

107TH CONGRESS
1ST SESSION

H. R. 2311

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2001

Ordered to be printed with the amendment of the Senate

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

Making appropriations for energy and water development for the fiscal year ending September 30, 2002, 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, 2002, and for other pur-~~
6 ~~poses, 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 \$163,260,000, to remain available until expended: *Pro-*
19 *vided*, That the Secretary of the Army, acting through the
20 Chief of Engineers, is directed to use \$1,000,000 of the
21 funds appropriated herein to continue preconstruction en-
22 gineering and design of the Murrieta Creek, California,
23 flood protection and environmental enhancement project
24 and is further directed to proceed with the project in ac-
25 cordance with cost sharing established for the Murrieta

1 Creek project in Public Law 106-377: *Provided further,*
2 That the Secretary of the Army, acting through the Chief
3 of Engineers, is directed to use the feasibility report pre-
4 pared under the authority of section 205 of the Flood Con-
5 trol Act of 1948, as amended, as the basis for the Rock
6 Creek-Keefer Slough Flood Control Project, Butte Coun-
7 ty, California, and is further directed to use \$200,000 of
8 the funds appropriated herein for preconstruction engi-
9 neering and design of the project: *Provided further,* That
10 in conducting the Southwest Valley Flood Damage Reduc-
11 tion Study, Albuquerque, New Mexico, the Secretary of
12 the Army, acting through the Chief Engineers, shall in-
13 clude an evaluation of flood damage reduction measures
14 that would otherwise be excluded from the feasibility anal-
15 ysis based on policies regarding the frequency of flooding,
16 the drainage areas, and the amount of runoff.

17 **CONSTRUCTION, GENERAL**

18 For the prosecution of river and harbor, flood control,
19 shore protection, and related projects authorized by laws;
20 and detailed studies, and plans and specifications, of
21 projects (including those for development with participa-
22 tion or under consideration for participation by States,
23 local governments, or private groups) authorized or made
24 eligible for selection by law (but such studies shall not con-
25 stitute a commitment of the Government to construction);

1 ~~\$1,671,854,000~~, to remain available until expended, of
2 which such sums as are necessary for the Federal share
3 of construction costs for facilities under the Dredged Ma-
4 terial Disposal Facilities program shall be derived from
5 the Harbor Maintenance Trust Fund, as authorized by
6 Public Law 104-303; and of which such sums as are nee-
7 essary pursuant to Public Law 99-662 shall be derived
8 from the Inland Waterways Trust Fund, for one-half of
9 the costs of construction and rehabilitation of inland wa-
10 terways projects, including rehabilitation costs for the
11 Lock and Dam 12, Mississippi River, Iowa; Lock and Dam
12 24, Mississippi River, Illinois and Missouri; Lock and
13 Dam 3, Mississippi River, Minnesota; and London Locks
14 and Dam, Kanawha River, West Virginia, projects; and
15 of which funds are provided for the following projects in
16 the amounts specified:

17 San Timoteo Creek (Santa Ana River
18 Mainstem), California, ~~\$10,000,000~~;

19 Indianapolis Central Waterfront, Indiana,
20 ~~\$9,000,000~~;

21 Southern and Eastern Kentucky, Kentucky,
22 ~~\$4,000,000~~; and

23 Clover Fork, City of Cumberland, Town of Mar-
24 tin, Pike County (including Levisa Fork and Tug
25 Fork Tributaries), Bell County, Floyd County, Mar-

1 tin County, and Harlan County, Kentucky, elements
2 of the Levisa and Tug Forks of the Big Sandy River
3 and Upper Cumberland River, Kentucky,
4 \$15,450,000: *Provided*, That \$15,000,000 of the
5 funds appropriated herein shall be deposited in the
6 San Gabriel Basin Restoration Fund established by
7 section 110 of division B, title I of Public Law 106-
8 554, of which \$1,000,000 shall be for remediation in
9 the Central Basin Municipal Water District: *Pro-*
10 *vided further*, That using \$1,000,000 of the funds
11 appropriated herein, the Secretary of the Army, act-
12 ing through the Chief of Engineers, is directed to
13 modify the Carr Creek Lake, Kentucky, project at
14 full Federal expense to provide additional water sup-
15 ply storage for the Upper Kentucky River Basin:
16 *Provided further*, That with \$1,200,000 of the funds
17 appropriated herein, the Secretary of the Army, act-
18 ing through the Chief of Engineers, is directed to
19 undertake design deficiency repairs to the Bois
20 Brule Drainage and Levee District, Missouri, project
21 authorized and constructed under the authority of
22 the Flood Control Act of 1936 with cost sharing
23 consistent with the original project authorization:
24 *Provided further*, That in accordance with section
25 332 of the Water Resources Development Act of

1 1999, the Secretary of the Army is directed to in-
2 crease the authorized level of protection of the Bois
3 Brule Drainage and Levee District, Missouri, project
4 from 50 years to 100 years using \$700,000 of the
5 funds appropriated herein, and the project costs allo-
6 cated to the incremental increase in the level of pro-
7 tection shall be cost shared consistent with section
8 103(a) of the Water Resources Development Act of
9 1986, notwithstanding section 202(a) of the Water
10 Resources Development Act of 1996. Flood Control,
11 Mississippi River and Tributaries, Arkansas, Illi-
12 nois, Kentucky, Louisiana, Mississippi, Missouri,
13 and Tennessee

14 For expenses necessary for prosecuting work of flood
15 control, rescue work, repair, restoration, or maintenance
16 of flood control projects threatened or destroyed by flood,
17 as authorized by law (33 U.S.C. 702a and 702g-1),
18 \$347,665,000, to remain available until expended.

19 OPERATION AND MAINTENANCE, GENERAL

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

1 eral commerce and navigation; surveys and charting of
2 northern and northwestern lakes and connecting waters;
3 clearing and straightening channels; and removal of ob-
4 structions to navigation, \$1,864,464,000, to remain avail-
5 able until expended, of which such sums as become avail-
6 able in the Harbor Maintenance Trust Fund, pursuant to
7 Public Law 99-662, may be derived from that Fund, and
8 of which such sums as become available from the special
9 account established by the Land and Water Conservation
10 Act of 1965, as amended (16 U.S.C. 4601), may be derived
11 from that account for construction, operation, and mainte-
12 nance of outdoor recreation facilities: *Provided*, That with
13 \$1,500,000 of the funds appropriated herein, the Sec-
14 retary of the Army, acting through the Chief of Engineers,
15 is directed to perform cultural resource mitigation and
16 recreation improvements at Waco Lake, Texas, at full
17 Federal expense notwithstanding the provisions of the
18 Water Supply Act of 1958: *Provided further*, That the Sec-
19 retary of the Army, acting through the Chief of Engineers,
20 is directed to use \$2,000,000 of the funds appropriated
21 herein to grade the basin within the Hansen Dam feature
22 of the Los Angeles County Drainage Area, California,
23 project to enhance and maintain flood capacity and to pro-
24 vide for future use of the basin for compatible purposes
25 consistent with the Master Plan including recreation and

1 environmental restoration: *Provided further*, That the Sec-
2 retary of the Army, acting through the Chief of Engineers,
3 is directed to use \$1,000,000 of the funds appropriated
4 herein to fully investigate the development of an upland
5 disposal site recycling program on the Black Warrior and
6 Tombigbee Rivers project and the Apalachicola, Chat-
7 tahoochee and Flint Rivers project: *Provided further*,
8 That, for the Raritan River Basin, Green Brook Sub-
9 Basin, New Jersey, project, the Secretary of the Army,
10 acting through the Chief of Engineers, is directed to im-
11 plement the locally preferred plan for the element in the
12 western portion of Middlesex Borough, New Jersey, which
13 includes the buyout of up to 22 homes, and flood proofing
14 of four commercial buildings along Prospect Place and
15 Union Avenue, and also the buyout of up to three commer-
16 cial buildings along Raritan and Lincoln Avenues, at a
17 total estimated cost of \$15,000,000, with an estimated
18 Federal cost of \$11,500,000 and an estimated non-Fed-
19 eral cost of \$3,500,000.

20 **REGULATORY PROGRAM**

21 For expenses necessary for administration of laws
22 pertaining to regulation of navigable waters and wetlands,
23 \$128,000,000, to remain available until expended.

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 GENERAL PROVISIONS

6 CORPS OF ENGINEERS—CIVIL

7 SEC. 101. Section 110(3)(B)(ii) of division B, title
 8 I of Public Law 106-554 is amended by inserting the fol-
 9 lowing before the period: “: *Provided*, That the Secretary
 10 shall credit the San Gabriel Water Quality Authority with
 11 the value of all prior expenditures by the non-Federal in-
 12 terests that are compatible with the purposes of this Act”.

13 SEC. 102. Except for the historic scheduled mainte-
 14 nance dredging in the Delaware River, none of the funds
 15 appropriated in this Act shall be used to operate the
 16 dredge MCFARLAND other than in active ready reserve
 17 for urgent dredging, emergencies and in support of na-
 18 tional defense.

19 SEC. 103. (a) CONVEYANCE AUTHORIZED.—The Sec-
 20 retary of the Army shall convey to the Blue Township Fire
 21 District, Blue Township, Kansas, by quitclaim deed and
 22 without consideration, all right, title, and interest of the
 23 United States in and to a parcel of land consisting of ap-
 24 proximately 4.35 acres located in Pottawatomie County,
 25 Tuttle Creek Lake, Kansas.

1 (b) DESCRIPTION OF PROPERTY.—The exact acreage
2 and legal description of the real property to be conveyed
3 under subsection (a) shall be determined by a survey satis-
4 factory to the Secretary.

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

11 SEC. 104. For those shore protection projects funded
12 in this Act which have Project Cooperation Agreements
13 in place, the Secretary of the Army is directed to proceed
14 with those projects in accordance with the cost sharing
15 specified in the Project Cooperation Agreement.

16 SEC. 105. None of the funds made available in this
17 Act may be used to revise the Missouri River Master
18 Water Control Manual when it is made known to the Fed-
19 eral entity or official to which the funds are made available
20 that such revision provides for an increase in the spring-
21 time water release program during the spring heavy rain-
22 fall and snow melt period in States that have rivers drain-
23 ing into the Missouri River below the Gavins Point Dam.

1 TITLE H
2 DEPARTMENT OF THE INTERIOR
3 CENTRAL UTAH PROJECT
4 CENTRAL UTAH PROJECT COMPLETION ACCOUNT
5 For carrying out activities authorized by the Central
6 Utah Project Completion Act, \$34,918,000, to remain
7 available until expended, of which \$10,749,000 shall be
8 deposited into the Utah Reclamation Mitigation and Con-
9 servation Account for use by the Utah Reclamation Miti-
10 gation and Conservation Commission.

11 In addition, for necessary expenses incurred in ear-
12 rying out related responsibilities of the Secretary of the
13 Interior, \$1,310,000, to remain available until expended.

14 BUREAU OF RECLAMATION

15 The following appropriations shall be expended to
16 execute authorized functions of the Bureau of Reclama-
17 tion:

18 WATER AND RELATED RESOURCES
19 (INCLUDING TRANSFER OF FUNDS)

20 For management, development, and restoration of
21 water and related natural resources and for related activi-
22 ties, including the operation, maintenance and rehabilita-
23 tion of reclamation and other facilities, participation in
24 fulfilling related Federal responsibilities to Native Ameri-
25 cans, and related grants to, and cooperative and other
26 agreements with, State and local governments, Indian

1 tribes, and others, \$691,160,000, to remain available until
2 expended, of which \$14,649,000 shall be available for
3 transfer to the Upper Colorado River Basin Fund and
4 \$31,442,000 shall be available for transfer to the Lower
5 Colorado River Basin Development Fund; of which such
6 amounts as may be necessary may be advanced to the Col-
7 orado River Dam Fund; of which \$8,000,000 shall be for
8 on-reservation water development, feasibility studies, and
9 related administrative costs under Public Law 106-163;
10 and of which not more than \$500,000 is for high priority
11 projects which shall be carried out by the Youth Conserva-
12 tion Corps, as authorized by 16 U.S.C. 1706: *Provided,*
13 That such transfers may be increased or decreased within
14 the overall appropriation under this heading: *Provided fur-*
15 *ther,* That of the total appropriated, the amount for pro-
16 gram activities that can be financed by the Reclamation
17 Fund or the Bureau of Reclamation special fee account
18 established by 16 U.S.C. 4601-6a(i) shall be derived from
19 that Fund or account: *Provided further,* That funds con-
20 tributed under 43 U.S.C. 395 are available until expended
21 for the purposes for which contributed: *Provided further,*
22 That funds advanced under 43 U.S.C. 397a shall be cred-
23 ited to this account and are available until expended for
24 the same purposes as the sums appropriated under this
25 heading: *Provided further,* That funds available for ex-

1 penditure for the Departmental Irrigation Drainage Pro-
2 gram may be expended by the Bureau of Reclamation for
3 site remediation on a non-reimbursable basis: *Provided*
4 *further*, That section 301 of Public Law 102-250, Rec-
5 lamation States Emergency Drought Relief Act of 1991,
6 as amended, is amended further by inserting “2001, and
7 2002” in lieu of “and 2001”.

8 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

9 For the cost of direct loans and/or grants,
10 \$7,215,000, to remain available until expended, as author-
11 ized by the Small Reclamation Projects Act of August 6,
12 1956, as amended (43 U.S.C. 422a-422i): *Provided*, That
13 such costs, including the cost of modifying such loans,
14 shall be as defined in section 502 of the Congressional
15 Budget Act of 1974, as amended: *Provided further*, That
16 these funds are available to subsidize gross obligations for
17 the principal amount of direct loans not to exceed
18 \$26,000,000.

19 In addition, for administrative expenses necessary to
20 carry out the program for direct loans and/or grants,
21 \$280,000, to remain available until expended: *Provided*,
22 That of the total sums appropriated, the amount of pro-
23 gram activities that can be financed by the Reclamation
24 Fund shall be derived from that Fund.

1 CENTRAL VALLEY PROJECT RESTORATION FUND

2 For carrying out the programs, projects, plans, and
3 habitat restoration, improvement, and acquisition provi-
4 sions of the Central Valley Project Improvement Act,
5 \$55,039,000, to be derived from such sums as may be col-
6 lected in the Central Valley Project Restoration Fund pur-
7 suant to sections 3407(d), 3404(e)(3), 3405(f), and
8 3406(e)(1) of Public Law 102-575, to remain available
9 until expended: *Provided*, That the Bureau of Reclamation
10 is directed to assess and collect the full amount of the
11 additional mitigation and restoration payments authorized
12 by section 3407(d) of Public Law 102-575.

13 POLICY AND ADMINISTRATION

14 For necessary expenses of policy, administration, and
15 related functions in the office of the Commissioner, the
16 Denver office, and offices in the five regions of the Bureau
17 of Reclamation, to remain available until expended,
18 \$52,968,000, to be derived from the Reclamation Fund
19 and be nonreimbursable as provided in 43 U.S.C. 377:
20 *Provided*, That no part of any other appropriation in this
21 Act shall be available for activities or functions budgeted
22 as policy and administration expenses.

23 ADMINISTRATIVE PROVISION

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

1 water shortage caused by variable flood control
2 operation during any year at Folsom Dam and
3 resulting in a significant impact to the environ-
4 ment or to recreation shall be replaced, to the
5 extent that water is available, as determined by
6 the Secretary of the Interior, with 100 percent
7 of the cost of such available water borne by the
8 Sacramento Area Flood Control Agency.”.

9 TITLE III

10 DEPARTMENT OF ENERGY

11 ENERGY PROGRAMS

12 ENERGY SUPPLY

13 For Department of Energy expenses including the
14 purchase, construction and acquisition of plant and capital
15 equipment, and other expenses necessary for energy sup-
16 ply activities in carrying out the purposes of the Depart-
17 ment of Energy Organization Act (42 U.S.C. 7101 et
18 seq.); including the acquisition or condemnation of any
19 real property or any facility or for plant or facility acquisi-
20 tion, construction, or expansion; and the purchase of not
21 to exceed 17 passenger motor vehicles for replacement
22 only, \$639,317,000, to remain available until expended.

23 NON-DEFENSE ENVIRONMENTAL MANAGEMENT

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

1 equipment and other expenses necessary for non-defense
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 \$227,872,000, to remain available until expended.

8 URANIUM FACILITIES MAINTENANCE AND REMEDIATION

9 For necessary expenses to maintain, decontaminate,
10 decommission, and otherwise remediate uranium proc-
11 essing facilities, \$393,425,000, of which \$272,641,000
12 shall be derived from the Uranium Enrichment Decon-
13 tamination and Decommissioning Fund, all of which shall
14 remain available until expended.

15 SCIENCE

16 For Department of Energy expenses including the
17 purchase, construction and acquisition of plant and capital
18 equipment, and other expenses necessary for science ac-
19 tivities in carrying out the purposes of the Department
20 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
21 cluding the acquisition or condemnation of any real prop-
22 erty or facility or for plant or facility acquisition, construc-
23 tion, or expansion, and purchase of not to exceed 25 pas-
24 senger motor vehicles for replacement only,
25 \$3,166,395,000, to remain available until expended.

1 NUCLEAR WASTE DISPOSAL

2 For nuclear waste disposal activities to carry out the
3 purposes of Public Law 97-425, as amended, including
4 the acquisition of real property or facility construction or
5 expansion, \$133,000,000, to remain available until ex-
6 pended and to be derived from the Nuclear Waste Fund:
7 *Provided*, That not to exceed \$2,500,000 may be provided
8 to the State of Nevada solely for expenditures, other than
9 salaries and expenses of State employees, to conduct sci-
10 entific oversight responsibilities pursuant to the Nuclear
11 Waste Policy Act of 1982, Public Law 97-425, as amend-
12 ed: *Provided further*, That \$6,000,000 shall be provided
13 to affected units of local governments, as defined in Public
14 Law 97-425, to conduct appropriate activities pursuant
15 to the Act: *Provided further*, That the distribution of the
16 funds as determined by the units of local government shall
17 be approved by the Department of Energy: *Provided fur-*
18 *ther*, That the funds for the State of Nevada shall be made
19 available solely to the Nevada Division of Emergency Man-
20 agement by direct payment and units of local government
21 by direct payment: *Provided further*, That within 90 days
22 of the completion of each Federal fiscal year, the Nevada
23 Division of Emergency Management and the Governor of
24 the State of Nevada and each local entity shall provide
25 certification to the Department of Energy that all funds

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

19 DEPARTMENTAL ADMINISTRATION

20 (INCLUDING TRANSFER OF FUNDS)

21 For salaries and expenses of the Department of En-
22 ergy necessary for departmental administration in ear-
23 rying out the purposes of the Department of Energy Orga-
24 nization Act (42 U.S.C. 7101 et seq.); including the hire
25 of passenger motor vehicles and official reception and rep-

1 representation expenses (not to exceed \$35,000),
2 \$209,611,000, to remain available until expended, plus
3 such additional amounts as necessary to cover increases
4 in the estimated amount of cost of work for others not-
5 withstanding the provisions of the Anti-Deficiency Act (31
6 U.S.C. 1511 et seq.): *Provided*, That such increases in
7 cost of work are offset by revenue increases of the same
8 or greater amount, to remain available until expended:
9 *Provided further*, That of the funds provided to the De-
10 partment of Energy under title III of Public Law 105-
11 277 for activities related to achieving Year 2000 conver-
12 sion of Federal information technology systems and re-
13 lated expenses, remaining balances, estimated to be
14 \$1,480,000, may be transferred to this account, and shall
15 remain available until expended, for continuation of infor-
16 mation technology enhancement activities: *Provided fur-*
17 *ther*, That moneys received by the Department for mis-
18 cellaneous revenues estimated to total \$137,810,000 in
19 fiscal year 2002 may be retained and used for operating
20 expenses within this account, and may remain available
21 until expended, as authorized by section 201 of Public
22 Law 95-238, notwithstanding the provisions of 31 U.S.C.
23 3302: *Provided further*, That the sum herein appropriated
24 shall be reduced by the amount of miscellaneous revenues
25 received during fiscal year 2002 so as to result in a final

1 fiscal year 2002 appropriation from the General Fund es-
2 timated at not more than \$71,801,000.

3 OFFICE OF THE INSPECTOR GENERAL

4 For necessary expenses of the Office of the Inspector
5 General in carrying out the provisions of the Inspector
6 General Act of 1978, as amended, \$32,430,000, to remain
7 available until expended.

8 ATOMIC ENERGY DEFENSE ACTIVITIES

9 NATIONAL NUCLEAR SECURITY

10 ADMINISTRATON

11 WEAPONS ACTIVITIES

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

23 DEFENSE NUCLEAR NONPROLIFERATION

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

1 ENVIRONMENTAL AND OTHER DEFENSE
2 ACTIVITIES
3 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE
4 MANAGEMENT

5 For Department of Energy expenses, including the
6 purchase, construction and acquisition of plant and capital
7 equipment and other expenses necessary for atomic energy
8 defense environmental restoration and waste management
9 activities in carrying out the purposes of the Department
10 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
11 cluding the acquisition or condemnation of any real prop-
12 erty or any facility or for plant or facility acquisition, con-
13 struction, or expansion; and the purchase of not to exceed
14 30 passenger motor vehicles, of which 27 shall be for re-
15 placement only, \$5,174,539,000, to remain available until
16 expended.

17 DEFENSE FACILITIES CLOSURE PROJECTS

18 For expenses of the Department of Energy to accel-
19 erate the closure of defense environmental management
20 sites, including the purchase, construction and acquisition
21 of plant and capital equipment and other necessary ex-
22 penses, \$1,092,878,000, to remain available until ex-
23 pended.

1 DEFENSE ENVIRONMENTAL MANAGEMENT

2 PRIVATIZATION

3 For Department of Energy expenses for privatization
4 projects necessary for atomic energy defense environ-
5 mental management activities authorized by the Depart-
6 ment of Energy Organization Act (42 U.S.C. 7101 et
7 seq.), \$143,208,000, to remain available until expended.

8 OTHER DEFENSE ACTIVITIES

9 For Department of Energy expenses, including the
10 purchase, construction and acquisition of plant and capital
11 equipment and other expenses necessary for atomic energy
12 defense, other defense activities, in carrying out the pur-
13 poses of the Department of Energy Organization Act (42
14 U.S.C. 7101 et seq.), including the acquisition or con-
15 demnation of any real property or any facility or for plant
16 or facility acquisition, construction, or expansion,
17 \$487,464,000, to remain available until expended.

18 DEFENSE NUCLEAR WASTE DISPOSAL

19 For nuclear waste disposal activities to carry out the
20 purposes of Public Law 97-425, as amended, including
21 the acquisition of real property or facility construction or
22 expansion, \$310,000,000, to remain available until ex-
23 pended.

1 POWER MARKETING ADMINISTRATIONS

2 BONNEVILLE POWER ADMINISTRATION FUND

3 Expenditures from the Bonneville Power Administra-
4 tion Fund, established pursuant to Public Law 93-454,
5 are approved for official reception and representation ex-
6 penses in an amount not to exceed \$1,500.

7 During fiscal year 2002, no new direct loan obliga-
8 tions may be made.

9 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
10 ADMINISTRATION

11 For necessary expenses of operation and maintenance
12 of power transmission facilities and of marketing electric
13 power and energy, including transmission wheeling and
14 ancillary services, pursuant to the provisions of section 5
15 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
16 applied to the southeastern power area, \$4,891,000, to re-
17 main available until expended; in addition, notwith-
18 standing the provisions of 31 U.S.C. 3302, up to
19 \$8,000,000 collected by the Southeastern Power Adminis-
20 tration pursuant to the Flood Control Act to recover pur-
21 chase power and wheeling expenses shall be credited to
22 this account as offsetting collections; to remain available
23 until expended for the sole purpose of making purchase
24 power and wheeling expenditures.

1 CONSTRUCTION, REHABILITATION, OPERATION AND
2 MAINTENANCE, WESTERN AREA POWER ADMINIS-
3 TRATION

4 For carrying out the functions authorized by title III,
5 section 302(a)(1)(E) of the Act of August 4, 1977 (42
6 U.S.C. 7152), and other related activities including con-
7 servation and renewable resources programs as author-
8 ized, including official reception and representation ex-
9 penses in an amount not to exceed \$1,500, \$172,165,000,
10 to remain available until expended, of which \$166,651,000
11 shall be derived from the Department of the Interior Rec-
12 lamation Fund: *Provided*, That of the amount herein ap-
13 propriated, \$1,227,000 is for deposit into the Utah Rec-
14 lamation Mitigation and Conservation Account pursuant
15 to title IV of the Reclamation Projects Authorization and
16 Adjustment Act of 1992: *Provided further*, That up to
17 \$152,624,000 collected by the Western Area Power Ad-
18 ministration pursuant to the Flood Control Act of 1944
19 and the Reclamation Project Act of 1939 to recover pur-
20 chase power and wheeling expenses shall be credited to
21 this account as offsetting collections, to remain available
22 until expended for the sole purpose of making purchase
23 power and wheeling expenditures.

1 FALCON AND AMISTAD OPERATING AND MAINTENANCE
2 FUND

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

10 FEDERAL ENERGY REGULATORY COMMISSION
11 SALARIES AND EXPENSES

12 For necessary expenses of the Federal Energy Regu-
13 latory Commission to carry out the provisions of the De-
14 partment of Energy Organization Act (42 U.S.C. 7101 et
15 seq.), including services as authorized by 5 U.S.C. 3109,
16 the hire of passenger motor vehicles, and official reception
17 and representation expenses (not to exceed \$3,000),
18 \$181,155,000, to remain available until expended: *Pro-*
19 *vided*, That notwithstanding any other provision of law,
20 not to exceed \$181,155,000 of revenues from fees and an-
21 nual charges, and other services and collections in fiscal
22 year 2002 shall be retained and used for necessary ex-
23 penses in this account, and shall remain available until
24 expended: *Provided further*, That the sum herein appro-
25 priated from the General Fund shall be reduced as reve-

1 mnes are received during fiscal year 2002 so as to result
2 in a final fiscal year 2002 appropriation from the General
3 Fund estimated at not more than \$0: *Provided further,*
4 That none of the funds made available to the Federal En-
5 ergy Regulatory Commission in this or any other Act may
6 be used to authorize construction of the Gulfstream Nat-
7 ural Gas Project.

8 GENERAL PROVISIONS

9 DEPARTMENT OF ENERGY

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

18 (b) At least 60 days before a contract award for
19 which the Secretary intends to grant such a waiver, the
20 Secretary shall submit to the Subcommittees on Energy
21 and Water Development of the Committees on Appropria-
22 tions of the House of Representatives and the Senate a
23 report notifying the Subcommittees of the waiver and set-
24 ting forth, in specificity, the substantive reasons why the

1 Secretary believes the requirement for competition should
2 be waived for this particular award.

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

5 (1) develop or implement a workforce restruc-
6 turing plan that covers employees of the Department
7 of Energy; or

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

11 under section 3161 of the National Defense Authorization
12 Act for Fiscal Year 1993 (Public Law 102-484; 42 U.S.C.
13 7274h).

14 SEC. 303. None of the funds appropriated by this Act
15 may be used to augment the \$21,900,000 made available
16 for obligation by this Act for severance payments and
17 other benefits and community assistance grants under sec-
18 tion 3161 of the National Defense Authorization Act for
19 Fiscal Year 1993 (Public Law 102-484; 42 U.S.C.
20 7274h) unless the Department of Energy submits a re-
21 programming request subject to approval by the appro-
22 priate Congressional committees.

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

1 (~~RFPs~~) for a program if the program has not been funded
2 by Congress.

3 (~~TRANSFERS OF UNEXPENDED BALANCES~~)

4 ~~SEC. 305. The unexpended balances of prior appro-~~
5 ~~priations provided for activities in this Act may be trans-~~
6 ~~ferred to appropriation accounts for such activities estab-~~
7 ~~lished pursuant to this title. Balances so transferred may~~
8 ~~be merged with funds in the applicable established ac-~~
9 ~~counts and thereafter may be accounted for as one fund~~
10 ~~for the same time period as originally enacted.~~

11 ~~SEC. 306. None of the funds in this or any other Act~~
12 ~~for the Administrator of the Bonneville Power Administra-~~
13 ~~tion may be used to enter into any agreement to perform~~
14 ~~energy efficiency services outside the legally defined Bon-~~
15 ~~neville service territory, with the exception of services pro-~~
16 ~~vided internationally, including services provided on a re-~~
17 ~~imbursable basis, unless the Administrator certifies in ad-~~
18 ~~vance that such services are not available from private sec-~~
19 ~~tor businesses.~~

20 ~~SEC. 307. None of the funds appropriated in other~~
21 ~~than Energy and Water Development Appropriations Acts~~
22 ~~may be used for Department of Energy laboratory di-~~
23 ~~rected research and development (LDRD).~~

24 ~~SEC. 308. When the Department of Energy makes~~
25 ~~a user facility available to universities and other potential~~
26 ~~users, or seeks input from universities and other potential~~

1 users regarding significant characteristics or equipment in
2 a user facility or a proposed user facility, the Department
3 shall ensure broad public notice of such availability or
4 such need for input to universities and other potential
5 users. When the Department of Energy considers the par-
6 ticipation of a university or other potential user in the es-
7 tablishment or operation of a user facility, the Department
8 shall employ full and open competition in selecting such
9 a participant. For purposes of this section, the term “user
10 facility” includes, but is not limited to: (1) a user facility
11 as described in section 2203(a)(2) of the Energy Policy
12 Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nu-
13 clear Security Administration Defense Programs Tech-
14 nology Deployment Center/User Facility; and (3) any
15 other Department facility designated by the Department
16 as a user facility.

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, for payment of the Federal share of the adminis-

1 trative expenses of the Commission, including services as
2 authorized by 5 U.S.C. 3109, and hire of passenger motor
3 vehicles, \$71,290,000, to remain available until expended.

4 DEFENSE NUCLEAR FACILITIES SAFETY

5 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, \$18,500,000, to remain
11 available until expended.

12 NUCLEAR REGULATORY COMMISSION

13 SALARIES AND EXPENSES

14 For necessary expenses of the Commission in ear-
15 rying out the purposes of the Energy Reorganization Act
16 of 1974, as amended, and the Atomic Energy Act of 1954,
17 as amended, including official representation expenses
18 (not to exceed \$15,000), and purchase of promotional
19 items for use in the recruitment of individuals for employ-
20 ment, \$516,900,000, to remain available until expended:
21 *Provided*, That of the amount appropriated herein,
22 \$23,650,000 shall be derived from the Nuclear Waste
23 Fund: *Provided further*, That revenues from licensing fees,
24 inspection services, and other services and collections esti-
25 mated at \$473,520,000 in fiscal year 2002 shall be re-

1 tained and used for necessary salaries and expenses in this
2 account, notwithstanding 31 U.S.C. 3302, and shall re-
3 main available until expended: *Provided further*, That the
4 sum herein appropriated shall be reduced by the amount
5 of revenues received during fiscal year 2002 so as to result
6 in a final fiscal year 2002 appropriation estimated at not
7 more than \$43,380,000.

8 OFFICE OF INSPECTOR GENERAL

9 For necessary expenses of the Office of Inspector
10 General in carrying out the provisions of the Inspector
11 General Act of 1978, as amended, \$6,180,000, to remain
12 available until expended: *Provided*, That revenues from li-
13 censing fees, inspection services, and other services and
14 collections estimated at \$5,933,000 in fiscal year 2002
15 shall be retained and be available until expended, for nec-
16 essary salaries and expenses in this account notwith-
17 standing 31 U.S.C. 3302: *Provided further*, That the sum
18 herein appropriated shall be reduced by the amount of rev-
19 enues received during fiscal year 2002 so as to result in
20 a final fiscal year 2002 appropriation estimated at not
21 more than \$247,000.

22 NUCLEAR WASTE TECHNICAL REVIEW BOARD
23 SALARIES AND EXPENSES

24 For necessary expenses of the Nuclear Waste Tech-
25 nical Review Board, as authorized by Public Law 100-

1 ~~203, section 5051, \$3,100,000, to be derived from the Nu-~~
2 ~~clear Waste Fund, and to remain available until expended.~~

3 TITLE V

4 GENERAL PROVISIONS

5 SEC. 501. None of the funds appropriated by this Act
6 may be used in any way, directly or indirectly, to influence
7 congressional action on any legislation or appropriation
8 matters pending before Congress, other than to commu-
9 nicate to Members of Congress as described in 18 U.S.C.
10 1913.

11 SEC. 502. (a) PURCHASE OF AMERICAN-MADE
12 EQUIPMENT AND PRODUCTS.—It is the sense of the Con-
13 gress that, to the greatest extent practicable, all equip-
14 ment and products purchased with funds made available
15 in this Act should be American-made.

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

22 (c) PROHIBITION OF CONTRACTS WITH PERSONS
23 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—
24 If it has been finally determined by a court or Federal
25 agency that any person intentionally affixed a label bear-

1 ing a “Made in America” inscription, or any inscription
2 with the same meaning, to any product sold in or shipped
3 to the United States that is not made in the United
4 States, the person shall be ineligible to receive any con-
5 tract or subcontract made with funds made available in
6 this Act, pursuant to the debarment, suspension, and ineli-
7 gibility procedures described in sections 9.400 through
8 9.409 of title 48, Code of Federal Regulations.

9 SEC. 503. (a) None of the funds appropriated or oth-
10 erwise made available by this Act may be used to deter-
11 mine the final point of discharge for the interceptor drain
12 for the San Luis Unit until development by the Secretary
13 of the Interior and the State of California of a plan, which
14 shall conform to the water quality standards of the State
15 of California as approved by the Administrator of the En-
16 vironmental Protection Agency, to minimize any detri-
17 mental effect of the San Luis drainage waters.

18 (b) The costs of the Kesterson Reservoir Cleanup
19 Program and the costs of the San Joaquin Valley Drain-
20 age Program shall be classified by the Secretary of the
21 Interior as reimbursable or nonreimbursable and collected
22 until fully repaid pursuant to the “Cleanup Program—
23 Alternative Repayment Plan” and the “SJVDP—Alter-
24 native Repayment Plan” described in the report entitled
25 “Repayment Report, Kesterson Reservoir Cleanup Pro-

1 gram and San Joaquin Valley Drainage Program, Feb-
2 ruary 1995", prepared by the Department of the Interior,
3 Bureau of Reclamation. Any future obligations of funds
4 by the United States relating to, or providing for, drainage
5 service or drainage studies for the San Luis Unit shall
6 be fully reimbursable by San Luis Unit beneficiaries of
7 such service or studies pursuant to Federal reclamation
8 law.

9 SEC. 504. No funds provided in this Act may be ex-
10 pended to issue any permit or other authorization under
11 section 10 of the Rivers and Harbors Appropriation Act
12 of 1899 (33 U.S.C. 403), or to issue any other lease, li-
13 cense, permit, approval, or right-of-way, for any drilling
14 to extract or explore for oil or gas from the land beneath
15 the water in any of Lake Huron, Lake Ontario, Lake
16 Michigan, Lake Erie, Lake Superior, Lake Saint Clair, the
17 Saint Mary's River, the Saint Clair River, the Detroit
18 River, the Niagara River, or the Saint Lawrence River
19 from Lake Ontario to the 45th parallel of latitude.

20 SEC. 505. None of the funds appropriated or other-
21 wise made available in this Act may be made available to
22 any person or entity convicted of violating the Buy Amer-
23 ican Act (41 U.S.C. 10a-10e).

1 *and specifications of projects prior to construction,*
2 *\$152,402,000, to remain available until expended, of which*
3 *not less than \$500,000 shall be used to conduct a study of*
4 *Port of Iberia, Louisiana, and of which such sums as are*
5 *necessary shall be used by the Secretary of the Army to con-*
6 *duct and submit to Congress a study that examines the*
7 *known and potential environmental effects of oil and gas*
8 *drilling activity in the Great Lakes (including effects on*
9 *the shorelines and water of the Great Lakes): Provided, That*
10 *during the fiscal years 2002 and 2003, no Federal or State*
11 *permit or lease shall be issued for oil and gas slant, direc-*
12 *tional, or offshore drilling in or under 1 or more of the*
13 *Great Lakes (including in or under any river flowing into*
14 *or out of the lake): Provided further, That using \$100,000*
15 *of the funds provided herein for the States of Maryland,*
16 *Virginia, Pennsylvania and the District of Columbia, the*
17 *Secretary of the Army, acting through the Chief of Engi-*
18 *neers, is directed to conduct a Chesapeake Bay shoreline*
19 *erosion study, including an examination of management*
20 *measures that could be undertaken to address the sediments*
21 *behind the dams on the lower Susquehanna River: Provided*
22 *further, That the Secretary of the Army, using \$100,000*
23 *of the funds provided herein, is directed to conduct studies*
24 *for flood damage reduction, environmental protection, envi-*
25 *ronmental restoration, water supply, water quality and*

1 *other purposes in Tuscaloosa County, Alabama, and shall*
2 *provide a comprehensive plan for the development, con-*
3 *servation, disposal and utilization of water and related*
4 *land resources, for flood damage reduction and allied pur-*
5 *poses, including the determination of the need for a res-*
6 *ervoir to satisfy municipal and industrial water supply*
7 *needs: Provided further, That within the funds provided*
8 *herein, the Secretary may use \$300,000 for the North Geor-*
9 *gia Water Planning District Watershed Study, Georgia.*

10 *CONSTRUCTION, GENERAL*

11 *For the prosecution of river and harbor, flood control,*
12 *shore protection, and related projects authorized by laws;*
13 *and detailed studies, and plans and specifications, of*
14 *projects (including those for development with participation*
15 *or under consideration for participation by States, local*
16 *governments, or private groups) authorized or made eligible*
17 *for selection by law (but such studies shall not constitute*
18 *a commitment of the Government to construction),*
19 *\$1,570,798,000, to remain available until expended, of*
20 *which such sums as are necessary for the Federal share of*
21 *construction costs for facilities under the Dredged Material*
22 *Disposal Facilities program shall be derived from the Har-*
23 *bor Maintenance Trust Fund, as authorized by Public Law*
24 *104–303; and of which such sums as are necessary pursuant*
25 *to Public Law 99–662 shall be derived from the Inland Wa-*

1 *terways Trust Fund, for one-half of the costs of construction*
2 *and rehabilitation of inland waterways projects, including*
3 *rehabilitation costs for the Lock and Dam 12, Mississippi*
4 *River, Iowa; Lock and Dam 24, Mississippi River, Illinois*
5 *and Missouri; Lock and Dam 3, Mississippi River, Min-*
6 *nesota; and London Locks and Dam, and Kanawha River,*
7 *West Virginia, projects; and of which funds are provided*
8 *for the following projects in the amounts specified:*

9 *Red River Emergency Bank Protection, AR,*
10 *\$4,500,000;*

11 *Indianapolis Central Waterfront, Indiana,*
12 *\$5,000,000;*

13 *Southern and Eastern Kentucky, Kentucky,*
14 *\$2,500,000:*

15 *Provided, That using \$200,000 of the funds provided herein,*
16 *the Secretary of the Army, acting through the Chief of Engi-*
17 *neers, is directed to conduct, at full Federal expense, tech-*
18 *nical studies of individual ditch systems identified by the*
19 *State of Hawaii, and to assist the State in diversification*
20 *by helping to define the cost of repairing and maintaining*
21 *selected ditch systems: Provided further, That the Secretary*
22 *of the Army, acting through the Chief of Engineers, is di-*
23 *rected to use \$1,300,000 of the funds appropriated herein*
24 *to continue construction of the navigation project at*
25 *Kaumalapau Harbor, Hawaii: Provided further, That with*

1 \$800,000 of the funds provided herein, the Secretary of the
2 Army, acting through the Chief of Engineers, is directed
3 to continue construction of the Brunswick County Beaches,
4 North Carolina-Ocean Isle Beach portion in accordance
5 with the General Reevaluation Report approved by the
6 Chief of Engineers on May 15, 1998: Provided further, That
7 \$2,500,000 of the funds appropriated herein, the Secretary
8 of the Army, acting through the Chief of Engineers, is di-
9 rected to use \$500,000 to undertake the Bowie County Levee
10 Project, which is defined as Alternative B Local Sponsor
11 Option, in the Corps of Engineers document entitled Bowie
12 County Local Flood Protection, Red River, Texas, Project
13 Design Memorandum No. 1, Bowie County Levee, dated
14 April 1997: Provided further, That the Secretary of the
15 Army is directed to use \$4,000,000 of the funds provided
16 herein for Dam safety and Seepage/Stability Correction
17 Program to continue construction of seepage control fea-
18 tures at Waterbury Dam, Vermont: Provided further, That
19 the Secretary of the Army, acting through the Chief of Engi-
20 neers, is directed to use \$2,500,000 of the funds appro-
21 priated herein to proceed with the removal of the Embrey
22 Dam, Fredericksburg, Virginia: Provided further, That the
23 Secretary of the Army, acting through the Chief of Engi-
24 neers, is directed to use \$41,100,000 of the funds appro-
25 priated herein to proceed with planning, engineering, de-

1 *sign or construction of the following elements of the Levisa*
2 *and Tug Forks of the Big Sandy River and Upper Cum-*
3 *berland River Project:*

4 *\$4,500,000 for the Clover Fork, Kentucky, ele-*
5 *ment of the project;*

6 *\$1,000,000 for the City of Cumberland, Ken-*
7 *tucky, element of the project;*

8 *\$1,650,000 for the town of Martin, Kentucky, ele-*
9 *ment of the project;*

10 *\$2,100,000 for the Pike County, Kentucky, ele-*
11 *ment of the project, including \$1,100,000 for addi-*
12 *tional studies along the tributaries of the Tug Fork*
13 *and continuation of a Detailed Project Report for the*
14 *Levisa Fork;*

15 *\$3,850,000 for the Martin County, Kentucky, ele-*
16 *ment of the project;*

17 *\$950,000 for the Floyd County, Kentucky, ele-*
18 *ment of the project;*

19 *\$600,000 for the Harlan County element of the*
20 *project;*

21 *\$800,000 for additional studies along tributaries*
22 *of the Cumberland River in Bell County, Kentucky;*

23 *\$18,600,000 to continue work on the Grundy,*
24 *Virginia, element of the project;*

1 \$450,000 to complete the Buchanan County, Vir-
2 ginia, Detailed Project Report;

3 \$700,000 to continue the Dickenson County, De-
4 tailed Project Report;

5 \$1,500,000 for the Lower Mingo County, West
6 Virginia, element of the project;

7 \$600,000 for the Upper Mingo County, West Vir-
8 ginia, element of the project;

9 \$600,000 for the Wayne County, West Virginia,
10 element of the project;

11 \$3,200,000 for the McDowell County element of
12 the project:

13 Provided further, That the Secretary of the Army, acting
14 through the Chief of Engineers, is directed to continue the
15 Dickenson County Detailed Project Report as generally de-
16 fined in Plan 4 of the Huntington District Engineer's Draft
17 Supplement to the Section 202 General Plan for Flood
18 Damage Reduction dated April 1997, including all Russell
19 Fork tributary streams within the County and special con-
20 siderations as may be appropriate to address the unique
21 relocations and resettlement needs for the flood prone com-
22 munities within the County: Provided further, That, with
23 respect to the environmental infrastructure project in Leb-
24 anon, New Hampshire, for which funds are made available
25 under this heading, the non-Federal interest shall receive

1 *credit toward the non-Federal share of the cost of the project*
2 *for work performed before the date of execution of the project*
3 *cooperation agreement, if the Secretary determines the work*
4 *is integral to the project: Provided further, That within the*
5 *funds provided herein, \$250,000 may be used for the Horse-*
6 *shoe Lake, Arkansas feasibility study.*

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

10 *For expenses necessary for prosecuting work of flood*
11 *control, and rescue work, repair, restoration, or mainte-*
12 *nance of flood control projects threatened or destroyed by*
13 *flood, as authorized by law (33 U.S.C. 702a and 702g-1),*
14 *\$328,011,000, to remain available until expended.*

15 *OPERATION AND MAINTENANCE, GENERAL*

16 *For expenses necessary for the preservation, operation,*
17 *maintenance, and care of existing river and harbor, flood*
18 *control, and related works, including such sums as may be*
19 *necessary for the maintenance of harbor channels provided*
20 *by a State, municipality or other public agency, outside*
21 *of harbor lines, and serving essential needs of general com-*
22 *merce and navigation; surveys and charting of northern*
23 *and northwestern lakes and connecting waters; clearing and*
24 *straightening channels; and removal of obstructions to navi-*
25 *gation, \$1,833,263,000, to remain available until expended,*
26 *of which not less than \$300,000 shall be used for a study*

1 to determine, and develop a project that would make, the
2 best use, on beaches of adjacent towns, of sand dredged from
3 Morehead City Harbor, Carteret County, North Carolina;
4 of which such sums as become available in the Harbor
5 Maintenance Trust Fund, pursuant to Public Law 99-662,
6 may be derived from that Fund, and of which such sums
7 as become available from the special account established by
8 the Land and Water Conservation Act of 1965, as amended
9 (16 U.S.C. 460l), may be derived from that account for con-
10 struction, operation, and maintenance of outdoor recreation
11 facilities, and of which not less than \$400,000 shall be used
12 to carry out maintenance dredging of the Sagamore Creek
13 Channel, New Hampshire: Provided, That of funds appro-
14 priated herein, for the Intracoastal Waterway, Delaware
15 River to Chesapeake Bay, Delaware and Maryland, the Sec-
16 retary of the Army, acting through the Chief of Engineers,
17 is directed to reimburse the State of Delaware for normal
18 operation and maintenance costs incurred by the State of
19 Delaware for the SR1 Bridge from station 58+00 to sta-
20 tion 293+00 between May 12, 1997 and September 30,
21 2002. Reimbursement costs shall not exceed \$1,277,000:
22 Provided further, That the Secretary of the Army is directed
23 to use \$2,000,000 of funds appropriated herein to remove
24 and reinstall the docks and causeway, in kind, at Astoria
25 East Boat Basin, Oregon: Provided further, That

1 \$2,000,000 of the funds appropriated herein, the Secretary
2 of the Army, acting through the Chief of Engineers, is di-
3 rected to dredge a channel from the mouth of Wheeling Creek
4 to Tunnel Green Park in Wheeling, West Virginia: Provided
5 further, That \$500,000 of the funds appropriated herein
6 shall be available for the conduct of activities related to the
7 selection, by the Secretary of the Army in cooperation with
8 the Environmental Protection Agency, of a permanent dis-
9 posal site for environmentally sound dredged material from
10 navigational dredging projects in the State of Rhode Island:
11 Provided further, That the project for the Apalachicola,
12 Chattahoochee and Flint Rivers Navigation, authorized by
13 section 2 of the Rivers and Harbor Act of March 2, 1945
14 (Public Law 79-14; 59 Stat. 10) and modified by the first
15 section of the River and Harbor Act of 1946 (60 Stat. 635,
16 chapter 595), is modified to authorize the Secretary, as part
17 of navigation maintenance activities to develop and imple-
18 ment a plan to be integrated into the long-term dredged
19 material management plan being developed for the Corley
20 Slough reach as required by conditions of the State of Flor-
21 ida water quality certification, for periodically removing
22 sandy dredged material from the disposal area known as
23 Site 40, located at mile 36.5 of the Apalachicola River, and
24 from other disposal sites that the Secretary may determine
25 to be needed, for the purpose of reuse of the disposal areas,

1 *by transporting and depositing the sand for environ-*
2 *mentally acceptable beneficial uses in coastal areas of*
3 *northwest Florida to be determined in coordination with*
4 *the State of Florida: Provided further, That the Secretary*
5 *is authorized to acquire all lands, easements, and rights-*
6 *of-way that may be determined by the Secretary, in con-*
7 *sultation with the affected State, to be required for dredged*
8 *material disposal areas to implement a long-term dredge*
9 *material management plan: Provided further, That the*
10 *long-term management plan shall be developed in coordina-*
11 *tion with the State of Florida no later than 2 years from*
12 *the date of enactment of this legislation: Provided further,*
13 *That, \$5,000,000 shall be made available for these purposes*
14 *and \$8,173,000 shall be made available for the Apalachi-*
15 *cola, Chattahoochee and Flint Rivers Navigation.*

16 *REGULATORY PROGRAM*

17 *For expenses necessary for administration of laws per-*
18 *taining to regulation of navigable waters and wetlands,*
19 *\$128,000,000, to remain available until expended.*

20 *FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM*

21 *For expenses necessary to clean up contamination*
22 *from sites throughout the United States resulting from work*
23 *performed as part of the Nation's early atomic energy pro-*
24 *gram, \$140,000,000, to remain available until expended.*

1 *ment of this Act pursuant to section 4 of the Rivers and*
2 *Harbor Act of 1915, Public Law 64–291; section 11 of the*
3 *River and Harbor Act of 1925, Public Law 68–585; the*
4 *Civil Functions Appropriations Act, 1936, Public Law 75–*
5 *208; section 215 of the Flood Control Act of 1968, as amend-*
6 *ed, Public Law 90–483; sections 104, 203, and 204 of the*
7 *Water Resources Development Act of 1986, as amended*
8 *(Public Law 99–662); section 206 of the Water Resources*
9 *Development Act of 1992, as amended, Public Law 102–*
10 *580; section 211 of the Water Resources Development Act*
11 *of 1996, Public Law 104–303, and any other specific project*
12 *authority, shall be limited to credits and reimbursements*
13 *per project not to exceed \$10,000,000 in each fiscal year,*
14 *and total credits and reimbursements for all applicable*
15 *projects not to exceed \$50,000,000 in each fiscal year.*

16 *SEC. 102. ST. GEORGES BRIDGE, DELAWARE. None of*
17 *the funds made available in this Act may be used to carry*
18 *out any activity relating to closure or removal of the St.*
19 *Georges Bridge across the Intracoastal Waterway, Delaware*
20 *River to Chesapeake Bay, Delaware and Maryland, includ-*
21 *ing a hearing or any other activity relating to preparation*
22 *of an environmental impact statement concerning the clo-*
23 *sure or removal.*

24 *SEC. 103. The Secretary may not expend funds to ac-*
25 *celerate the schedule to finalize the Record of Decision for*

1 *the revision of the Missouri River Master Water Control*
2 *Manual and any associated changes to the Missouri River*
3 *Annual Operating Plan. During consideration of revisions*
4 *to the manual in fiscal year 2002, the Secretary may con-*
5 *sider and propose alternatives for achieving species recovery*
6 *other than the alternatives specifically prescribed by the*
7 *United States Fish and Wildlife Service in the biological*
8 *opinion of the Service. The Secretary shall consider the*
9 *views of other Federal agencies, non-Federal agencies, and*
10 *individuals to ensure that other congressionally authorized*
11 *purposes are maintained.*

12 *SEC. 104. The non-Federal interest shall receive credit*
13 *towards the lands, easements, relocations, rights-of-way,*
14 *and disposal areas required for the Lava Hot Springs res-*
15 *toration project in Idaho, and acquired by the non-Federal*
16 *interest before execution of the project cooperation agree-*
17 *ment: Provided, That the Secretary shall provide credit for*
18 *work only if the Secretary determines such work to be inte-*
19 *gral to the project.*

20 *SEC. 105. Of the funds provided under title I,*
21 *\$15,500,000 shall be available for the Demonstration Ero-*
22 *sion Control project, Mississippi.*

23 *SEC. 106. Of the funds made available under Oper-*
24 *ations and Maintenance, a total of \$3,000,000 may be made*
25 *available for Perry Lake, Kansas.*

1 *SEC. 107. GUADALUPE RIVER, CALIFORNIA. The*
2 *project for flood control, Guadalupe River, California, au-*
3 *thorized by section 401 of the Water Resources Development*
4 *Act of 1986, and the Energy and Water Development Ap-*
5 *propriation Acts of 1990 and 1992, is modified to authorize*
6 *the Secretary to construct the project substantially in ac-*
7 *cordance with the General Reevaluation and Environ-*
8 *mental Report for Proposed Project Modifications, dated*
9 *February 2001, at a total cost of \$226,800,000, with an*
10 *estimated Federal cost of \$128,700,000, and estimated non-*
11 *Federal cost of \$98,100,000.*

12 *SEC. 108. Of the funds provided under Operations and*
13 *Maintenance for McKlellan-Kerr, Arkansas River Naviga-*
14 *tion System dredging, \$22,338,000 is provided: Provided,*
15 *That of that amount, \$1,000,000 shall be for dredging on*
16 *the Arkansas River for maintenance dredging at the author-*
17 *ized depth.*

18 *SEC. 109. DESIGNATION OF NONNAVIGABILITY FOR*
19 *PORTIONS OF GLOUCESTER COUNTY, NEW JERSEY. (a)*
20 *DESIGNATION.—*

21 *(1) IN GENERAL.—The Secretary of the Army*
22 *(referred to in section as the “Secretary”) shall des-*
23 *ignate as nonnavigable the areas described in para-*
24 *graph (3) unless the Secretary, after consultation with*
25 *local and regional public officials (including local*

1 *and regional planning organizations), makes a deter-*
 2 *mination that 1 or more projects proposed to be car-*
 3 *ried out in 1 or more areas described in paragraph*
 4 *(2) are not in the public interest.*

5 *(2) DESCRIPTION OF AREAS.—The areas referred*
 6 *to in paragraph (1) are certain parcels of property*
 7 *situated in the West Deptford Township, Gloucester*
 8 *County, New Jersey, as depicted on Tax Assessment*
 9 *Map #26, Block #328, Lots #1, 1.03, 1.08, and 1.09,*
 10 *more fully described as follows:*

11 *(A) Beginning at the point in the easterly*
 12 *line of Church Street (49.50 feet wide), said be-*
 13 *ginning point being the following 2 courses from*
 14 *the intersection of the centerline of Church Street*
 15 *with the curved northerly right-of-way line of*
 16 *Pennsylvania-Reading Seashore Lines Railroad*
 17 *(66.00 feet wide)—*

18 *(i) along said centerline of Church*
 19 *Street N. 11°28'50" E. 38.56 feet; thence*

20 *(ii) along the same N. 61°28'35" E.*
 21 *32.31 feet to the point of beginning.*

22 *(B) Said beginning point also being the end*
 23 *of the thirteenth course and from said beginning*
 24 *point runs; thence, along the aforementioned Eas-*
 25 *terly line of Church Street—*

- 1 (i) N. $11^{\circ}28'50''$ E. 1052.14 feet; thence
- 2 (ii) crossing Church Street, N.
- 3 $34^{\circ}19'51''$ W. 1590.16 feet; thence
- 4 (iii) N. $27^{\circ}56'37''$ W. 3674.36 feet;
- 5 thence
- 6 (iv) N. $35^{\circ}33'54''$ W. 975.59 feet;
- 7 thence
- 8 (v) N. $57^{\circ}04'39''$ W. 481.04 feet; thence
- 9 (vi) N. $36^{\circ}22'55''$ W. 870.00 feet to a
- 10 point in the Pierhead and Bulkhead Line
- 11 along the Southeasterly shore of the Dela-
- 12 ware River; thence
- 13 (vii) along the same line N. $53^{\circ}37'05''$
- 14 E. 1256.19 feet; thence
- 15 (viii) still along the same, N.
- 16 $86^{\circ}10'29''$ E. 1692.61 feet; thence, still along
- 17 the same the following thirteenth courses
- 18 (ix) S. $67^{\circ}44'20''$ E. 1090.00 feet to a
- 19 point in the Pierhead and Bulkhead Line
- 20 along the Southwesterly shore of Woodbury
- 21 Creek; thence
- 22 (x) S. $39^{\circ}44'20''$ E. 507.10 feet; thence
- 23 (xi) S. $31^{\circ}01'38''$ E. 1062.95 feet;
- 24 thence

- 1 (xii) S. 34°34'20" E. 475.00 feet;
2 *thence*
3 (xiii) S. 32°20'28" E. 254.18 feet;
4 *thence*
5 (xiv) S. 52°55'49" E. 964.95 feet;
6 *thence*
7 (xv) S. 56°24'40" E. 366.60 feet; *thence*
8 (xvi) S. 80°31'50" E. 100.51 feet;
9 *thence*
10 (xvii) N. 75°30'00" E. 120.00 feet;
11 *thence*
12 (xviii) N. 53°09'00" E. 486.50 feet;
13 *thence*
14 (xix) N. 81°18'00" E. 132.00 feet;
15 *thence*
16 (xx) S. 56°35'00" E. 115.11 feet; *thence*
17 (xxi) S. 42°00'00" E. 271.00 feet;
18 *thence*
19 (xxii) S. 48°30'00" E. 287.13 feet to a
20 point in the Northwesterly line of Grove Av-
21 enue (59.75 feet wide); *thence*
22 (xxiii) S. 23°09'50" W. 4120.49 feet;
23 *thence*
24 (xxiv) N. 66°50'10" W. 251.78 feet;
25 *thence*

1 (xxxv) S. $36^{\circ}05'20''$ E. 228.64 feet;

2 *thence*

3 (xxxvi) S. $58^{\circ}53'00''$ W. 1158.36 feet to

4 *a point in the Southwesterly line of said*

5 *River Lane; thence*

6 (xxxvii) S. $41^{\circ}31'35''$ E. 113.50 feet;

7 *thence*

8 (xxxviii) S. $61^{\circ}28'35''$ W. 863.52 feet to

9 *the point of beginning.*

10 (C)(i) *Except as provided in clause (ii), be-*

11 *ginning at a point in the centerline of Church*

12 *Street (49.50 feet wide) where the same is inter-*

13 *sected by the curved northerly line of Pennsyl-*

14 *vania-Reading Seashore Lines Railroad right-of-*

15 *way (66.00 feet wide), along that Railroad, on a*

16 *curve to the left, having a radius of 1465.69 feet,*

17 *an arc distance of 1132.14 feet—*

18 (I) N. $88^{\circ}45'47''$ W. 1104.21 feet;

19 *thence*

20 (II) S. $69^{\circ}06'30''$ W. 1758.95 feet;

21 *thence*

22 (III) N. $23^{\circ}04'43''$ W. 600.19 feet;

23 *thence*

24 (IV) N. $19^{\circ}15'32''$ W. 3004.57 feet;

25 *thence*

1 (V) N. $44^{\circ}52'41''$ W. 897.74 feet; thence

2 (VI) N. $32^{\circ}26'05''$ W. 2765.99 feet to a

3 point in the Pierhead and Bulkhead Line

4 along the Southeasterly shore of the Dela-

5 ware River; thence

6 (VII) N. $53^{\circ}37'05''$ E. 2770.00 feet;

7 thence

8 (VIII) S. $36^{\circ}22'55''$ E. 870.00 feet;

9 thence

10 (IX) S. $57^{\circ}04'39''$ E. 481.04 feet;

11 thence

12 (X) S. $35^{\circ}33'54''$ E. 975.59 feet; thence

13 (XI) S. $27^{\circ}56'37''$ E. 3674.36 feet;

14 thence

15 (XII) crossing Church Street, S.

16 $34^{\circ}19'51''$ E. 1590.16 feet to a point in the

17 easterly line of Church Street; thence

18 (XIII) S. $11^{\circ}28'50''$ W. 1052.14 feet;

19 thence

20 (XIV) S. $61^{\circ}28'35''$ W. 32.31 feet;

21 thence

22 (XV) S. $11^{\circ}28'50''$ W. 38.56 feet to the

23 point of beginning.

24 (ii) The parcel described in clause (i) does

25 not include the parcel beginning at the point in

1 the centerline of Church Street (49.50 feet wide),
 2 that point being N. $11^{\circ}28'50''$ E. 796.36 feet,
 3 measured along the centerline, from its intersec-
 4 tion with the curved northerly right-of-way line
 5 of Pennsylvania-Reading Seashore Lines Rail-
 6 road (66.00 feet wide)—

7 (I) N. $78^{\circ}27'40''$ W. 118.47 feet; thence

8 (II) N. $15^{\circ}48'40''$ W. 120.51 feet;

9 thence

10 (III) N. $77^{\circ}53'00''$ E 189.58 feet to a

11 point in the centerline of Church Street;

12 thence

13 (IV) S. $11^{\circ}28'50''$ W. 183.10 feet to the

14 point of beginning.

15 (b) *LIMITS ON APPLICABILITY; REGULATORY RE-*

16 *QUIREMENTS.*—

17 (1) *IN GENERAL.*—The designation under sub-
 18 section (a)(1) shall apply to those parts of the areas
 19 described in subsection (a) that are or will be bulk-
 20 headed and filled or otherwise occupied by permanent
 21 structures, including marina facilities.

22 (2) *APPLICABLE LAW.*—All activities described
 23 in paragraph (1) shall be subject to all applicable
 24 Federal law, including—

1 (A) *the Act of March 3, 1899 (30 Stat.*
2 *1121, chapter 425);*

3 (B) *section 404 of the Federal Water Pollu-*
4 *tion Control Act (33 U.S.C. 1344); and*

5 (C) *the National Environmental Policy Act*
6 *of 1969 (42 U.S.C. 4321 et seq.).*

7 (c) *TERMINATION OF DESIGNATION.—If, on the date*
8 *that is 20 years after the date of enactment of this Act,*
9 *any area or portion of an area described in subsection*
10 *(a)(3) is not bulkheaded, filled, or otherwise occupied by*
11 *permanent structures (including marina facilities) in ac-*
12 *cordance with subsection (b), or if work in connection with*
13 *any activity authorized under subsection (b) is not com-*
14 *menced by the date that is 5 years after the date on which*
15 *permits for the work are issued, the designation of non-*
16 *navigability under subsection (a)(1) for that area or por-*
17 *tion of an area shall terminate.*

18 *SEC. 110. NOME HARBOR TECHNICAL CORRECTIONS.*
19 *Section 101(a)(1) of Public Law 106–53 (the Water Re-*
20 *sources Development Act of 1999) is amended by—*

21 (1) *striking “\$25,651,000” and inserting in its*
22 *place “\$39,000,000”; and*

23 (2) *striking “\$20,192,000” and inserting in its*
24 *place “\$33,541,000”.*

1 *SEC. 111. The Secretary of the Army shall not accept*
2 *or solicit non-Federal voluntary contributions for shore pro-*
3 *tection work in excess of the minimum requirements estab-*
4 *lished by law; except that, when voluntary contributions are*
5 *tendered by a non-Federal sponsor for the prosecution of*
6 *work outside the authorized scope of the Federal project at*
7 *full non-Federal expense, the Secretary is authorized to ac-*
8 *cept said contributions.*

9 *SEC. 112. Section 211 of the Water Resources and De-*
10 *velopment Act of 2000 (P.L. 106-541; 114 Stat. 2592-2593)*
11 *is amended by adding the following language at the end*
12 *of subsection (d):*

13 *“(3) ENGINEERING RESEARCH AND DEVELOP-*
14 *MENT CENTER.—The Engineering Research and De-*
15 *velopment Center is exempt from the requirements of*
16 *this section.”.*

17 *SEC. 113. Section 514(g) of the Water Resources and*
18 *Development Act of 1999 (113 Stat. 343) is amended by*
19 *striking “fiscal years 2000 and 2001” and inserting in lieu*
20 *thereof “fiscal years 2000 through 2002”.*

21 *SEC. 114. (a)(1) Not later than December 31, 2001,*
22 *the Secretary shall investigate the flood control project for*
23 *Fort Fairfield, Maine, authorized under section 205 of the*
24 *Flood Control Act of 1948 (33 U.S.C. 701s); and*

1 (2) *determine whether the Secretary is responsible for*
2 *a design deficiency in the project relating to the interference*
3 *of ice with pump operation.*

4 (b) *If the Secretary determines under subsection (a)*
5 *that the Secretary is responsible for the design deficiency,*
6 *the Secretary shall correct the design deficiency, including*
7 *the cost of design and construction, at 100 percent Federal*
8 *expense.*

9 *SEC. 115. The Corps of Engineers is urged to proceed*
10 *with design of the Section 205 Mad Creek Flood Control*
11 *Project in Iowa.*

12 *SEC. 116. CERRILLOS DAM, PUERTO RICO. The Sec-*
13 *retary of the Army shall reassess the allocation of Federal*
14 *and non-Federal costs for construction of the Cerrillos Dam,*
15 *carried out as part of the project for flood control, Portugues*
16 *and Bucana Rivers, Puerto Rico.*

17 *SEC. 117. RARITAN RIVER BASIN, GREEN BROOK*
18 *SUBBASIN, NEW JERSEY. The Secretary of the Army shall*
19 *implement, with a Federal share of 75 percent and a non-*
20 *Federal share of 25 percent, a buyout plan in the western*
21 *portion of Middlesex Borough, located in the Green Brook*
22 *subbasin of the Raritan River basin, New Jersey, that*
23 *includes—*

24 (1) *the buyout of not to exceed 10 single-family*
25 *residences;*

1 (2) *floodproofing of not to exceed 4 commercial*
2 *buildings located along Prospect Place or Union Ave-*
3 *nue; and*

4 (3) *the buyout of not to exceed 3 commercial*
5 *buildings located along Raritan Avenue or Lincoln*
6 *Avenue.*

7 *SEC. 118. STUDY OF CORPS CAPABILITY TO CONSERVE*
8 *FISH AND WILDLIFE. Section 704(b) of the Water Resources*
9 *Development Act of 1986 (33 U.S.C. 2263(b)) is amended—*

10 (1) *by redesignating paragraphs (1), (2), (3),*
11 *and (4) as subparagraphs (A), (B), (C), and (D), re-*
12 *spectively;*

13 (2) *by striking “(b) The Secretary” and insert-*
14 *ing the following:*

15 “*(b) PROJECTS.—*

16 “*(1) IN GENERAL.—The Secretary*”; and

17 (3) *by striking “The non-Federal share of the*
18 *cost of any project under this section shall be 25 per-*
19 *cent.” and inserting the following:*

20 “*(2) COST SHARING.—*

21 “*(A) IN GENERAL.—The non-Federal share*
22 *of the cost of any project under this subsection*
23 *shall be 25 percent.*

24 “*(B) FORM.—The non-Federal share may*
25 *be provided through in-kind services, including*

1 *BUREAU OF RECLAMATION*

2 *The following appropriations shall be expended to exe-*
3 *cute authorized functions of the Bureau of Reclamation:*

4 *WATER AND RELATED RESOURCES*5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For management, development, and restoration of*
7 *water and related natural resources and for related activi-*
8 *ties, including the operation, maintenance and rehabilita-*
9 *tion of reclamation and other facilities, participation in*
10 *fulfilling related Federal responsibilities to Native Ameri-*
11 *cans, and related grants to, and cooperative and other*
12 *agreements with, State and local governments, Indian*
13 *tribes, and others, \$732,496,000, to remain available until*
14 *expended, of which \$4,000,000 shall be available for the*
15 *West River/Lyman-Jones Rural Water System to provide*
16 *rural, municipal, and industrial drinking water for Philip,*
17 *South Dakota, in accordance with the Mni Wiconi Project*
18 *Act of 1988 (102 Stat. 2566; 108 Stat. 4539), of which*
19 *\$14,649,000 shall be available for transfer to the Upper Col-*
20 *orado River Basin Fund and \$31,442,000 shall be available*
21 *for transfer to the Lower Colorado River Basin Develop-*
22 *ment Fund; of which such amounts as may be necessary*
23 *may be advanced to the Colorado River Dam Fund; of*
24 *which \$8,000,000 shall be for on-reservation water develop-*
25 *ment, feasibility studies, and related administrative costs*
26 *under Public Law 106–163; of which not more than 25 per-*

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

1 “2001, and 2002” in lieu of “and 2001”: Provided further,
2 That of the funds provided herein, \$1,000,000 may be used
3 to complete the Hopi/Western Navajo Water Development
4 Plan, Arizona: Provided further, That using \$500,000 of
5 the funds provided herein, shall be available to begin design
6 activities related to installation of electric irrigation water
7 pumps at the Savage Rapids Dam on the Rogue River, Or-
8 egon: Provided further, That of such funds, not more than
9 \$1,500,000 shall be available to the Secretary for completion
10 of a feasibility study for the Santa Fe Regional Water Sys-
11 tem, New Mexico: Provided further, That the study shall
12 be completed by September 30, 2002.

13 *BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT*

14 *For the cost of direct loans and/or grants, \$7,215,000,*
15 *to remain available until expended, as authorized by the*
16 *Small Reclamation Projects Act of August 6, 1956, as*
17 *amended (43 U.S.C. 422a–422l): Provided, That such costs,*
18 *including the cost of modifying such loans, shall be as de-*
19 *fin ed in section 502 of the Congressional Budget Act of*
20 *1974, as amended: Provided further, That these funds are*
21 *available to subsidize gross obligations for the principal*
22 *amount of direct loans not to exceed \$26,000,000.*

23 *In addition, for administrative expenses necessary to*
24 *carry out the program for direct loans and/or grants,*
25 *\$280,000, to remain available until expended: Provided,*
26 *That 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 *CENTRAL VALLEY PROJECT RESTORATION FUND*

4 *For carrying out the programs, projects, plans, and*
5 *habitat restoration, improvement, and acquisition provi-*
6 *sions of the Central Valley Project Improvement Act,*
7 *\$55,039,000, to be derived from such sums as may be col-*
8 *lected in the Central Valley Project Restoration Fund pur-*
9 *suant to sections 3407(d), 3404(c)(3), 3405(f), and*
10 *3406(c)(1) of Public Law 102–575, to remain available*
11 *until expended: Provided, That the Bureau of Reclamation*
12 *is directed to assess and collect the full amount of the addi-*
13 *tional mitigation and restoration payments authorized by*
14 *section 3407(d) of Public Law 102–575.*

15 *POLICY AND ADMINISTRATION*

16 *For necessary expenses of policy, administration, and*
17 *related functions in the office of the Commissioner, the Den-*
18 *ver office, and offices in the five regions of the Bureau of*
19 *Reclamation, to remain available until expended,*
20 *\$52,968,000, to be derived from the Reclamation Fund and*
21 *be nonreimbursable as provided in 43 U.S.C. 377: Provided,*
22 *That no part of any other appropriation in this Act shall*
23 *be available for activities or functions budgeted as policy*
24 *and administration expenses.*

1 appropriated under title II to refund amounts received by
2 the United States as payments for charges assessed by the
3 Secretary prior to January 1, 1994 for failure to file cer-
4 tain certification or reporting forms prior to the receipt of
5 irrigation water, pursuant to sections 206 and 224(c) of
6 the Reclamation Reform Act of 1982 (96 Stat. 1226, 1272;
7 43 U.S.C. 390ff, 390ww(c)), including the amount of associ-
8 ated interest assessed by the Secretary and paid to the
9 United States pursuant to section 224(i) of the Reclamation
10 Reform Act of 1982 (101 Stat. 1330–268; 43 U.S.C.
11 390ww(i)).

12 SEC. 204. LOWER COLORADO RIVER BASIN DEVELOP-
13 MENT FUND. (a) IN GENERAL.—Notwithstanding section
14 403(f) of the Colorado River Basin Project Act (43 U.S.C.
15 1543(f)), no amount from the Lower Colorado River Basin
16 Development Fund shall be paid to the general fund of the
17 Treasury until each provision of the Stipulation Regarding
18 a Stay and for Ultimate Judgment Upon the Satisfaction
19 of Conditions, filed in United States district court on May
20 3, 2000, in *Central Arizona Water Conservation District*
21 *v. United States* (No. CIV 95–625–TUC–WDB (EHC), No.
22 CIV 95–1720–OHX–EHC (Consolidated Action)) is met.

23 (b) PAYMENT TO GENERAL FUND.—If any of the provi-
24 sions of the stipulation referred to in subsection (a) is not
25 met by the date that is 3 years after the date of enactment

1 *of this Act, payments to the general fund of the Treasury*
2 *shall resume in accordance with section 403(f) of the Colo-*
3 *rado River Basin Project Act (43 U.S.C. 1543(f)).*

4 *(c) AUTHORIZATION.—Amounts in the Lower Colorado*
5 *River Basin Development Fund that but for this section*
6 *would be returned to the general fund of the Treasury shall*
7 *not be expended until further Act of Congress.*

8 *SEC. 205. (a) None of the funds appropriated or other-*
9 *wise made available by this Act may be used to determine*
10 *the final point of discharge for the interceptor drain for*
11 *the San Luis Unit until development by the Secretary of*
12 *the Interior and the State of California of a plan, which*
13 *shall conform to the water quality standards of the State*
14 *of California as approved by the Administrator of the Envi-*
15 *ronmental Protection Agency, to minimize any detrimental*
16 *effect of the San Luis drainage waters.*

17 *(b) The costs of the Kesterson Reservoir Cleanup Pro-*
18 *gram and the costs of the San Joaquin Valley Drainage*
19 *Program shall be classified by the Secretary of the Interior*
20 *as reimbursable or nonreimbursable and collected until fully*
21 *repaid pursuant to the “Cleanup Program-Alternative Re-*
22 *payment Plan” described in the report entitled “Repayment*
23 *Report, Kesterson Reservoir Cleanup Program and San*
24 *Joaquin Valley Drainage Program, February 1995”, pre-*
25 *pared by the Department of the Interior, Bureau of Rec-*

1 *lamation. Any future obligations of funds by the United*
2 *States relating to, or providing for, drainage service or*
3 *drainage studies for the San Luis Unit shall be fully reim-*
4 *bursable by San Luis Unit beneficiaries of such service or*
5 *studies pursuant to Federal reclamation law.*

6 *SEC. 206. The Secretary of the Interior, in accepting*
7 *payments for the reimbursable expenses incurred for the re-*
8 *placement, repair, and extraordinary maintenance with re-*
9 *gard to the Valve Rehabilitation Project at the Arrowrock*
10 *Dam on the Arrowrock Division of the Boise Project in*
11 *Idaho, shall recover no more than \$6,900,000 of such ex-*
12 *penses according to the application of the current formula*
13 *for charging users for reimbursable operation and mainte-*
14 *nance expenses at Bureau of Reclamation facilities on the*
15 *Boise Project, and shall recover this portion of such expenses*
16 *over a period of 15 years.*

17 *TITLE III*

18 *DEPARTMENT OF ENERGY*

19 *ENERGY PROGRAMS*

20 *ENERGY SUPPLY*

21 *For Department of Energy expenses including the pur-*
22 *chase, construction and acquisition of plant and capital*
23 *equipment, and other expenses necessary for energy supply,*
24 *and uranium supply and enrichment activities in carrying*
25 *out the purposes of the Department of Energy Organization*

1 *Act (42 U.S.C. 7101 et seq.), including the acquisition or*
2 *condemnation of any real property or any facility or for*
3 *plant or facility acquisition, construction, or expansion;*
4 *and the purchase of not to exceed 17 passenger motor vehi-*
5 *cles for replacement only, \$736,139,000, to remain available*
6 *until expended, of which not less than \$3,000,000 shall be*
7 *used for the advanced test reactor research and development*
8 *upgrade initiative, and of which \$1,000,000 may be avail-*
9 *able for the Consortium for Plant Biotechnology Research.*

10 *NON-DEFENSE ENVIRONMENTAL MANAGEMENT*

11 *For Department of Energy expenses, including the*
12 *purchase, construction and acquisition of plant and capital*
13 *equipment and other expenses necessary for non-defense en-*
14 *vironmental management activities in carrying out the*
15 *purposes of the Department of Energy Organization Act (42*
16 *U.S.C. 7101 et seq.), including the acquisition or con-*
17 *demnation of any real property or any facility or for plant*
18 *or facility acquisition, construction or expansion,*
19 *\$228,553,000, to remain available until expended.*

20 *URANIUM FACILITIES MAINTENANCE AND REMEDIATION*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For necessary expenses to maintain, decontaminate,*
23 *decommission, and otherwise remediate uranium processing*
24 *facilities, \$408,725,000, of which \$287,941,000 shall be de-*
25 *rived from the Uranium Enrichment Decontamination and*

1 *Decommissioning Fund, all of which shall remain available*
2 *until expended.*

3 *SCIENCE*

4 *For Department of Energy expenses including the pur-*
5 *chase, construction and acquisition of plant and capital*
6 *equipment, and other expenses necessary for science activi-*
7 *ties in carrying out the purposes of the Department of En-*
8 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
9 *the acquisition or condemnation of any real property or*
10 *facility or for plant or facility acquisition, construction, or*
11 *expansion, and purchase of not to exceed 25 passenger*
12 *motor vehicles for replacement only, \$3,268,816,000, to re-*
13 *main available until expended: Provided, That within the*
14 *funds provided, molecular nuclear medicine research shall*
15 *be continued at not less than the fiscal year 2001 funding*
16 *level.*

17 *NUCLEAR WASTE DISPOSAL*

18 *For nuclear waste disposal activities to carry out the*
19 *purposes of Public Law 97-425, as amended, including the*
20 *acquisition of real property or facility construction or ex-*
21 *pansion, \$25,000,000, to remain available until expended*
22 *and to be derived from the Nuclear Waste Fund: Provided,*
23 *That \$2,500,000 shall be provided to the State of Nevada*
24 *solely for expenditures, other than salaries and expenses of*
25 *State employees, to conduct scientific oversight responsibil-*

1 *ities pursuant to the Nuclear Waste Policy Act of 1982,*
2 *Public Law 97-425, as amended: Provided further, That*
3 *\$6,000,000 shall be provided to affected units of local gov-*
4 *ernments, as defined in Public Law 97-425, to conduct ap-*
5 *propriate activities pursuant to the Act: Provided further,*
6 *That the distribution of the funds as determined by the*
7 *units of local government shall be approved by the Depart-*
8 *ment of Energy: Provided further, That the funds for the*
9 *State of Nevada shall be made available solely to the Nevada*
10 *Division of Emergency Management by direct payment and*
11 *units of local government by direct payment: Provided fur-*
12 *ther, That within 90 days of the completion of each Federal*
13 *fiscal year, the Nevada Division of Emergency Management*
14 *and the Governor of the State of Nevada and each local*
15 *entity shall provide certification to the Department of En-*
16 *ergy that all funds expended from such payments have been*
17 *expended for activities authorized by Public Law 97-425*
18 *and this Act. Failure to provide such certification shall*
19 *cause such entity to be prohibited from any further funding*
20 *provided for similar activities: Provided further, That none*
21 *of the funds herein appropriated may be: (1) used directly*
22 *or indirectly to influence legislative action on any matter*
23 *pending before Congress or a State legislature or for lob-*
24 *bing activity as provided in 18 U.S.C. 1913; (2) used for*
25 *litigation expenses; or (3) used to support multi-State ef-*

1 *forts or other coalition building activities inconsistent with*
2 *the restrictions contained in this Act: Provided further,*
3 *That all proceeds and recoveries by the Secretary in car-*
4 *rying out activities authorized by the Nuclear Waste Policy*
5 *Act of 1982 in Public Law 97-425, as amended, including*
6 *but not limited to, any proceeds from the sale of assets, shall*
7 *be available without further appropriation and shall re-*
8 *main available until expended.*

9 *DEPARTMENTAL ADMINISTRATION*

10 *For salaries and expenses of the Department of Energy*
11 *necessary for departmental administration in carrying out*
12 *the purposes of the Department of Energy Organization Act*
13 *(42 U.S.C. 7101 et seq.), including the hire of passenger*
14 *motor vehicles and official reception and representation ex-*
15 *penses (not to exceed \$35,000), \$208,948,000, to remain*
16 *available until expended, plus such additional amounts as*
17 *necessary to cover increases in the estimated amount of cost*
18 *of work for others notwithstanding the provisions of the*
19 *Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided,*
20 *That such increases in cost of work are offset by revenue*
21 *increases of the same or greater amount, to remain avail-*
22 *able until expended: Provided further, That moneys received*
23 *by the Department for miscellaneous revenues estimated to*
24 *total \$137,810,000 in fiscal year 2002 may be retained and*
25 *used for operating expenses within this account, and may*

1 *remain available until expended, as authorized by section*
2 *201 of Public Law 95–238, notwithstanding the provisions*
3 *of 31 U.S.C. 3302: Provided further, That the sum herein*
4 *appropriated shall be reduced by the amount of miscella-*
5 *neous revenues received during fiscal year 2002 so as to*
6 *result in a final fiscal year 2002 appropriation from the*
7 *General Fund estimated at not more than \$71,138,000.*

8 *OFFICE OF THE INSPECTOR GENERAL*

9 *For necessary expenses of the Office of the Inspector*
10 *General in carrying out the provisions of the Inspector Gen-*
11 *eral Act of 1978, as amended, \$30,000,000, to remain avail-*
12 *able until expended.*

13 *ATOMIC ENERGY DEFENSE ACTIVITIES*

14 *NATIONAL NUCLEAR SECURITY ADMINISTRATION*

15 *WEAPONS ACTIVITIES*

16 *For Department of Energy expenses, including the*
17 *purchase, construction and acquisition of plant and capital*
18 *equipment and other incidental expenses necessary for*
19 *atomic energy defense weapons activities in carrying out*
20 *the purposes of the Department of Energy Organization Act*
21 *(42 U.S.C. 7101 et seq.), including the acquisition or con-*
22 *demnation of any real property or any facility or for plant*
23 *or facility acquisition, construction, or expansion; and the*
24 *purchase of passenger motor vehicles (not to exceed 11 for*
25 *replacement only), \$6,062,891,000, to remain available*

1 *until expended: Provided, That, \$30,000,000 shall be uti-*
2 *lized for technology partnerships supportive of the National*
3 *Nuclear Security Administration missions and \$3,000,000*
4 *shall be utilized at the NNSA laboratories for support of*
5 *small business interactions including technology clusters*
6 *relevant to laboratory missions: Provided further, That*
7 *\$1,000,000 shall be made available for community reuse or-*
8 *ganizations within the Office of Worker and Community*
9 *Transition.*

10 *DEFENSE NUCLEAR NONPROLIFERATION*

11 *For Department of Energy expenses, including the*
12 *purchase, construction and acquisition of plant and capital*
13 *equipment and other incidental expenses necessary for*
14 *atomic energy defense, Defense Nuclear Nonproliferation ac-*
15 *tivities, in carrying out the purposes of the Department of*
16 *Energy Organization Act (42 U.S.C. 7101 et seq.), includ-*
17 *ing the acquisition or condemnation of any real property*
18 *or any facility or for plant or facility acquisition, construc-*
19 *tion, or expansion, \$880,500,000, to remain available until*
20 *expended: Provided, That not to exceed \$7,000 may be used*
21 *for official reception and representation expenses for na-*
22 *tional security and nonproliferation (including trans-*
23 *parency) activities in fiscal year 2002.*

24 *NAVAL REACTORS*

25 *For Department of Energy expenses necessary for*
26 *naval reactors activities to carry out the Department of En-*

1 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
2 *the acquisition (by purchase, condemnation, construction,*
3 *or otherwise) of real property, plant, and capital equip-*
4 *ment, facilities, and facility expansion, \$688,045,000, to re-*
5 *main available until expended.*

6 *OFFICE OF THE ADMINISTRATOR*

7 *For necessary expenses of the Office of the Adminis-*
8 *trator of the National Nuclear Security Administration, in-*
9 *cluding official reception and representation expenses (not*
10 *to exceed \$15,000), \$15,000,000, to remain available until*
11 *expended.*

12 *OTHER DEFENSE RELATED ACTIVITIES*

13 *DEFENSE ENVIRONMENTAL RESTORATION AND WASTE*

14 *MANAGEMENT*

15 *For Department of Energy expenses, including the*
16 *purchase, construction and acquisition of plant and capital*
17 *equipment and other expenses necessary for atomic energy*
18 *defense environmental restoration and waste management*
19 *activities in carrying out the purposes of the Department*
20 *of Energy Organization Act (42 U.S.C. 7101 et seq.), in-*
21 *cluding the acquisition or condemnation of any real prop-*
22 *erty or any facility or for plant or facility acquisition, con-*
23 *struction, or expansion; and the purchase of 30 passenger*
24 *motor vehicles, of which 27 shall be for replacement only,*
25 *\$5,389,868,000, to remain available until expended.*

1 *DEFENSE FACILITIES CLOSURE PROJECTS*

2 *For expenses of the Department of Energy to accelerate*
3 *the closure of defense environmental management sites, in-*
4 *cluding the purchase, construction and acquisition of plant*
5 *and capital equipment and other necessary expenses,*
6 *\$1,080,538,000, to remain available until expended.*

7 *DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION*

8 *For Department of Energy expenses for privatization*
9 *projects necessary for atomic energy defense environmental*
10 *management activities authorized by the Department of*
11 *Energy Organization Act (42 U.S.C. 7101 et seq.),*
12 *\$157,537,000, to remain available until expended.*

13 *OTHER DEFENSE ACTIVITIES*

14 *For Department of Energy expenses, including the*
15 *purchase, construction and acquisition of plant and capital*
16 *equipment and other expenses necessary for atomic energy*
17 *defense, other defense activities, in carrying out the pur-*
18 *poses of the Department of Energy Organization Act (42*
19 *U.S.C. 7101 et seq.), including the acquisition or con-*
20 *demnation of any real property or any facility or for plant*
21 *or facility acquisition, construction, or expansion,*
22 *\$564,168,000, to remain available until expended.*

23 *DEFENSE NUCLEAR WASTE DISPOSAL*

24 *For nuclear waste disposal activities to carry out the*
25 *purposes of Public Law 97-425, as amended, including the*

1 *acquisition of real property or facility construction or ex-*
2 *pansion, \$250,000,000, to remain available until expended.*

3 *POWER MARKETING ADMINISTRATIONS*

4 *BONNEVILLE POWER ADMINISTRATION FUND*

5 *Expenditures from the Bonneville Power Administra-*
6 *tion Fund, established pursuant to Public Law 93-454, are*
7 *approved for official reception and representation expenses*
8 *in an amount not to exceed \$1,500. For the purposes of*
9 *appropriating funds to assist in financing the construction,*
10 *acquisition, and replacement of the transmission system of*
11 *the Bonneville Power Administration up to \$2,000,000,000*
12 *in borrowing authority is authorized to be appropriated,*
13 *subject to subsequent annual appropriations, to remain out-*
14 *standing at any given time: Provided, That the obligation*
15 *of such borrowing authority shall not exceed \$0 in fiscal*
16 *year 2002 and that the Bonneville Power Administration*
17 *shall not obligate more than \$374,500,000 of its permanent*
18 *borrowing in fiscal year 2002.*

19 *OPERATION AND MAINTENANCE, SOUTHEASTERN POWER*

20 *ADMINISTRATION*

21 *For necessary expenses of operation and maintenance*
22 *of power transmission facilities and of marketing electric*
23 *power and energy, including transmission wheeling and*
24 *ancillary services, pursuant to the provisions of section 5*
25 *of the Flood Control Act of 1944 (16 U.S.C. 825s), as ap-*

1 *plied to the southeastern power area, \$4,891,000, to remain*
2 *available until expended; in addition, notwithstanding the*
3 *provisions of 31 U.S.C. 3302, up to \$8,000,000 collected by*
4 *the Southeastern Power Administration pursuant to the*
5 *Flood Control Act to recover purchase power and wheeling*
6 *expenses shall be credited to this account as offsetting collec-*
7 *tions, to remain available until expended for the sole pur-*
8 *pose of making purchase power and wheeling expenditures.*

9 *OPERATION AND MAINTENANCE, SOUTHWESTERN POWER*
10 *ADMINISTRATION*

11 *For necessary expenses of operation and maintenance*
12 *of power transmission facilities and of marketing electric*
13 *power and energy, and for construction and acquisition of*
14 *transmission lines, substations and appurtenant facilities,*
15 *and for administrative expenses, including official recep-*
16 *tion and representation expenses in an amount not to ex-*
17 *ceed \$1,500 in carrying out the provisions of section 5 of*
18 *the Flood Control Act of 1944 (16 U.S.C. 825s), as applied*
19 *to the southwestern power area, \$28,038,000, to remain*
20 *available until expended; in addition, notwithstanding the*
21 *provisions of 31 U.S.C. 3302, not to exceed \$5,200,000 in*
22 *reimbursements, to remain available until expended: Pro-*
23 *vided, That up to \$1,512,000 collected by the Southwestern*
24 *Power Administration pursuant to the Flood Control Act*
25 *to recover purchase power and wheeling expenses shall be*

1 *credited to this account as offsetting collections, to remain*
2 *available until expended for the sole purpose of making pur-*
3 *chase power and wheeling expenditures.*

4 *CONSTRUCTION, REHABILITATION, OPERATION AND*
5 *MAINTENANCE, WESTERN AREA POWER ADMINISTRATION*

6 *For carrying out the functions authorized by title III,*
7 *section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C.*
8 *7152), and other related activities including conservation*
9 *and renewable resources programs as authorized, including*
10 *official reception and representation expenses in an amount*
11 *not to exceed \$1,500, \$169,465,000, to remain available*
12 *until expended, of which \$163,951,000 shall be derived from*
13 *the Department of the Interior Reclamation Fund: Pro-*
14 *vided, That of the amount herein appropriated, \$6,091,000*
15 *is for deposit into the Utah Reclamation Mitigation and*
16 *Conservation Account pursuant to title IV of the Reclama-*
17 *tion Projects Authorization and Adjustment Act of 1992:*
18 *Provided further, That up to \$152,624,000 collected by the*
19 *Western Area Power Administration pursuant to the Flood*
20 *Control Act of 1944 and the Reclamation Project Act of*
21 *1939 to recover purchase power and wheeling expenses shall*
22 *be credited to this account as offsetting collections, to re-*
23 *main available until expended for the sole purpose of mak-*
24 *ing purchase power and wheeling expenditures: Provided*
25 *further, That of the amount herein appropriated, not less*
26 *than \$200,000 shall be provided for corridor review and en-*

1 *vironmental review required for construction of a 230 kv*
2 *transmission line between Belfield and Hettinger, North*
3 *Dakota: Provided further, That these funds shall be non-*
4 *reimbursable: Provided further, That these funds shall be*
5 *available until expended: Provided further, That within the*
6 *amount herein appropriated not less than \$200,000 shall*
7 *be provided for the Western Area Power Administration to*
8 *conduct a technical analysis of the costs and feasibility of*
9 *transmission expansion methods and technologies: Provided*
10 *further, That WAPA shall publish a study by July 31, 2002*
11 *that contains recommendations of the most cost-effective*
12 *methods and technologies to enhance electricity trans-*
13 *mission from lignite and wind energy: Provided further,*
14 *That these funds shall be nonreimbursable: Provided fur-*
15 *ther, That these funds shall be available until expended.*

16 *FALCON AND AMISTAD OPERATING AND MAINTENANCE*

17 *FUND*

18 *For operation, maintenance, and emergency costs for*
19 *the hydroelectric facilities at the Falcon and Amistad*
20 *Dams, \$2,663,000, to remain available until expended, and*
21 *to be derived from the Falcon and Amistad Operating and*
22 *Maintenance Fund of the Western Area Power Administra-*
23 *tion, as provided in section 423 of the Foreign Relations*
24 *Authorization Act, Fiscal Years 1994 and 1995.*

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 et*
6 *seq.), including services as authorized by 5 U.S.C. 3109,*
7 *the hire of passenger motor vehicles, and official reception*
8 *and representation expenses (not to exceed \$3,000),*
9 *\$187,155,000, to remain available until expended: Pro-*
10 *vided, That notwithstanding any other provision of law, not*
11 *to exceed \$187,155,000 of revenues from fees and annual*
12 *charges, and other services and collections in fiscal year*
13 *2002 shall be retained and used for necessary expenses in*
14 *this account, and shall remain available until expended:*
15 *Provided further, That the sum herein appropriated from*
16 *the General Fund shall be reduced as revenues are received*
17 *during fiscal year 2002 so as to result in a final fiscal year*
18 *2002 appropriation from the General Fund estimated at*
19 *not more than \$0: Provided further, That the Commission*
20 *is authorized to hire an additional 10 senior executive serv-*
21 *ice positions.*

22 *GENERAL PROVISIONS*23 *DEPARTMENT OF ENERGY*

24 *SEC. 301. (a) None of the funds appropriated by this*
25 *Act may be used to award a management and operating*

1 *contract unless such contract is awarded using competitive*
2 *procedures or the Secretary of Energy grants, on a case-*
3 *by-case basis, a waiver to allow for such a deviation. The*
4 *Secretary may not delegate the authority to grant such a*
5 *waiver.*

6 *(b) At least 60 days before a contract award, amend-*
7 *ment, or modification for which the Secretary intends to*
8 *grant such a waiver, the Secretary shall submit to the Sub-*
9 *committees on Energy and Water Development of the Com-*
10 *mittees on Appropriations of the House of Representatives*
11 *and the Senate a report notifying the subcommittees of the*
12 *waiver and setting forth the reasons for the waiver.*

13 *SEC. 302. None of the funds appropriated by this Act*
14 *may be used to—*

15 *(1) develop or implement a workforce restruc-*
16 *turing plan that covers employees of the Department*
17 *of Energy; or*

18 *(2) provide enhanced severance payments or*
19 *other benefits for employees of the Department of En-*
20 *ergy,*

21 *under section 3161 of the National Defense Authorization*
22 *Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.*
23 *2644; 42 U.S.C. 7274h).*

24 *SEC. 303. None of the funds appropriated by this Act*
25 *may be used to augment the \$20,000,000 made available*

1 *for obligation by this Act for severance payments and other*
2 *benefits and community assistance grants under section*
3 *3161 of the National Defense Authorization Act for Fiscal*
4 *Year 1993 (Public Law 102-484; 106 Stat. 2644; 42 U.S.C.*
5 *7274h) unless the Department of Energy submits a re-*
6 *programming request subject to approval by the appro-*
7 *priate Congressional committees.*

8 *SEC. 304. None of the funds appropriated by this Act*
9 *may be used to prepare or initiate Requests For Proposals*
10 *(RFPs) for a program if the program has not been funded*
11 *by Congress.*

12 *(TRANSFERS OF UNEXPENDED BALANCES)*

13 *SEC. 305. The unexpended balances of prior appro-*
14 *priations provided for activities in this Act may be trans-*
15 *ferred to appropriation accounts for such activities estab-*
16 *lished pursuant to this title. Balances so transferred may*
17 *be merged with funds in the applicable established accounts*
18 *and thereafter may be accounted for as one fund for the*
19 *same time period as originally enacted.*

20 *SEC. 306. Of the funds in this Act or any other Act*
21 *provided to government-owned, contractor-operated labora-*
22 *tories, not to exceed 6 percent shall be available to be used*
23 *for Laboratory Directed Research and Development.*

24 *SEC. 307. None of the funds in this Act may be used*
25 *to dispose of transuranic waste in the Waste Isolation Pilot*
26 *Plant which contains concentrations of plutonium in excess*

1 of 20 percent by weight for the aggregate of any material
2 category on the date of enactment of this Act, or is generated
3 after such date. For the purposes of this section, the mate-
4 rial categories of transuranic waste at the Rocky Flats En-
5 vironmental Technology Site include: (1) ash residues; (2)
6 salt residues; (3) wet residues; (4) direct repackage residues;
7 and (5) scrub alloy as referenced in the “Final Environ-
8 mental Impact Statement on Management of Certain Pluto-
9 nium Residues and Scrub Alloy Stored at the Rocky Flats
10 Environmental Technology Site”.

11 *SEC. 308. The Administrator of the National Nuclear*
12 *Security Administration may authorize the plant manager*
13 *of a covered nuclear weapons production plant to engage*
14 *in research, development, and demonstration activities with*
15 *respect to the engineering and manufacturing capabilities*
16 *at such plant in order to maintain and enhance such capa-*
17 *bilities at such plant: Provided, That of the amount allo-*
18 *cated to a covered nuclear weapons production plant each*
19 *fiscal year from amounts available to the Department of*
20 *Energy for such fiscal year for national security programs,*
21 *not more than an amount equal to 2 percent of such amount*
22 *may be used for these activities: Provided further, That for*
23 *purposes of this section, the term “covered nuclear weapons*
24 *production plant” means the following:*

1 (1) *The Kansas City Plant, Kansas City, Mis-*
2 *souri.*

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

4 (3) *The Pantex Plant, Amarillo, Texas.*

5 (4) *The Savannah River Plant, South Carolina.*

6 *SEC. 309. Notwithstanding any other law, and without*
7 *fiscal year limitation, each Federal Power Marketing Ad-*
8 *ministration is authorized to engage in activities and so-*
9 *licit, undertake and review studies and proposals relating*
10 *to the formation and operation of a regional transmission*
11 *organization.*

12 *SEC. 310. The Administrator of the National Nuclear*
13 *Security Administration may authorize the manager of the*
14 *Nevada Operations Office to engage in research, develop-*
15 *ment, and demonstration activities with respect to the de-*
16 *velopment, test, and evaluation capabilities necessary for*
17 *operations and readiness of the Nevada Test Site: Provided,*
18 *That of the amount allocated to the Nevada Operations Of-*
19 *fice each fiscal year from amounts available to the Depart-*
20 *ment of Energy for such fiscal year for national security*
21 *programs at the Nevada Test Site, not more than an*
22 *amount equal to 2 percent of such amount may be used*
23 *for these activities.*

1 *SEC. 311. DEPLETED URANIUM HEXAFLUORIDE. Sec-*
2 *tion 1 of Public Law 105–204 is amended in subsection*
3 *(b)—*

4 *(1) by inserting “except as provided in sub-*
5 *section (c),” after “1321–349,”; and*

6 *(2) by striking “fiscal year 2002” and inserting*
7 *“fiscal year 2005”.*

8 *SEC. 312. (a) The Secretary of Energy shall conduct*
9 *a study of alternative financing approaches, to include*
10 *third-party-type methods, for infrastructure and facility*
11 *construction projects across the Department of Energy.*

12 *(b) The study shall be completed and delivered to the*
13 *House and Senate Committees on Appropriations within*
14 *180 days of enactment.*

15 *SEC. 313. (a) IN GENERAL.—The Secretary of Energy*
16 *shall provide for the management of environmental matters*
17 *(including planning and budgetary activities) with respect*
18 *to the Paducah Gaseous Diffusion Plant, Kentucky, through*
19 *the Assistant Secretary of Energy for Environmental Man-*
20 *agement.*

21 *(b) PARTICULAR REQUIREMENTS.—(1) In meeting the*
22 *requirement in subsection (a), the Secretary shall provide*
23 *for direct communication between the Assistant Secretary*
24 *of Energy for Environmental Management and the head of*

1 *the Paducah Gaseous Diffusion Plant on the matters cov-*
2 *ered by that subsection.*

3 (2) *The Assistant Secretary shall carry out activities*
4 *under this section in direct consultation with the head of*
5 *the Paducah Gaseous Diffusion Plant.*

6 *SEC. 314. (a) The Senate finds that:*

7 (1) *The Department of Energy's Yucca Mountain*
8 *program has been one of the most intensive scientific*
9 *investigations in history.*

10 (2) *Significant milestones have been met, includ-*
11 *ing the recent release of the Science and Engineering*
12 *Report, and others are due in the near future includ-*
13 *ing the Final Site Suitability Evaluation.*

14 (3) *Nuclear power presently provides 20 percent*
15 *of the electricity generated in the United States.*

16 (4) *A decision on how to dispose of spent nuclear*
17 *fuel and high level radioactive waste is essential to*
18 *the future of nuclear power in the United States.*

19 (5) *Any decision on how to dispose of spent nu-*
20 *clear fuel and high level radioactive waste must be*
21 *based on sound science and it is critical that the Fed-*
22 *eral Government provide adequate funding to ensure*
23 *the availability of such science in a timely manner to*
24 *allow fully informed decisions to be made in accord-*
25 *ance with the statutorily mandated process.*

1 1965, as amended, notwithstanding section 405 of said Act
2 and for necessary expenses for the Federal Co-Chairman
3 and the alternate on the Appalachian Regional Commis-
4 sion, for payment of the Federal share of the administrative
5 expenses of the Commission, including services as author-
6 ized by 5 U.S.C. 3109, and hire of passenger motor vehicles,
7 \$66,290,000, to remain available until expended.

8 *DEFENSE NUCLEAR FACILITIES SAFETY BOARD*

9 *SALARIES AND EXPENSES*

10 *For necessary expenses of the Defense Nuclear Facili-*
11 *ties Safety Board in carrying out activities authorized by*
12 *the Atomic Energy Act of 1954, as amended by Public Law*
13 *100-456, section 1441, \$18,500,000, to remain available*
14 *until expended.*

15 *DELTA REGIONAL AUTHORITY*

16 *SALARIES AND EXPENSES*

17 *For necessary expenses of the Delta Regional Authority*
18 *and to carry out its activities, as authorized by the Delta*
19 *Regional Authority Act of 2000, \$20,000,000, to remain*
20 *available until expended.*

21 *DENALI COMMISSION*

22 *For expenses of the Denali Commission including the*
23 *purchase, construction and acquisition of plant and capital*
24 *equipment as necessary and other expenses, \$40,000,000, to*
25 *remain available until expended.*

1 *NUCLEAR REGULATORY COMMISSION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Commission in carrying*
4 *out the purposes of the Energy Reorganization Act of 1974,*
5 *as amended, and the Atomic Energy Act of 1954, as amend-*
6 *ed, including official representation expenses (not to exceed*
7 *\$15,000), and purchase of promotional items for use in the*
8 *recruitment of individuals for employment, \$516,900,000,*
9 *to remain available until expended: Provided, That of the*
10 *amount appropriated herein, \$23,650,000 shall be derived*
11 *from the Nuclear Waste Fund: Provided further, That reve-*
12 *nues from licensing fees, inspection services, and other serv-*
13 *ices and collections estimated at \$468,248,000 in fiscal year*
14 *2002 shall be retained and used for necessary salaries and*
15 *expenses in this account, notwithstanding 31 U.S.C. 3302,*
16 *and shall remain available until expended: Provided fur-*
17 *ther, That, \$700,000 of the funds herein appropriated for*
18 *regulatory reviews and other assistance to Federal agencies*
19 *and States shall be excluded from license fee revenues, not-*
20 *withstanding 42 U.S.C. 2214: Provided further, That the*
21 *sum herein appropriated shall be reduced by the amount*
22 *of revenues received during fiscal year 2002 so as to result*
23 *in a final fiscal year 2002 appropriation estimated at not*
24 *more than \$48,652,000: Provided further, That, notwith-*
25 *standing any other provision of law, no funds made avail-*

1 *able under this or any other Act may be expended by the*
2 *Commission to implement or enforce 10 C.F.R. Part 35,*
3 *as adopted by the Commission on October 23, 2000.*

4 *OFFICE OF INSPECTOR GENERAL*

5 *For necessary expenses of the Office of Inspector Gen-*
6 *eral in carrying out the provisions of the Inspector General*
7 *Act of 1978, as amended, \$5,500,000, to remain available*
8 *until expended: Provided, That revenues from licensing fees,*
9 *inspection services, and other services and collections esti-*
10 *mated at \$5,280,000 in fiscal year 2002 shall be retained*
11 *and be available until expended, for necessary salaries and*
12 *expenses in this account notwithstanding 31 U.S.C. 3302:*
13 *Provided further, That the sum herein appropriated shall*
14 *be reduced by the amount of revenues received during fiscal*
15 *year 2002 so as to result in a final fiscal year 2002 appro-*
16 *priation estimated at not more than \$220,000.*

17 *NUCLEAR WASTE TECHNICAL REVIEW BOARD*

18 *SALARIES AND EXPENSES*

19 *For necessary expenses of the Nuclear Waste Technical*
20 *Review Board, as authorized by Public Law 100–203, sec-*
21 *tion 5051, \$3,500,000, to be derived from the Nuclear Waste*
22 *Fund, and to remain available until expended.*

TITLE V

GENERAL PROVISIONS

1
2
3 *SEC. 501. None of the funds appropriated by this Act*
4 *may be used in any way, directly or indirectly, to influence*
5 *congressional action on any legislation or appropriation*
6 *matters pending before Congress, other than to commu-*
7 *nicate to Members of Congress as described in section 1913*
8 *of title 18, United States Code.*

9 *SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIP-*
10 *MENT AND PRODUCTS.—It is the sense of the Congress that,*
11 *to the greatest extent practicable, all equipment and prod-*
12 *ucts purchased with funds made available in this Act should*
13 *be American-made.*

14 *(b) NOTICE REQUIREMENT.—In providing financial*
15 *assistance to, or entering into any contract with, any entity*
16 *using funds made available in this Act, the head of each*
17 *Federal agency, to the greatest extent practicable, shall pro-*
18 *vide to such entity a notice describing the statement made*
19 *in subsection (a) by the Congress.*

20 *(c) PROHIBITION OF CONTRACTS WITH PERSONS*
21 *FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—*
22 *If it has been finally determined by a court or Federal agen-*
23 *cy that any person intentionally affixed a label bearing a*
24 *“Made in America” inscription, or any inscription with*
25 *the same meaning, to any product sold in or shipped to*

