

**ENERGY AND WATER DEVELOPMENT APPROPRIATIONS
ACT, 1994¹**

[This law has not been amended]

【Currency: This publication is a compilation of the text of Public Law 103–126. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

An Act making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, for energy and water development, and for other purposes, namely:

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TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 24, of which 18 are for replacement only), \$3,223,910,000 to remain available until expended, of which \$4,500,000 shall be derived by transfer from the Geothermal Resources Development Fund.

¹This Act consists of Pub. L. 103–126 (107 Stat. 1312) enacted on Oct. 28, 1993, and generally does not appear in the United States Code.

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URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for residual uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.) and the Energy Policy Act (Public Law 102-486, section 901), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity as necessary and payment to the Tennessee Valley Authority under the settlement agreement filed with the United States Claims Court on December 18, 1987; purchase of passenger motor vehicles (not to exceed 5, of which 5 are for replacement only), \$247,092,000, to remain available until expended: *Provided*, That revenues received by the Department for residual uranium enrichment activities authorized by section 201 of Public Law 95-238, and estimated to total \$70,000,000 in fiscal year 1994, shall be retained and used for the specific purpose of offsetting costs incurred by the Department for such activities, notwithstanding section 3302(b) of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1994 so as to result in a final fiscal year 1994 appropriation estimated at not more than \$177,092,000.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING
FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, \$286,320,000 to be derived from the fund, to remain available until expended; and in addition, an estimated \$49,679,000 in unexpended balances, consisting of an estimated \$6,267,000 of unobligated balances and an estimated \$43,412,000 of obligated balances, are transferred from the Uranium Supply and Enrichment Activities account, to be available for such expenses: *Provided*, That at least \$40,600,000 of amounts derived from the fund for such expenses shall be expended in accordance with title X, subtitle A of the Energy Policy Act of 1992.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 15 for replacement only), \$975,114,000, to remain available until ex-

pending, and, in addition, \$640,000,000, to remain available until expended, to be used only to orderly terminate the Superconducting Super Collider (SSC) project under terms and conditions as follows:

(1) to the extent provided by guidelines of the Secretary of Energy, full-time employees of contractors and designated subcontractors whose employment is terminated by reason of the termination of the SSC may receive (A) up to 90 days termination pay dating from the date of termination notice, and (B) reasonable relocation expenses and assistance;

(2) the Secretary of Energy shall prepare and submit a report with recommendations to the President and the Congress containing—

(a) a plan to maximize the value of the investment that has been made in the project and minimizing the loss to the United States and involved States and persons, including recommendations as to the feasibility of utilizing SSC assets in whole or in part in pursuit of an international high energy physics endeavor;

(b) the Secretary is authorized to consult with and use Universities Research Association and/or other contractors and/or recognized experts in preparing this report and recommendations and is authorized to contract with such parties as may be appropriate in carrying out such duties; and

(c) the Secretary shall release any recommendations from time to time as available, but the final report shall be submitted by July 1, 1994; and

(3) nothing herein or any action taken under this authority shall be construed to change the Memorandum of Understanding between the Secretary of Energy and the State of Texas dated November 9, 1990, regarding the project:

Provided, That none of the funds made available under this section for Department of Energy facilities may be obligated or expended for food, beverages, receptions, parties, country club fees, plants or flowers pursuant to any cost-reimbursable contract.

NUCLEAR WASTE DISPOSAL FUND

For the nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$260,000,000 to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise her authority pursuant to section 302(e)(5) of said Act to issue obligations to the Secretary of the Treasury: *Provided*, That of the amount herein appropriated, within available funds, not to exceed \$5,500,000 may be provided to the State of Nevada, for the sole purpose of conduct of its scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended: *Provided further*, That of the amount herein appropriated, not more than \$7,000,000 may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: *Provided further*, That within ninety days of the completion of each Federal fiscal

year, each State or local entity shall provide certification to the Department of Energy, that all funds expended from such payments have been expended for activities as defined in Public Law 97-425, as amended. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in 18 U.S.C. 1913: *Provided further*, That none of the funds herein appropriated may be used for litigation expenses: *Provided further*, That none of the funds herein appropriated may be used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That none of the funds provided under this Act shall be made available for Phase II-B grants to study the feasibility of siting a Monitored Retrievable Storage Facility.

ISOTOPE PRODUCTION AND DISTRIBUTION PROGRAM FUND

For Department of Energy expenses for isotope production and distribution activities, \$3,910,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; the purchase of passenger motor vehicles (not to exceed 109 for replacement only, including one police-type vehicle), and the purchase of one rotary-wing aircraft, \$3,595,198,000, to remain available until expended.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 125 of which 122 are for replacement only including 9 police-type vehicles), \$5,181,855,000, to remain available until expended: *Provided*, That a total of \$8,000,000 shall be transferred from this account to the Environmental Protection Agency for the implementation of the Waste Isolation Pilot Plan Land Withdrawal Act of 1992 and the development of cleanup

standards to guide the Department of Energy's environmental restoration efforts.

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense materials support, and other defense activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 45 for replacement only), \$1,963,755,000, to remain available until expended: *Provided*, That the New Production Reactor Appropriation Account shall be merged with and the balances made available to this appropriation.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$120,000,000, to remain available until expended, all of which shall be used in accordance with the terms and conditions of the Nuclear Waste Fund appropriation of the Department of Energy contained in this title.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$401,238,000 to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$239,209,000 in fiscal year 1994 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1994 so as to result in a final fiscal year 1994 appropriation estimated at not more than \$162,029,000.

ENERGY AND WATER APPROPRIATIONS, FY 1994**6**

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$30,362,000, to remain available until expended.

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TITLE IV

INDEPENDENT AGENCIES

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DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$16,560,000, to remain available until expended.

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NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed \$20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$542,900,000, to remain available until expended, of which \$22,000,000 shall be derived from the Nuclear Waste Fund: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$520,900,000 in fiscal year 1994 shall be retained and used for necessary salaries and expenses in this account, notwith-

standing the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1994 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1994 appropriation estimated at not more than \$22,000,000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by section 3109 of title 5, United States Code, \$4,800,000 to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1994 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1994 appropriation estimated at not more than \$0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$2,160,000, to be transferred from the Nuclear Waste Fund and to remain available until expended.

OFFICE OF THE NUCLEAR WASTE NEGOTIATOR

SALARIES AND EXPENSES

For necessary expenses of the office of the Nuclear Waste Negotiator in carrying out activities authorized by the Nuclear Waste

Policy Act of 1982, as amended by Public Law 102–486, section 802, \$1,000,000 to remain available until expended.

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TITLE V—GENERAL PROVISION

MINORITY PARTICIPATION IN THE SUPERCONDUCTING SUPER COLLIDER

SEC. 501. (a) PROGRAM IMPROVEMENTS.—Section 304 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377; 106 Stat. 1339) is amended—

(1) in subsection (a)—

(A) by striking “owned or controlled” and inserting “that (1) are owned and controlled”;

(B) by inserting after “Native Americans” the following: “; or (2) are small business concerns that are at least 51 percent owned by 1 or more women and whose management and daily business operations are controlled by 1 or more women”; and

(C) by striking the last sentence;

(2) by inserting “and (d)” after “(6)” each place it appears; and

(3) by adding at the end the following new subsection:

“(c) ADMINISTRATION OF PROGRAM.—

“(1) CERTIFICATION REQUIREMENT.—A business concern or other organization shall be eligible for participation under this section only if it has been certified as meeting the requirements specified in subsection (a) by the Small Business Administration, or by a State, local, regional, or other organization designated by the Small Business Administration.

“(2) RECORDS AND REPORTS.—The Secretary of Energy, with respect to the Superconducting Super Collider project, shall—

“(A) submit to the Congress copies of—

“(i) each subcontracting report for individual contracts (SF294) required under the Federal Acquisition Regulation (48 CFR chapter 1) to be submitted by a contractor or subcontractor with respect to the project; and

“(ii) each summary subcontract report (SF295) required under the Federal Acquisition Regulation (48 CFR chapter 1) to be submitted by a contractor or subcontractor with respect to the project; and

“(B) maintain accurate information and data on the amount and type of subcontracts awarded by each contractor or subcontractor under the project and the extent of participation in the subcontracts by socially and economically disadvantaged individuals and economically disadvantaged women referred to in subsection (b).

“(3) CATEGORIES OF WORK TO BE INCLUDED.—The Secretary of Energy shall, to the fullest extent possible, ensure that the categories of work performed under contracts entered into pursuant to this section are representative of all categories of

work performed under contract for the Superconducting Super Collider project.

“(4) AUDITS.—The Secretary of Energy shall conduct periodic audits to verify the continuing compliance of prime contractors and subcontractors with the requirements of this section. For such purpose, the Secretary shall have access to such reports and records of prime contractors and subcontractors as the Secretary determines to be necessary.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal year 1994 and thereafter.

SEC. 502. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the “Buy American Act”).

SEC. 503. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 504. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

This Act may be cited as the “Energy and Water Development Appropriations Act, 1994”.