

Union Calendar No. 116

105TH CONGRESS
1ST SESSION

H. R. 2203

[Report No. 105-190]

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

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 1997

Mr. MCDADE, 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, 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 \$157,260,000, to remain available until expended, of
19 which funds are provided for the following projects in the
20 amounts specified:

21 Delaware Bay Coastline, Delaware and New
22 Jersey, \$656,000;

23 Tampa Harbor, Alafia Channel, Florida,
24 \$270,000;

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

1 Brigantine Inlet to Great Egg Harbor Inlet,
2 New Jersey, \$472,000;

3 Great Egg Harbor Inlet to Townsends Inlet,
4 New Jersey, \$400,000;

5 Lower Cape May Meadows—Cape May Point,
6 New Jersey, \$154,000;

7 Manasquan Inlet to Barnegat Inlet, New Jer-
8 sey, \$400,000;

9 Raritan Bay to Sandy Hook Bay (Cliffwood
10 Beach), New Jersey, \$300,000;

11 Townsends Inlet to Cape May Inlet, New Jer-
12 sey, \$500,000; and

13 Monongahela River, Fairmont, West Virginia,
14 \$350,000:

15 *Provided*, That the Secretary of the Army, acting through
16 the Chief of Engineers, is directed to use \$600,000 of the
17 funds appropriated in Public Law 102–377 for the Red
18 River Waterway, Shreveport, Louisiana, to Daingerfield,
19 Texas, project for the feasibility phase of the Red River
20 Navigation, Southwest Arkansas, study: *Provided further*,
21 That the Secretary of the Army, acting through the Chief
22 of Engineers, is directed to use \$470,000 of the funds ap-
23 propriated herein to initiate the feasibility phase for the
24 Metropolitan Louisville, Southwest, Kentucky, study.

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 \$1,475,892,000, 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 Norco Bluffs, California, \$1,000,000;

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

24 Tybee Island, Georgia, \$2,500,000;

1 Indianapolis Central Waterfront, Indiana,
2 \$7,000,000;

3 Indiana Shoreline Erosion, Indiana,
4 \$3,000,000;

5 Lake George, Hobart, Indiana, \$3,500,000;

6 Ohio River Flood Protection, Indiana,
7 \$1,300,000;

8 Harlan, Williamsburg, and Middlesboro, Ken-
9 tucky, element of the Levisa and Tug Forks of the
10 Big Sandy River and Upper Cumberland River,
11 \$27,890,000;

12 Martin County, Kentucky, element of the
13 Levisa and Tug Forks of the Big Sandy River and
14 Upper Cumberland River, \$5,500,000;

15 Pike County, Kentucky, element of the Levisa
16 and Tug Forks of the Big Sandy River and Upper
17 Cumberland River, \$5,800,000;

18 Salyersville, Kentucky, \$2,050,000;

19 Lake Pontchartrain and Vicinity (Hurricane
20 Protection), Louisiana, \$22,920,000;

21 Lake Pontchartrain (Jefferson Parish)
22 Stormwater Discharge, Louisiana, \$2,379,000;

23 Flint River, Michigan, \$875,000;

24 Jackson County, Mississippi, \$3,000,000;

1 Joseph G. Minish Passaic River Park, New Jer-
2 sey, \$5,000,000;
3 Hudson River, Athens, New York, \$8,700,000;
4 Lackawanna River, Olyphant, Pennsylvania,
5 \$1,400,000;
6 Lackawanna River, Scranton, Pennsylvania,
7 \$5,425,000;
8 Lycoming County, Pennsylvania, \$339,000;
9 South Central Pennsylvania Environment Im-
10 provement Program, \$30,000,000, of which
11 \$10,000,000 shall be available only for water-related
12 environmental infrastructure and resource protection
13 and development projects in Lackawanna, Lycoming,
14 Susquehanna, Wyoming, Pike, and Monroe counties
15 in Pennsylvania in accordance with the purposes of
16 subsection (a) and requirements of subsections (b)
17 through (e) of section 313 of the Water Resources
18 Development Act of 1992, as amended;
19 Williamsport, Pennsylvania, \$225,000;
20 Wallisville Lake, Texas, \$9,200,000;
21 Virginia Beach, Virginia, \$10,000,000;
22 West Virginia and Pennsylvania Flood Control,
23 West Virginia and Pennsylvania, \$3,000,000;
24 *Provided*, That the Secretary of the Army, acting through
25 the Chief of Engineers, is directed to proceed with design

1 and construction of the Southeast Louisiana, Louisiana,
2 project and to award continuing contracts, which are not
3 to be considered fully funded, beginning in fiscal year
4 1998 consistent with the limit of the authorized appropria-
5 tion ceiling: *Provided further*, That the Secretary of the
6 Army is directed to incorporate the economic analyses for
7 the Green Ridge and Plot sections of the Lackawanna
8 River, Scranton, Pennsylvania, project with the economic
9 analysis for the Albright Street section of the project, and
10 to cost-share and implement these combined sections as
11 a single project with no separable elements, except that
12 each section may be undertaken individually when the
13 non-Federal sponsor provides the applicable local coopera-
14 tion requirements: *Provided further*, That section 114 of
15 Public Law 101–101, the Energy and Water Development
16 Appropriations Act, 1990, is amended by striking “total
17 cost of \$19,600,000” and inserting in lieu thereof, “total
18 cost of \$40,000,000”: *Provided further*, That the Sec-
19 retary of the Army, acting through the Chief of Engineers,
20 is authorized and directed to combine the Wilmington
21 Harbor—Northeast Cape Fear River, North Carolina,
22 project authorized in section 202(a) of the Water Re-
23 sources Development Act of 1986, the Wilmington Har-
24 bor, Cape Fear River, North Carolina, project authorized
25 in section 101(a)(23) of the Water Resources Develop-

1 ment Act of 1996, and the Cape Fear—Northeast (Cape
2 Fear) Rivers, North Carolina, project authorized in sec-
3 tion 101(a)(22) of the Water Resources Development Act
4 of 1996 into a single project with one Project Cooperation
5 Agreement based on cost sharing as a single project.

6 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBU-
7 TARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISI-
8 ANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

9 For expenses necessary for prosecuting work of flood
10 control, and rescue work, repair, restoration, or mainte-
11 nance of flood control projects threatened or destroyed by
12 flood, as authorized by law (33 U.S.C. 702a, 702g-1),
13 \$285,450,000, to remain available until expended.

14 OPERATION AND MAINTENANCE, GENERAL

15 For expenses necessary for the preservation, oper-
16 ation, maintenance, and care of existing river and harbor,
17 flood control, and related works, including such sums as
18 may be necessary for the maintenance of harbor channels
19 provided by a State, municipality or other public agency,
20 outside of harbor lines, and serving essential needs of gen-
21 eral commerce and navigation; surveys and charting of
22 northern and northwestern lakes and connecting waters;
23 clearing and straightening channels; and removal of ob-
24 structions to navigation, \$1,726,955,000, to remain avail-
25 able until expended, of which such sums as become avail-
26 able in the Harbor Maintenance Trust Fund, pursuant to

1 Public Law 99–662, may be derived from that Fund, and
2 of which such sums as become available from the special
3 account established by the Land and Water Conservation
4 Act of 1965, as amended (16 U.S.C. 4601), may be derived
5 from that Fund for construction, operation, and mainte-
6 nance of outdoor recreation facilities, and of which funds
7 are provided for the following projects in the amounts
8 specified:

9 Anclote River, Florida, \$1,500,000; and

10 Raystown Lake, Pennsylvania, \$4,690,000:

11 *Provided*, That the Secretary of the Army, acting through
12 the Chief of Engineers, is directed to use funds appro-
13 priated in Public Law 104–206 to reimburse the local
14 sponsor of the Fort Myers Beach, Florida, project for the
15 maintenance dredging performed by the local sponsor to
16 open the authorized channel to navigation in fiscal year
17 1996.

18 REGULATORY PROGRAM

19 For expenses necessary for administration of laws
20 pertaining to regulation of navigable waters and wetlands,
21 \$112,000,000, to remain available until expended.

22 FLOOD CONTROL AND COASTAL EMERGENCIES

23 For expenses necessary for emergency flood control,
24 hurricane, and shore protection activities, as authorized
25 by section 5 of the Flood Control Act approved August

1 18, 1941, as amended, \$14,000,000, to remain available
2 until expended.

3 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM
4 (INCLUDING TRANSFER OF FUNDS)

5 For expenses necessary to administer and execute the
6 Formerly Utilized Sites Remedial Action Program to clean
7 up contaminated sites throughout the United States where
8 work was performed as part of the Nation's early atomic
9 energy program, \$110,000,000, to remain available until
10 expended: *Provided*, That funding obligated to an individ-
11 ual site in the Formerly Utilized Sites Remedial Action
12 Program shall not exceed the amount obligated during fis-
13 cal year 1997 unless the following conditions are met: (1)
14 there is a technical plan, schedule, and life-cycle cost esti-
15 mate for the work to be performed; (2) the remedy se-
16 lected for the site has been developed to meet, but not
17 exceed, the standard of cleanup required for reasonably
18 anticipated future land use and ground water uses; (3)
19 the remedy selected has incorporated separation or other
20 technology where practicable to reduce the amount of ma-
21 terial that is to be excavated, removed, transported, or dis-
22 posed; (4) the contracting mechanism used for the cleanup
23 of each site will be competitive fixed-price wherever pos-
24 sible, but as a minimum shall include performance-based
25 incentives; and (5) the cleanup plan has been presented
26 to the affected communities, and State and Federal offi-

1 cials, and has not received substantial disagreement: *Pro-*
2 *vided further*, That the unexpended balances of prior ap-
3 propriations provided for these activities in this Act or any
4 previous Energy and Water Development Appropriations
5 Act may be transferred to and merged with this appropria-
6 tion account, and thereafter, may be accounted for as one
7 fund for the same time period as originally enacted.

8 GENERAL EXPENSES

9 For expenses necessary for general administration
10 and related functions in the Office of the Chief of Engi-
11 neers and offices of the Division Engineers; activities of
12 the Coastal Engineering Research Board, the Humphreys
13 Engineer Center Support Activity, the Engineering Stra-
14 tegic Studies Center, the Water Resources Support Cen-
15 ter, and the USACE Finance Center; and for costs of im-
16 plementing the Secretary of the Army's plan to reduce the
17 number of division offices as directed in title I, Public Law
18 104–206, \$148,000,000, to remain available until ex-
19 pended: *Provided*, That no part of any other appropriation
20 provided in title I of this Act shall be available to fund
21 the activities of the Office of the Chief of Engineers or
22 the executive direction and management activities of the
23 division offices.

24 ADMINISTRATIVE PROVISIONS

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

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

5 TITLE II

6 DEPARTMENT OF THE INTERIOR

7 CENTRAL UTAH PROJECT

8 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

9 For carrying out activities authorized by the Central
10 Utah Project Completion Act, and for activities related to
11 the Uintah and Upalco Units authorized by 43 U.S.C.
12 620, \$40,353,000, to remain available until expended, of
13 which \$16,610,000 shall be deposited into the Utah Rec-
14 lamation Mitigation and Conservation Account: *Provided,*
15 That of the amounts deposited into that account,
16 \$5,000,000 shall be considered the Federal contribution
17 authorized by paragraph 402(b)(2) of the Central Utah
18 Project Completion Act and \$11,610,000 shall be available
19 to the Utah Reclamation Mitigation and Conservation
20 Commission to carry out activities authorized under that
21 Act.

22 In addition, for necessary expenses incurred in carry-
23 ing out related responsibilities of the Secretary of the Inte-
24 rior, \$800,000, to remain available until expended.

1 BUREAU OF RECLAMATION

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

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

9 For management, development, and restoration of
10 water and related natural resources and for related activi-
11 ties, including the operation, maintenance and rehabilita-
12 tion of reclamation and other facilities, participation in
13 fulfilling related Federal responsibilities to Native Ameri-
14 cans, and related grants to, and cooperative and other
15 agreements with, State and local governments, Indian
16 tribes, and others, \$651,931,000, to remain available until
17 expended, of which \$12,758,000 shall be available for
18 transfer to the Upper Colorado River Basin Fund and
19 \$54,242,000 shall be available for transfer to the Lower
20 Colorado River Basin Development Fund, and of which
21 such amounts as may be necessary may be advanced to
22 the Colorado River Dam Fund: *Provided*, That such trans-
23 fers may be increased or decreased within the overall ap-
24 propriation under this heading: *Provided further*, That of
25 the total appropriated, the amount for program activities
26 that can be financed by the Reclamation Fund or the Bu-

1 reau of Reclamation special fee account established by 16
2 U.S.C. 4601–6a(i) shall be derived from that Fund or ac-
3 count: *Provided further*, That funds contributed under 43
4 U.S.C. 395 are available until expended for the purposes
5 for which contributed: *Provided further*, That funds ad-
6 vanced under 43 U.S.C. 397a shall be credited to this ac-
7 count and are available until expended for the same pur-
8 poses as the sums appropriated under this heading: *Pro-*
9 *vided further*, That any amounts provided for the safety
10 of dams modification work at Coolidge Dam, San Carlos
11 Irrigation Project, Arizona, are in addition to the amount
12 authorized in 43 U.S.C. 509: *Provided further*, That the
13 unexpended balances of the Bureau of Reclamation appro-
14 priation accounts for “Construction Program (Including
15 Transfer of Funds)”, “General Investigations”, “Emer-
16 gency Fund”, and “Operation and Maintenance” shall be
17 transferred to and merged with this account, to be avail-
18 able for the purposes for which they originally were appro-
19 priated.

20 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

21 For the cost of direct loans and/or grants,
22 \$10,000,000, to remain available until expended, as au-
23 thorized by the Small Reclamation Projects Act of August
24 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided*,
25 That such costs, including the cost of modifying such
26 loans, shall be as defined in section 502 of the Congres-

1 sional Budget Act of 1974: *Provided further*, That these
2 funds are available to subsidize gross obligations for the
3 principal amount of direct loans not to exceed
4 \$31,000,000.

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

11 CENTRAL VALLEY PROJECT RESTORATION FUND

12 For carrying out the programs, projects, plans, and
13 habitat restoration, improvement, and acquisition provi-
14 sions of the Central Valley Project Improvement Act, such
15 sums as may be collected in the Central Valley Project
16 Restoration Fund pursuant to sections 3407(d),
17 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102-
18 575, to remain available until expended: *Provided*, That
19 the Bureau of Reclamation is directed to levy additional
20 mitigation and restoration payments totaling \$30,000,000
21 (October 1992 price levels) on a three-year rolling average
22 basis, as authorized by section 3407(d) of Public Law
23 102-575.

1 CALIFORNIA BAY-DELTA ECOSYSTEM RESTORATION
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses of the Department of the In-
4 terior and other participating Federal agencies in carrying
5 out the California Bay-Delta Environmental Enhancement
6 and Water Security Act consistent with plans to be ap-
7 proved by the Secretary of the Interior, in consultation
8 with such Federal agencies, \$120,000,000, to remain
9 available until expended, of which such amounts as may
10 be necessary to conform with such plans shall be trans-
11 ferred to appropriate accounts of such Federal agencies:
12 *Provided*, That such funds may be obligated only as non-
13 Federal sources provide their share in accordance with the
14 cost-sharing agreement required under section 102(d) of
15 such Act: *Provided further*, That such funds may be obli-
16 gated prior to the completion of a final programmatic envi-
17 ronmental impact statement only if: (1) consistent with
18 40 C.F.R. 1506.1(c), and (2) used for purposes that the
19 Secretary finds are of sufficiently high priority to warrant
20 such an expenditure.

21 POLICY AND ADMINISTRATION

22 For necessary expenses of policy, administration, and
23 related functions in the office of the Commissioner, the
24 Denver office, and offices in the five regions of the Bureau
25 of Reclamation, to remain available until expended,
26 \$47,658,000, to be derived from the Reclamation Fund

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

5 ADMINISTRATIVE PROVISION

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

9 TITLE III

10 DEPARTMENT OF ENERGY

11 ENERGY PROGRAMS

12 ENERGY SUPPLY

13 For expenses of the Department of Energy activities
14 including the purchase, construction and acquisition of
15 plant and capital equipment and other expenses necessary
16 for energy supply, and uranium supply and enrichment ac-
17 tivities in carrying out the purposes of the Department
18 of Energy Organization Act (42 U.S.C. 7101, et seq.), in-
19 cluding the acquisition or condemnation of any real prop-
20 erty or any facility or for plant or facility acquisition, con-
21 struction, or expansion, \$880,730,000.

22 NON-DEFENSE ENVIRONMENTAL MANAGEMENT

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

1 purposes of the Department of Energy Organization Act
2 (42 U.S.C. 1701, et seq.), including the acquisition or con-
3 demnation of any real property or any facility or for plant
4 or facility acquisition, construction or expansion,
5 \$497,619,000, to remain available until expended.

6 URANIUM ENRICHMENT DECONTAMINATION AND
7 DECOMMISSIONING FUND

8 For necessary expenses in carrying out uranium en-
9 richment facility decontamination and decommissioning,
10 remedial actions and other activities of title II of the
11 Atomic Energy Act of 1954 and title X, subtitle A of the
12 Energy Policy Act of 1992, \$220,200,000, to be derived
13 from the Fund, to remain available until expended: *Pro-*
14 *vided*, That \$37,000,000 of amounts derived from the
15 Fund for such expenses shall be available in accordance
16 with title X, subtitle A, of the Energy Policy Act of 1992.

17 SCIENCE

18 For expenses of the Department of Energy activities
19 including the purchase, construction and acquisition of
20 plant and capital equipment and other expenses necessary
21 for science activities in carrying out the purposes of the
22 Department of Energy Organization Act (42 U.S.C. 7101,
23 et seq.), including the acquisition or condemnation of any
24 real property or facility or for plant or facility acquisition,
25 construction, or expansion, and purchase of 15 passenger
26 motor vehicles for replacement only, \$2,207,632,000, to

1 remain available until expended: *Provided*, That
2 \$35,000,000 of the unobligated balances originally avail-
3 able for Superconducting Super Collider termination ac-
4 tivities shall be made available for other activities under
5 this heading.

6 NUCLEAR WASTE DISPOSAL FUND

7 For nuclear waste disposal activities to carry out the
8 purposes of Public Law 97-425, as amended, including
9 the acquisition of real property or facility construction or
10 expansion, \$160,000,000, to remain available until ex-
11 pended, to be derived from the Nuclear Waste Fund: *Pro-*
12 *vided*, That none of the funds provided herein shall be dis-
13 tributed to the State of Nevada or affected units of local
14 government (as defined by Public Law 97-425) by direct
15 payment, grant, or other means, for financial assistance
16 under section 116 of the Nuclear Waste Policy Act of
17 1982, as amended: *Provided further*, That the foregoing
18 proviso shall not apply to payments in lieu of taxes under
19 section 116(c)(3)(A) of the Nuclear Waste Policy Act of
20 1982, as amended.

21 DEPARTMENTAL ADMINISTRATION

22 For salaries and expenses of the Department of En-
23 ergy necessary for departmental administration in carry-
24 ing out the purposes of the Department of Energy Organi-
25 zation Act (42 U.S.C. 7101, et seq.), including the hire
26 of passenger motor vehicles and official reception and rep-

1 resentation expenses (not to exceed \$35,000),
2 \$214,723,000, to remain available until expended: *Pro-*
3 *vided*, That moneys received by the Department for mis-
4 cellaneous revenues estimated to total \$131,330,000 in
5 fiscal year 1998 may be retained and used for operating
6 expenses within this account, and may remain available
7 until expended, as authorized by section 201 of Public
8 Law 95-238, notwithstanding the provisions of 31 U.S.C.
9 3302: *Provided further*, That the sum herein appropriated
10 shall be reduced by the amount of miscellaneous revenues
11 received during fiscal year 1998 so as to result in a final
12 fiscal year 1998 appropriation from the General Fund es-
13 timated at not more than \$83,393,000.

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 incidental expenses necessary for
24 atomic energy defense weapons activities in carrying out
25 the purposes of the Department of Energy Organization
26 Act (42 U.S.C. 7101, et seq.), including the acquisition

1 or condemnation of any real property or any facility or
2 for plant or facility acquisition, construction, or expansion;
3 and the purchase of passenger motor vehicles (not to ex-
4 ceed 70 for replacement only), \$3,943,442,000.

5 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE
6 MANAGEMENT

7 For Department of Energy expenses, including the
8 purchase, construction and acquisition of plant and capital
9 equipment and other expenses necessary for atomic energy
10 defense environmental restoration and waste management
11 activities in carrying out the purposes of the Department
12 of Energy Organization Act (42 U.S.C. 7101, et seq.), in-
13 cluding the acquisition or condemnation of any real prop-
14 erty or any facility or for plant or facility acquisition, con-
15 struction, or expansion; and the purchase of passenger
16 motor vehicles (not to exceed 6 for replacement only),
17 \$5,263,270,000.

18 OTHER DEFENSE ACTIVITIES

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

1 purchase of passenger motor vehicles (not to exceed 2 for
2 replacement only), \$1,580,504,000.

3 DEFENSE NUCLEAR WASTE DISPOSAL

4 For nuclear waste disposal activities to carry out the
5 purposes of Public Law 97-425, as amended, including
6 the acquisition of real property or facility construction or
7 expansion, \$190,000,000.

8 POWER MARKETING ADMINISTRATIONS

9 OPERATION AND MAINTENANCE, ALASKA POWER

10 ADMINISTRATION

11 For necessary expenses of operation and maintenance
12 of projects in Alaska and of marketing electric power and
13 energy, \$1,000,000, to remain available until expended.

14 BONNEVILLE POWER ADMINISTRATION FUND

15 Expenditures from the Bonneville Power Administra-
16 tion Fund, established pursuant to Public Law 93-454,
17 are approved for the anadromous fish supplementation fa-
18 cilities in the Yakima River Basin, Methow River Basin
19 and Upper Snake River Basin, for the Billy Shaw Res-
20 ervoir resident fish substitution project, and for the resi-
21 dent trout fish culture facility in Southeast Idaho; and of-
22 ficial reception and representation expenses in an amount
23 not to exceed \$3,000.

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

1 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
2 ADMINISTRATION

3 For necessary expenses of operation and maintenance
4 of power transmission facilities and of marketing electric
5 power and energy pursuant to the provisions of section
6 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
7 applied to the southeastern power area, \$12,222,000, to
8 remain available until expended; in addition, notwith-
9 standing 31 U.S.C. 3302, not to exceed \$20,000,000 in
10 reimbursements for transmission wheeling and ancillary
11 services, to remain available until expended.

12 OPERATION AND MAINTENANCE, SOUTHWESTERN POWER
13 ADMINISTRATION

14 For necessary expenses of operation and maintenance
15 of power transmission facilities and of marketing electric
16 power and energy, and for construction and acquisition of
17 transmission lines, substations and appurtenant facilities,
18 and for administrative expenses, including official recep-
19 tion and representation expenses in an amount not to ex-
20 ceed \$1,500 in carrying out the provisions of section 5
21 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
22 applied to the southwestern power area, \$25,210,000, to
23 remain available until expended; in addition, notwith-
24 standing the provisions of 31 U.S.C. 3302, not to exceed
25 \$4,650,000 in reimbursements, to remain available until
26 expended.

1 FEDERAL ENERGY REGULATORY COMMISSION
2 SALARIES AND EXPENSES

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

20 DEPARTMENT OF ENERGY
21 GENERAL PROVISIONS

22 SEC. 301. None of the funds appropriated by this Act
23 or any prior appropriations Act may be used to award a
24 management and operating contract unless such contract
25 is awarded using competitive procedures. The preceding

1 sentence does not apply to a management and operating
2 contract for research and development activities performed
3 at a federally funded research and development center.

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

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

19 SEC. 303. None of the funds appropriated by this Act
20 or any prior appropriations Act may be used to award,
21 amend, or modify any contract for support services unless
22 a cost comparison conducted under the procedures and re-
23 quirements of Office of Management and Budget Circular
24 A-76 shows that the cost of performing the support serv-

1 ices by contractor personnel is lower than the cost of per-
2 forming such services by Department of Energy personnel.

3 SEC. 304. None of the funds appropriated by this Act
4 or any prior appropriations Act may be used to make pay-
5 ments under a management and operating contract for
6 providing products or services for use by Department of
7 Energy employees.

8 SEC. 305. None of the funds appropriated by this Act
9 or any prior appropriations Act may be used to—

10 (1) develop or implement a workforce restruc-
11 turing plan that covers employees of the Department
12 of Energy; or

13 (2) provide enhanced severance payments or
14 other benefits for employees of the Department of
15 Energy;

16 under section 3161 of the National Defense Authorization
17 Act of Fiscal Year 1993 (Public Law 102–484; 106 Stat.
18 2644; 42 U.S.C. 7274h).

19 SEC. 306. None of the funds appropriated by this Act
20 or any prior appropriations Act may be used to augment
21 the \$56,000,000 made available for obligation by this Act
22 for severance payments and other benefits and community
23 assistance grants under section 3161 of the National De-
24 fense Authorization Act for Fiscal Year 1993 (Public Law
25 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

1 SEC. 307. None of the funds appropriated by this Act
2 to initiate new construction projects in fiscal year 1998
3 by the Department of Energy may be obligated for such
4 a construction project until the Secretary of the Army,
5 acting through the Chief of Engineers—

6 (1) performs an independent assessment of the
7 cost, scope, and schedule of the construction project
8 and validates the accuracy of the Department of En-
9 ergy's estimates for the cost, scope, and schedule for
10 the project; and

11 (2) submits to the Subcommittees on Energy
12 and Water Development of the Committees on Ap-
13 propriations of the House of Representatives and the
14 Senate a report on such assessment.

15 SEC. 308. None of the funds appropriated by this Act
16 or any prior appropriations Act may be used to prepare
17 or initiate requests for proposals for a program if the pro-
18 gram has not been funded by Congress.

19 SEC. 309. None of the funds appropriated by this Act
20 (including funds appropriated for salaries of employees of
21 the Department of Energy) may be used in any way, di-
22 rectly or indirectly, to influence congressional action on
23 any legislation or appropriation matters pending before
24 Congress.

1 (TRANSFERS OF UNEXPENDED BALANCES)

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

9 TITLE IV
10 INDEPENDENT AGENCIES

11 APPALACHIAN REGIONAL COMMISSION

12 For expenses necessary to carry out the programs au-
13 thorized by the Appalachian Regional Development Act of
14 1965, as amended, notwithstanding section 405 of said
15 Act, and for necessary expenses for the Federal Co-Chair-
16 man and the alternate on the Appalachian Regional Com-
17 mission and for payment of the Federal share of the ad-
18 ministrative expenses of the Commission, including serv-
19 ices as authorized by 5 U.S.C. 3109, and hire of passenger
20 motor vehicles, \$160,000,000, to remain available until ex-
21 pended.

22 DEFENSE NUCLEAR FACILITIES SAFETY BOARD
23 SALARIES AND EXPENSES

24 For necessary expenses of the Defense Nuclear Fa-
25 cilities Safety Board in carrying out activities authorized

1 by the Atomic Energy Act of 1954, as amended by Public
2 Law 100–456, section 1441, \$16,000,000, to remain
3 available until expended.

4 NUCLEAR REGULATORY COMMISSION

5 SALARIES AND EXPENSES

6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses of the Commission in carry-
8 ing out the purposes of the Energy Reorganization Act
9 of 1974, as amended, and the Atomic Energy Act of 1954,
10 as amended, including the employment of aliens; services
11 authorized by 5 U.S.C. 3109; publication and dissemina-
12 tion of atomic information; purchase, repair, and cleaning
13 of uniforms; official representation expenses (not to exceed
14 \$20,000); reimbursements to the General Services Admin-
15 istration for security guard services; hire of passenger
16 motor vehicles and aircraft, \$462,700,000, to remain
17 available until expended: *Provided*, That of the amount ap-
18 propriated herein, \$13,000,000 shall be derived from the
19 Nuclear Waste Fund: *Provided further*, That from this ap-
20 propriation, transfers of sums may be made to other agen-
21 cies of the Government for the performance of the work
22 for which this appropriation is made, and in such cases
23 the sums so transferred may be merged with the appro-
24 priation to which transferred: *Provided further*, That mon-
25 eys received by the Commission for the cooperative nuclear
26 safety research program, services rendered to State gov-

1 ernments, foreign governments and international organi-
2 zations, and the material and information access author-
3 ization programs, including criminal history checks under
4 section 149 of the Atomic Energy Act may be retained
5 and used for salaries and expenses associated with those
6 activities, notwithstanding 31 U.S.C. 3302, and shall re-
7 main available until expended: *Provided further*, That reve-
8 nues from licensing fees, inspection services, and other
9 services and collections estimated at \$446,700,000 in fis-
10 cal year 1998 shall be retained and used for necessary
11 salaries and expenses in this account, notwithstanding 31
12 U.S.C. 3302, and shall remain available until expended:
13 *Provided further*, That \$3,000,000 of the funds herein ap-
14 propriated for regulatory reviews and other assistance pro-
15 vided to the Department of Energy and other Federal
16 agencies shall be excluded from license fee revenues, not-
17 withstanding 42 U.S.C. 2214: *Provided further*, That the
18 sum herein appropriated shall be reduced by the amount
19 of revenues received during fiscal year 1998 from licensing
20 fees, inspection services and other services and collections,
21 excluding those moneys received for the cooperative nu-
22 clear safety research program, services rendered to State
23 governments, foreign governments and international orga-
24 nizations, and the material and information access author-

1 ization programs, so as to result in a final fiscal year 1998
2 appropriation estimated at not more than \$16,000,000.

3 OFFICE OF INSPECTOR GENERAL

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses of the Office of Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, as amended, including services au-
8 thorized by 5 U.S.C. 3109, \$4,800,000, to remain avail-
9 able until expended; and in addition, an amount not to
10 exceed 5 percent of this sum may be transferred from Sal-
11 aries and Expenses, Nuclear Regulatory Commission: *Pro-*
12 *vided*, That notice of such transfers shall be given to the
13 Committees on Appropriations of the House of Represent-
14 atives and Senate: *Provided further*, That from this appro-
15 priation, transfers of sums may be made to other agencies
16 of the Government for the performance of the work for
17 which this appropriation is made, and in such cases the
18 sums so transferred may be merged with the appropriation
19 to which transferred: *Provided further*, That revenues from
20 licensing fees, inspection services, and other services and
21 collections shall be retained and used for necessary sala-
22 ries and expenses in this account, notwithstanding 31
23 U.S.C. 3302, and shall remain available until expended:
24 *Provided further*, That the sum herein appropriated shall
25 be reduced by the amount of revenues received during fis-

1 cal year 1998 from licensing fees, inspection services, and
2 other services and collections, so as to result in a final
3 fiscal year 1998 appropriation estimated at not more than
4 \$0.

5 NUCLEAR WASTE TECHNICAL REVIEW BOARD

6 SALARIES AND EXPENSES

7 For necessary expenses of the Nuclear Waste Tech-
8 nical Review Board, as authorized by Public Law 100-
9 203, section 5051, \$2,400,000, to be derived from the Nu-
10 clear Waste Fund, and to remain available until expended.

11 TENNESSEE VALLEY AUTHORITY

12 For essential stewardship activities for which appro-
13 priations were provided to the Tennessee Valley Authority
14 in Public Law 104-206, such sums as are necessary in
15 fiscal year 1998 and thereafter, to be derived only from
16 one or more of the following sources: nonpower fund bal-
17 ances and collections; investment returns of the nonpower
18 program; applied programmatic savings in the power and
19 nonpower programs; savings from the suspension of bo-
20 nuses and awards; savings from reductions in member-
21 ships and contributions; increases in collections resulting
22 from nonpower activities, including user fees; or increases
23 in charges to private and public utilities both investor and
24 cooperatively owned, as well as to direct load customers:
25 *Provided*, That such funds are available to fund the stew-

1 ardsnip activities under this paragraph, notwithstanding
2 sections 11, 14, 15, 29, or other provisions of the Ten-
3 nessee Valley Authority Act, as amended: *Provided further*,
4 That the savings from, and revenue adjustments to, the
5 TVA budget in fiscal year 1998 and thereafter shall be
6 sufficient to fund the aforementioned stewardship activi-
7 ties such that the net spending authority and resulting
8 outlays for these activities shall not exceed \$0 in fiscal
9 year 1998 and thereafter: *Provided further*, That within
10 thirty days of enactment of this Act, the Chairman of the
11 TVA shall submit to the Committees on Appropriations
12 of the House of Representatives and Senate an itemized
13 listing of the amounts of the proposed reductions and in-
14 creased receipts to be made pursuant to this paragraph
15 in fiscal year 1998: *Provided further*, That by November
16 1, 1999, the Chairman of the TVA shall submit to the
17 Committees on Appropriations of the House and Senate
18 an itemized listing of the amounts of the reductions or
19 increased receipts made pursuant to this paragraph for
20 fiscal year 1998.

21 TITLE V

22 GENERAL PROVISIONS

23 SEC. 501. (a) PURCHASE OF AMERICAN-MADE
24 EQUIPMENT AND PRODUCTS.—It is the sense of the Con-
25 gress that, to the greatest extent practicable, all equip-

1 ment and products purchased with funds made available
2 in this Act should be American-made.

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

9 (c) PROHIBITION OF CONTRACTS WITH PERSONS
10 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—
11 If it has been finally determined by a court or Federal
12 agency that any person intentionally affixed a label bear-
13 ing a “Made in America” inscription, or any inscription
14 with the same meaning, to any product sold in or shipped
15 to the United States that is not made in the United
16 States, the person shall be ineligible to receive any con-
17 tract or subcontract made with funds made available in
18 this Act, pursuant to the debarment, suspension, and ineli-
19 gibility procedures described in sections 9.400 through
20 9.409 of title 48, Code of Federal Regulations.

21 This Act may be cited as the “Energy and Water
22 Development Appropriations Act, 1998”.

Union Calendar No. 116

105TH CONGRESS
1ST Session

H. R. 2203

[Report No. 105-190]

A BILL

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

JULY 21, 1997

Reported from the Committee on Appropriations, committed to the Committee of the Whole House on the State of the Union and ordered to be printed