A BILL

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

S. 1004

105TH CONGRESS

1ST SESSION

Ist Session 105th Congress

105TH CONGRESS

Calendar No. 107

Read twice and placed on the calendar.

July 10, 1997
Making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes.

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

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:
TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

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, $164,065,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Norco Bluffs, California, $200,000;
Laulaulei, Hawaii, $200,000;
Tahoe Basin Study, Nevada and California, $320,000; and
Barnegat Inlet to Little Egg Harbor Inlet, New Jersey, $400,000.
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 participation 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 constitute a commitment of the Government to construction), $1,284,266,000, to remain available until expended, 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 25, Mississippi River, Illinois and Missouri, Lock and Dam 14, Mississippi River, Iowa, Lock and Dam 24, Mississippi River, Illinois and Missouri, and Lock and Dam 3, Mississippi River, Minnesota, projects, and of which funds are provided for the following projects in the amounts specified:

Arkansas River, Tucker Creek, Arkansas, $300,000;

Red River Emergency Bank Protection, Arkansas, $3,500,000;

Panama City Beaches, Florida, $5,000,000;
Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $18,000,000;

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

Middlesboro (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $7,200,000;

Pike County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $5,800,000;

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

Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $4,690,000;

Lake Ponchartrain Stormwater Discharge, Louisiana, $3,000,000;

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

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

Pearl River, Mississippi (Walkiah Bluff), $2,000,000;
Wallisville Lake, Texas, $10,000,000;
Virginia Beach, Virginia (Reimbursement), $925,000;
Virginia Beach, Virginia (Hurricane Protection), $15,000,000;
Hatfield Bottom (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $1,000,000;
Lower Mingo (Kermit) (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $6,300,000;
Lower Mingo, West Virginia, Tributaries Supplement, $150,000;
Upper Mingo County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $3,000,000;
Levisa Basin Flood Warning System (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $400,000;
Tug Fork Basin Flood Warning System (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $400,000; and
Wayne County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $1,200,000:
Provided further, That the Secretary of the Army is directed to design and implement at full Federal expense an early flood warning system for the Tug Fork and Levisa Basins, West Virginia and Kentucky, within eighteen months of the date of enactment of this Act: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to combine the Wilmington Harbor-Northeast Cape Fear River authorized by the Water Resource Development Act of 1986, section 202(a), the Wilmington Harbor Channel Widening authorized by the Water Resources Development Act of 1986, section 101(a)(23), and the Cape Fear-Northeast (Cape Fear) River authorized by the Water Resource Development Act of 1996, section 101(a)(22), North Carolina projects into one project with one project cooperation agreement based on cost sharing as a single project and that with $2,430,000 of the funds appropriated herein, is directed to continue design and initiate construction of the combined project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $15,000,000 of the funds appropriated herein to initiate construction of the Houston-Galveston Navigation Channels, Texas, project and execute a Project Cooperation Agreement for the entire project authorized in

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), $289,000,000, to remain available until expended: Provided, That notwithstanding the funding limitations set forth in Public Law 104–6 (109 Stat. 85), the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use additional funds appropriated herein or previously appropriated to complete remedial measures to prevent slope instability at Hickman Bluff, Kentucky.

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 general 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, $1,661,203,000, 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 fund for construction, operation, and mainte-
nance of outdoor recreation facilities, and of which funds
are provided for the following projects in the amounts
specified:

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

Provided, That no funds, whether appropriated, contrib-
uted, or otherwise provided, shall be available to the Unit-
ed States Army Corps of Engineers for the purpose of ac-
quiring land in Jasper County, South Carolina, in connec-
tion with the Savannah Harbor navigation project: Pro-
vided further, That the Secretary of the Army, acting
through the Chief of Engineers, is authorized and directed
to dredge a navigational channel in the Chena River at
Fairbanks, Alaska from its confluence with the Tanana
River upstream to the University Road Bridge that will
allow the safe passage during normal water levels of ves-
sels up to 350 feet in length, 60 feet in width, and drafting up to 3 feet.

REGULATORY PROGRAM

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

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, $10,000,000, 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 Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Engineering Strategic Studies Center, the Water Resources Support Center, the USACE Finance Center and for costs of implementing the Secretary of the Army’s plan to reduce the number of division offices as directed in title I, Public Law 104–46, $148,000,000, 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.

REVOLVING FUND

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

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for offi-
cial 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 pas-
senger motor vehicles.

GENERAL PROVISIONS

Corps of Engineers—Civil

Sec. 101. (a) In fiscal year 1998, the Secretary of
the Army shall advertise for competitive bid at least
8,500,000 cubic yards of the hopper dredge volume accom-
plished with government owned dredges in fiscal year
(b) Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25 percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well equipped contractor doing the work or to respond to emergency requirements.

Sec. 102. In fiscal year 1998 and thereafter, the Secretary of the Army is authorized and directed to provide planning, design and construction assistance to non-Federal interests in carrying out water related environmental infrastructure and environmental resources development projects, including assistance for wastewater treatment and related facilities; water supply, storage, treatment and distribution facilities; and development, restoration or improvement of wetlands and other aquatic areas for the purpose of protection or development of surface water resources: Provided, That the non-Federal interest shall enter into a binding agreement with the Secretary wherein the non-Federal interest will provide all lands, easements, rights-of-way, relocations, and dredge material disposal areas required for the project, and pay 50 per centum of the costs of required feasibility studies, 25 per centum of the costs of designing and constructing the project, and
100 per centum of the costs of operation, maintenance, repair, replacement or rehabilitation of the project: Provided further, That the value of lands, easements, rights-of-way, relocations and dredged material disposal areas provided by the non-Federal interest shall be credited toward the non-Federal share, not to exceed 25 per centum, of the costs of dredging and constructing the project: Provided further, That hereafter the Federal share of the costs of each of the individual projects undertaken shall not exceed $5,000,000: Provided further, That utilizing $10,000,000 of the funds appropriated herein, the Secretary is directed to carry out this section.

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, Public Law 102–575 (106 Stat. 4605), and for activities related to the Uintah and Upalco Units authorized by 43 U.S.C. 620, $40,353,000, to remain available until expended, of which $16,610,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: Provided, That of the amounts deposited into that account, $5,000,000 shall be considered the Federal contribution authorized by paragraph
402(b)(2) of the Central Utah Project Completion Act and
$11,610,000 shall be available to the Utah Reclamation
Mitigation and Conservation Commission to carry out ac-
tivities authorized under that Act.

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

BUREAU OF RECLAMATION

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

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of
water and related natural resources and for related activi-
ties, including the operation, maintenance and rehabilita-
tion of reclamation and other facilities, participation in
fulfilling related Federal responsibilities to Native Ameri-
cans, and related grants to, and cooperative and other
agreements with, state and local governments, Indian
tribes, and others, to remain available until expended,
$688,379,000, of which $18,758,000 shall be available for
transfer to the Upper Colorado River Basin Fund and
$55,920,000 shall be available for transfer to the Lower Colorado River Basin Development Fund, and of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: 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 using $500,000 of funds appropriated herein, the Secretary of the Interior shall undertake a non-reimbursable project to install drains in the Pena Blanca area of New Mexico to prevent seepage from Cochiti Dam: 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 nonreimbursable basis: Provided further, That section 10 of Public Law 89–108 as amended by section
8 of Public Law 99–294 and section 1701(b) of Public Law 102–575, is further amended by striking "$61,000,000" and inserting in lieu thereof "$62,300,000"; Provided further, That the unexpended balances of the Bureau of Reclamation appropriation accounts for “Construction Program (Including Transfer of Funds)”, “General Investigations”, “Emergency Fund”, and “Operation and Maintenance” shall be transferred to and merged with this account, to be available for the purposes for which they originally were appropriated.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $10,000,000, 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; Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $31,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, to remain available until expended, $425,000; 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.

CALIFORNIA BAY-DELTA ECOSYSTEM RESTORATION

For necessary expenses of the Department of the Interior and other participating Federal agencies in carrying out the California Bay-Delta Environmental Enhancement and Water Security Act consistent with plans to be approved by the Secretary of the Interior, in consultation with such Federal agencies, $50,000,000, to remain available until expended, of which such amounts as may be necessary to conform with such plans shall be transferred to appropriate accounts of such Federal agencies: Provided, That such funds may be obligated only as non-Federal sources provide their share in accordance with the cost-sharing agreement required under section 102(d) of such Act: Provided further, That such funds may be obligated prior to the completion of a final programmatic environmental impact statement only if (1) consistent with 40 C.F.R. 1506.1(c), and (2) used for purposes that the Secretary finds are of sufficiently high priority to warrant such an expenditure.

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, such sums as may be collected in the Central Valley Project
17 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 levy additional
mitigation and restoration payments totaling $25,130,000
(October 1992 price levels) on a three-year rolling average
basis, as 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,
$47,558,000, 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.

SPECIAL FUNDS
(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the
reclamation fund or special fee account are appropriated
from the special funds in the Treasury created by the Act
of June 17, 1902 (43 U.S.C. 391) or the Act of December
Such sums shall be transferred, upon request of the Sec-
retary, to be merged with and expended under the heads herein specified.

ADMINISTRATIVE PROVISION

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

TITLE III

DEPARTMENT OF ENERGY

NON-DEFENSE PROGRAMS

ENERGY RESEARCH

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for energy research 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; purchase of passenger motor vehicles (not to exceed 13 for replacement only), $953,915,000, to remain available until expended; and, in addition, $13,025,000 for energy assets acquisition, to remain available until expended.

ENVIRONMENTAL MANAGEMENT

(NONDEFENSE)

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital
equipment and other expenses necessary for nondefense
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 con-
demnation of any real property or any facility or for plant
or facility acquisition, construction, or expansion,
$664,684,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND
DECOMMISSIONING FUND

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

NUCLEAR WASTE DISPOSAL FUND

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, $160,000,000, to remain available until ex-
pended, to be derived from the Nuclear Waste Fund; of
which $4,000,000 shall be available to the Nuclear Regu-
latory Commission to license a multi-purpose cannister de-
sign; and of which not to exceed $1,500,000 may be pro-
vided to the State of Nevada, solely to conduct scientific
oversight responsibilities pursuant to the Nuclear Waste
Policy Act of 1982, (Public Law 97–425), as amended; and of which not to exceed $6,175,000 may be provided to affected 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 to the units of local government shall be determined by the Department of Energy: Provided further, That the funds shall be made available to the State and units of local government by direct payment: Provided further, That within ninety days of the completion of each Federal fiscal year, each State or local entity shall provide certification to the Department of Energy, that all funds expended from such payments have been expended for activities as defined in Public Law 97–425. 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 multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act.
For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for general science and research 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 facility or for plant or facility acquisition, construction, or expansion; and the purchase of 5 passenger motor vehicles for replacement only, $2,084,567,000, to remain available until expended; and, in addition, $138,510,000 science assets acquisition, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

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), $220,847,000, 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 moneys received by the Department for miscellaneous revenues estimated to total $131,330,000 in fiscal year 1998 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 1998 so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $89,517,000.

OFFICE OF THE INSPECTOR GENERAL


ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS 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 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 passenger motor vehicles (not to exceed 70 for replacement only), $4,302,450,000, to remain available until expended: Provided, That funding for any ballistic missile defense program undertaken by the Department of Energy for the Department of Defense shall be provided by the Department of Defense according to procedures established for Work for Others by the Department of Energy.

DEFENSE 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 passenger motor vehicles (not to exceed 6 for replacement only), $5,311,974,000, to remain available until expended, of which $65,000,000 shall be available only for “Closure Projects” to accelerate closure of specific facilities and thereby significantly reduce outyear costs; and, in addi-
tion, $343,000,000 for privatization projects, 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 pur-
poses of the Department of Energy Organization Act (42
U.S.C. 7101, et seq.), including the acquisition or con-
demnation of any real property or any facility or for plant
or facility acquisition, construction, or expansion, and the
purchase of passenger motor vehicles (not to exceed 2 for
replacement only), $1,637,981,000, 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, $190,000,000, to remain available until ex-
pended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER

ADMINISTRATION

For necessary expenses of operation and maintenance
of projects in Alaska and of marketing electric power and
energy, $3,500,000, to remain available until expended;
and, in addition, $20,000,000 for capital assets acquisition, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the anadromous fish supplementation facilities in the Yakima River Basin, Methow River Basin and Upper Snake River Basin, for the Billy Shaw Reservoir resident fish substitution project, and for the resident trout fish culture facility in southeast Idaho; and for official reception and representation expenses in an amount not to exceed $3,000.

During fiscal year 1998, 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 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, $12,222,000, to remain available until expended; in addition, notwithstanding 31 U.S.C. 3302, not to exceed $20,000,000 in reimbursements for transmission wheeling and ancillary services, to remain available until expended.
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, $26,500,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,650,000 in reimbursements, to remain available until expended.

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. 7101, et seq.), and other related activities including conservation and renewable resources programs as authorized, including the replacement of not more than 2 helicopters through transfers, exchange, or sale, and official reception and representation expenses in an amount not to exceed $1,500, $180,334,000, to remain available until expended.
until expended, of which $174,935,000 shall be derived
from the Department of the Interior Reclamation Fund:

Provided, That of the amount herein appropriated,
$5,592,000 is for deposit into the Utah Reclamation Mitiga-
tion and Conservation Account pursuant to title IV of
the Reclamation Projects Authorization and Adjustment
Act of 1992: Provided further, That the Secretary of the
Treasury is authorized to transfer from the Colorado
River Dam Fund to the Western Area Power Administra-
tion $5,592,000 to carry out the power marketing and
transmission activities of the Boulder Canyon project as
provided in section 104(a)(4) of the Hoover Power Plant
Act of 1984, to remain available until expended.

FALCON AND AMISTAD OPERATING AND MAINTENANCE
FUND

For operation, maintenance, and emergency costs for
the hydroelectric facilities at the Falcon and Amistad
Dams, $1,065,000, to remain available until expended,
and to be derived from the Falcon and Amistad Operating
and Maintenance Fund of the Western Area Power Ad-
ministration, as provided in section 423 of the Foreign

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regu-
latory Commission to carry out the provisions of the De-
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), $162,141,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $162,141,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1998 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 revenues are received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $0.

GENERAL PROVISIONS

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 and for payment of the Federal share of the ad-
ministrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $160,000,000, 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, $17,500,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

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 the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $476,500,000, to remain available until expended: Provided, That of the amount appropriated herein, $17,000,000 shall be derived from the
Nuclear Waste Fund: Provided further, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: Provided further, That monies received by the Commission for the cooperative nuclear safety research program, services rendered to State governments, foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act may be retained and used for salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $457,500,000 in fiscal year 1998 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 funds herein appropriated for regulatory reviews and other assistance provided to the Department of Energy and other Federal agencies shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: Provided further, That the sum herein ap-
appropriated shall be reduced by the amount of revenues re-
ceived during fiscal year 1998 from licensing fees, inspec-
tion services and other services and collections, excluding
those moneys received for the cooperative nuclear safety
research program, services rendered to State governments,
foreign governments and international organizations, and
the material and information access authorization pro-
grams, so as to result in a final fiscal year 1997 appro-
priation estimated at not more than $19,000,000.

**Office of Inspector General**

*(including transfer of funds)*

For necessary expenses of the Office of Inspector
General in carrying out the provisions of the Inspector
General Act of 1978, as amended, including services au-
thorized by 5 U.S.C. 3109, $4,800,000, to remain avail-
able until expended; and in addition, an amount not to
exceed 5 percent of this sum may be transferred from Sal-
aries and Expenses, Nuclear Regulatory Commission: Pro-
vided, That notice of such transfers shall be given to the
Committees on Appropriations of the House and Senate:
Provided further, That from this appropriation, transfers
of sums may be made to other agencies of the Government
for the performance of the work for which this appropria-
tion is made, and in such cases the sums so transferred
may be merged with the appropriation to which trans-
ferred: Provided further, That revenues from licensing fees, inspection services, and other services and collections 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 1998 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1998 appropriation estimated at not more than $0.

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, $3,200,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TENNESSEE VALLEY AUTHORITY

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, $86,000,000, to remain available until expended:
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 Falsey 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. 502. Section 1621 of title XVI of the Reclamation Wastewater and Groundwater Act, Public Law 104–266, is amended by—

(1) striking “Study” in the section title, and inserting “Project”;

(2) inserting in subsection (a) “planning, design, and construction of the” following “to participate in the”; and

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

Sec. 503. Section 1208(a)(2) of the Yavapai-Prescott Indian Treaty Settlement Act of 1994 (Public Law 103–434) is amended by striking “$4,000,000 for construction” and inserting in lieu thereof “$13,000,000, at 1997 prices, for construction plus or minus such amounts as may be justified by reason of ordinary fluctuations of applicable cost indexes”.

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

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