER OF FUNDS)

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, including services au-  
15 thorized by 5 U.S.C. 3109, \$4,800,000, to remain avail-  
16 able until expended; and in addition, an amount not to  
17 exceed 5 percent of this sum may be transferred from Sal-  
18 aries and Expenses, Nuclear Regulatory Commission: *Pro-*  
19 *vided*, That notice of such transfers shall be given to the  
20 Committees on Appropriations of the House and Senate:  
21 *Provided further*, That from this appropriation, transfers  
22 of sums may be made to other agencies of the Government  
23 for the performance of the work for which this appropria-  
24 tion is made, and in such cases the sums so transferred  
25 may be merged with the appropriation to which trans-



1 ferred: *Provided further*, That revenues from licensing  
2 fees, inspection services, and other services and collections  
3 shall be retained and used for necessary salaries and ex-  
4 penses in this account, notwithstanding 31 U.S.C. 3302,  
5 and shall remain available until expended: *Provided fur-*  
6 *ther*, That the sum herein appropriated shall be reduced  
7 by the amount of revenues received during fiscal year  
8 1998 from licensing fees, inspection services, and other  
9 services and collections, so as to result in a final fiscal  
10 year 1998 appropriation estimated at not more than \$0.

11           NUCLEAR WASTE TECHNICAL REVIEW BOARD

12                           SALARIES AND EXPENSES

13           For necessary expenses of the Nuclear Waste Tech-  
14 nical Review Board, as authorized by Public Law 100-  
15 203, section 5051, \$3,200,000, to be derived from the Nu-  
16 clear Waste Fund, and to remain available until expended.

17                           TENNESSEE VALLEY AUTHORITY

18           For the purpose of carrying out the provisions of the  
19 Tennessee Valley Authority Act of 1933, as amended (16  
20 U.S.C. ch. 12A), including hire, maintenance, and oper-  
21 ation of aircraft, and purchase and hire of passenger  
22 motor vehicles, \$86,000,000, to remain available until ex-  
23 pended:

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## TITLE V

### GENERAL PROVISIONS

SEC. 501. (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.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY 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.

1       SEC. 502. Section 1621 of title XVI of the Reclama-  
2 tion Wastewater and Groundwater Act, Public Law 104-  
3 266, is amended by—

4           (1) striking “Study” in the section title, and in-  
5 sserting “Project”;

6           (2) inserting in subsection (a) “planning, de-  
7 sign, and construction of the” following “to partici-  
8 pate in the”; and

9           (3) inserting in subsection (a) “and nonpotable  
10 surface water” following “impaired ground water”.

11       SEC. 503. Section 1208(a)(2) of the Yavapai-Prescott  
12 Indian Treaty Settlement Act of 1994 (Public Law 103-  
13 434) is amended by striking “\$4,000,000 for construc-  
14 tion” and inserting in lieu thereof “\$13,000,000, at 1997  
15 prices, for construction plus or minus such amounts as  
16 may be justified by reason of ordinary fluctuations of ap-  
17 plicable cost indexes”.

18       This Act may be cited as the “Energy and Water De-  
19 velopment Appropriations Act, 1998”.