

*Public Law 105-62
105th Congress

An Act

Oct. 13, 1997
[H.R. 2203]

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

Energy and
Water
Development
Appropriations
Act, 1998.

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, 1998, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, \$156,804,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Delaware Bay Coastline, Delaware and New Jersey,
\$456,000;
Tampa Harbor, Alafia Channel, Florida, \$270,000;
Laulaulei, Hawaii, \$200,000;
Barnegat Inlet to Little Egg Harbor Inlet, New Jersey,
\$400,000;
Brigantine Inlet to Great Egg Harbor Inlet, New Jersey,
\$472,000;
Great Egg Harbor Inlet to Townsends Inlet, New Jersey,
\$400,000;

*Note: This law contains items that were cancelled by the President pursuant to the Line Item Veto Act. For more information, see the **Federal Register** entry under "LEGISLATIVE HISTORY" at the end of this law.

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

Manasquan Inlet to Barnegat Inlet, New Jersey, \$400,000;

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

Townsend's Inlet to Cape May Inlet, New Jersey, \$500,000; and

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

Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$600,000 of the funds appropriated in Public Law 102-377 for the Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, project for the feasibility phase of the Red River Navigation, Southwest Arkansas, study: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$470,000 of the funds appropriated herein to initiate the feasibility phase for the Metropolitan Louisville, Southwest, Kentucky, study: *Provided further*, That the Secretary of the Army is directed to use \$500,000 of the funds appropriated herein to implement section 211(f)(7) of Public Law 104-303 (110 Stat. 3684) and to reimburse the non-Federal sponsor a portion of the Federal share of project costs for the Hunting Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas: *Provided further*, That the Secretary of the Army is directed to use \$150,000 of the funds appropriated herein to implement section 211(f)(8) of Public Law 104-303 (110 Stat. 3684) and to reimburse the non-Federal sponsor a portion of the Federal share of project costs for the project for flood control, White Oak Bayou watershed, Texas.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$1,473,373,000, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri; Lock and Dam 14, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota, projects, and of which funds are provided for the following projects in the amounts specified:

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

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

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

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

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

Indianapolis Central Waterfront, Indiana, \$5,000,000;

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

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

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

Harlan, Williamsburg, and Middlesboro, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, \$26,390,000;

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

Pike County, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, \$5,300,000;

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

Salysersville, Kentucky, \$2,050,000;

Southern and Eastern Kentucky, Kentucky, \$3,000,000;

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

Lake Pontchartrain (Jefferson Parish) Stormwater Discharge, Louisiana, \$3,000,000;

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

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

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

Joseph G. Minish Passaic River Park, New Jersey, \$3,000,000;

Hudson River, Athens, New York, \$8,700,000;

Lackawanna River, Olyphant, Pennsylvania, \$1,400,000;

Lackawanna River, Scranton, Pennsylvania, \$5,425,000;

Lycoming County, Pennsylvania, \$339,000;

South Central Pennsylvania Environment Improvement Program, \$30,000,000, of which \$10,000,000 shall be available only for water-related environmental infrastructure and resource protection and development projects in Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, and Monroe counties in Pennsylvania in accordance with the purposes of subsection (a) and requirements of subsections (b) through (e) of section 313 of the Water Resources Development Act of 1992, as amended;

Wallisville Lake, Texas, \$9,200,000;

Virginia Beach, Virginia (Reimbursement), \$925,000;

Virginia Beach, Virginia (Hurricane Protection), \$13,000,000;

West Virginia and Pennsylvania Flood Control, West Virginia and Pennsylvania, \$3,000,000;

Hatfield Bottom (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, \$1,000,000;

Lower Mingo (Kermit) (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, \$6,300,000;

Lower Mingo, West Virginia, Tributaries Supplement, \$150,000;

Upper Mingo County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, \$3,000,000;

Levisa Basin Flood Warning System (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky and Virginia, \$400,000;

Tug Fork Basin Flood Warning System (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, \$400,000; and

Wayne County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, \$1,200,000: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with design and construction of the Southeast Louisiana, Louisiana, project and to award continuing contracts, which are not to be considered fully funded, beginning in fiscal year 1998 consistent with the limit of the authorized appropriation ceiling: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$225,000 of funds provided herein to construct necessary repairs to the flume and conduit for flood control at the Hagerman's Run, Williamsport, Pennsylvania, flood control project: *Provided further*, That the Secretary of the Army is directed to incorporate the economic analyses for the Green Ridge and Plot sections of the Lackawanna River, Scranton, Pennsylvania, project with the economic analysis for the Albright Street section of the project, and to cost-share and implement these combined sections as a single project with no separable elements, except that each section may be undertaken individually when the non-Federal sponsor provides the applicable local cooperation requirements: *Provided further*, That section 114 of Public Law 101-101, the Energy and Water Development Appropriations Act, 1990, is amended by striking "total cost of \$19,600,000" and inserting "total cost of \$40,000,000": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to combine the Wilmington Harbor—Northeast Cape Fear River, North Carolina, project authorized in section 202(a) of the Water Resources Development Act of 1986, the Wilmington Harbor, Channel Widening, North Carolina, project authorized in section 101(a)(23) of the Water Resources Development Act of 1996, and the Cape Fear—Northeast (Cape Fear) Rivers, North Carolina, project authorized in section 101(a)(22) of the Water Resources Development Act of 1996 into a single project with one Project Cooperation Agreement based on cost sharing as a single project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$20,000,000 of the funds appropriated herein to initiate construction of the Houston-Galveston Navigation Channels, Texas, project and execute a Project Cooperation Agreement for the entire project authorized in the Water Resources Development Act of 1996, Public Law 104-303: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use up to \$5,000,000 of the funding appropriated herein to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, and that this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(i)); except that funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as

103 Stat. 651.

required by regulations and procedures of the Army Corps of Engineers for all flood control projects, and that the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: *Provided further*, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission, that the project will not violate the requirements or intent of the Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the "Boundary Waters Treaty of 1909"): *Provided further*, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: *Provided further*, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102-377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake: *Provided further*, That the entire amount of \$5,000,000 shall be available only to the extent an official budget request, that includes the designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the Secretary of the Army is directed to use \$2,000,000 of the funds appropriated herein to implement section 211(f)(6) of Public Law 104-303 (110 Stat. 3683) and to reimburse the non-Federal sponsor a portion of the Federal share of project construction costs for the flood control components comprising the Brays Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas.

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

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), \$296,212,000, to remain available until expended: *Provided*, That notwithstanding the funding limitations set forth in Public Law 104-6 (109 Stat. 85), the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use additional funds appropriated herein or previously appropriated to complete remedial measures to prevent slope instability at Hickman Bluff, Kentucky: *Provided further*, That, using funds appropriated in this Act, the Secretary of the Army may construct the Ten and Fifteen Mile Bayou channel enlargement as an integral part of the work accomplished on the St. Francis Basin, Arkansas and Missouri Project, authorized by the Flood Control Act of 1950: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use up to \$4,000,000, including the \$1,900,000 appropriated herein, to dredge Sardis Lake, Mississippi, at 100 percent Federal

cost, so that the City of Sardis, Mississippi, may proceed with its development of the valuable resources of Sardis Lake in Mississippi, consistent with language provided in House Report 104-679, accompanying the Fiscal Year 1997 Energy and Water Development Appropriations Act (Public Law 104-206): *Provided further*, That within available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct, at 100 percent Federal cost, the necessary Environmental Assessment and Impact Studies for the initial components of Sardis Lake development as provided in the Sardis Lake Recreation and Tourism Master Plan, Phase II.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, \$1,740,025,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601), may be derived from that Fund for construction, operation, and maintenance of outdoor recreation facilities, and of which funds are provided for the following projects in the amounts specified:

Anclote River, Florida, \$1,500,000;
Beverly Shores, Indiana, \$1,700,000;
Boston Harbor, Massachusetts, \$16,500,000;
Flint River, Michigan, \$875,000; and
Raystown Lake, Pennsylvania, \$4,690,000:

Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated in Public Law 104-206 to reimburse the local sponsor of the Fort Myers Beach, Florida, project for the maintenance dredging performed by the local sponsor to open the authorized channel to navigation in fiscal year 1996: *Provided further*, That no funds, whether appropriated, contributed, or otherwise provided, shall be available to the United States Army Corps of Engineers for the purpose of acquiring land in Jasper County, South Carolina, in connection with the Savannah Harbor navigation project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to dredge a navigational channel in the Chena River at Fairbanks, Alaska, from its confluence with the Tanana River upstream to the University Road Bridge that will allow the safe passage during normal water levels of vessels up to 350 feet in length, 60 feet in width, and drafting up to 3 feet: *Provided further*, That using \$6,000,000 of funds appropriated herein, the Secretary of the Army is directed to extend the navigation channel on the Allegheny River, Pennsylvania, project to provide passenger boat access to the Kittanning, Pennsylvania, Riverfront Park: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$2,500,000 of the funds provided

herein to implement measures upstream of Lake Cumberland, Kentucky, to intercept and dispose of solid waste.

REGULATORY PROGRAM

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

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, \$4,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to administer and execute the Formerly Utilized Sites Remedial Action Program to clean up contaminated sites throughout the United States where work was performed as part of the Nation's early atomic energy program, \$140,000,000, to remain available until expended: *Provided*, That the unexpended balances of prior appropriations provided for these activities in this Act or any previous Energy and Water Development Appropriations Act may be transferred to and merged with this appropriation account, and thereafter, may be accounted for as one fund for the same time period as originally enacted.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Engineering Strategic Studies Center, the Water Resources Support Center, and the USACE Finance Center; and for costs of implementing the Secretary of the Army's plan to reduce the number of division offices as directed in title I, Public Law 104-206, \$148,000,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices.

REVOLVING FUND

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

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses (not to exceed \$5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. In fiscal year 1998, the Secretary of the Army is authorized and directed to provide planning, design and construction assistance to non-Federal interests in carrying out water-related environmental infrastructure and environmental resources development projects in Alaska, including assistance for wastewater treatment and related facilities; water supply, storage, treatment and distribution facilities; and development, restoration or improvement of wetlands and other aquatic areas for the purpose of protection or development of surface water resources: *Provided*, That the non-Federal interest shall enter into a binding agreement with the Secretary wherein the non-Federal interest will provide all lands, easements, rights-of-way, relocations, and dredge material disposal areas required for the project, and pay 50 per centum of the costs of required feasibility studies, 25 per centum of the costs of designing and constructing the project, and 100 per centum of the costs of operation, maintenance, repair, replacement or rehabilitation of the project: *Provided further*, That the value of lands, easements, rights-of-way, relocations and dredged material disposal areas provided by the non-Federal interest shall be credited toward the non-Federal share, not to exceed 25 per centum, of the costs of designing and constructing the project: *Provided further*, That utilizing \$5,000,000 of the funds appropriated herein, the Secretary is directed to carry out this section.

GREEN BROOK SUB-BASIN FLOOD CONTROL PROJECT, NEW JERSEY

SEC. 102. No funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to construct the Oak Way detention structure or the Sky Top detention structure in Berkeley Heights, New Jersey, as part of the project for flood control, Green Brook Sub-Basin, Raritan River Basin, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4119).

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, and for activities related to the Uintah and Upalco Units authorized by 43 U.S.C. 620, \$40,353,000, to

remain available until expended, of which \$16,610,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into that account, \$5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and \$11,610,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$800,000, to remain available until expended.

BUREAU OF RECLAMATION

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

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, \$694,348,000, to remain available until expended, of which \$18,758,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$56,442,000 shall be available for transfer to the Lower Colorado River Basin Development Fund, and of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That any amounts provided for the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, are in addition to the amount authorized in 43 U.S.C. 509: *Provided further*, That using \$500,000 of funds appropriated herein, the Secretary of the Interior shall undertake a non-reimbursable project to install drains in the Pena Blanca area of New Mexico to prevent seepage from Cochiti Dam: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That the amount authorized for Indian municipal, rural, and industrial water features by section 10 of Public Law 89-108, as amended by section 8 of Public Law 99-

294 and section 1701(b) of Public Law 102-575, is increased by \$1,300,000 (October 1997 prices): *Provided further*, That the unexpended balances of the Bureau of Reclamation appropriation accounts for "Construction Program (Including Transfer of Funds)", "General Investigations", "Emergency Fund", and "Operation and Maintenance" shall be transferred to and merged with this account, to be available for the purposes for which they originally were appropriated: *Provided further*, That the Secretary of the Interior may use \$2,500,000 of funds appropriated herein to initiate construction of the McCall Area Wastewater Reclamation and Reuse, Idaho, project.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

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

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

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to levy additional mitigation and restoration payments totaling no more than \$25,130,000 (October 1992 price levels) on a three-year rolling average basis, as authorized by section 3407(d) of Public Law 102-575.

CALIFORNIA BAY-DELTA ECOSYSTEM RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of the Interior and other participating Federal agencies in carrying out the California Bay-Delta Environmental Enhancement and Water Security Act consistent with plans to be approved by the Secretary of the Interior, in consultation with such Federal agencies, \$85,000,000, to remain available until expended, of which such amounts as may be necessary to conform with such plans shall be transferred to appropriate accounts of such Federal agencies: *Provided*, That such funds may be obligated only as non-Federal sources provide their share in accordance with the cost-sharing agreement required under section 102(d) of such Act: *Provided further*, That such funds may be obligated prior to the completion of a final programmatic environmental impact statement only if: (1) consistent with 40 CFR

1506.1(c); and (2) used for purposes that the Secretary finds are of sufficiently high priority to warrant such an expenditure.

POLICY AND ADMINISTRATION

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

ADMINISTRATIVE PROVISION

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

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for energy supply, and uranium supply and enrichment 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, \$906,807,000.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, \$497,059,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

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, \$220,200,000, to be derived from the Fund, to remain available until expended: *Provided*, That \$40,000,000 of amounts derived from the Fund for such expenses shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of 15 passenger motor vehicles for replacement only, \$2,235,708,000, to remain available until expended: *Provided*, That \$35,000,000 of the unobligated balances originally available for Superconducting Super Collider termination activities shall be made available for other activities under this heading.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$160,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund; of which \$4,000,000 shall be available to the Nuclear Regulatory Commission to license a multi-purpose canister design; and of which not to exceed \$5,000,000 may be provided to affected local governments, as defined in Public Law 97-425, to conduct appropriate activities pursuant to the Act: *Provided*, That the distribution of the funds to the units of local government shall be determined by the Department of Energy: *Provided further*, That the funds shall be made available to the units of local government by direct payment: *Provided further*, That within ninety days of the completion of each Federal fiscal year, each local entity shall provide certification to the Department of Energy, that all funds expended from such payments have been expended for activities as defined in Public Law 97-425. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That none of the funds provided herein shall be distributed to the State of Nevada by direct payment, grant, or other means, for financial assistance under section 116 of the Nuclear Waste Policy Act of 1982, as amended: *Provided further*, That the foregoing proviso shall not apply to payments in lieu of taxes under section 116(c)(3)(A) of the Nuclear Waste Policy Act of 1982, as amended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$218,747,000, to remain available until expended: *Provided*, That

moneys received by the Department for miscellaneous revenues estimated to total \$131,330,000 in fiscal year 1998 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than \$87,417,000.

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, \$27,500,000, 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; and the purchase of passenger motor vehicles (not to exceed 70 for replacement only), \$4,146,692,000, to remain available until expended: *Provided*, That funding for any ballistic missile defense program undertaken by the Department of Energy for the Department of Defense shall be provided by the Department of Defense according to procedures established for Work for Others by the Department of Energy.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 6 for replacement only), \$4,429,438,000, to remain available until expended; and, in addition, \$200,000,000 for privatization projects, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, \$890,800,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the 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 2 for replacement only), \$1,666,008,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

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

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, \$3,500,000, to remain available until expended; and, in addition, \$10,000,000 for capital assets acquisition, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

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

During fiscal year 1998, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
ADMINISTRATION

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

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER
ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy,

and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$25,210,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed \$4,650,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE,
WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7101 et seq.), and other related activities including conservation and renewable resources programs as authorized, including the replacement of not more than two helicopters through transfers, exchanges, or sale, and official reception and representation expenses in an amount not to exceed \$1,500, \$189,043,000, to remain available until expended, of which \$182,806,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, \$5,592,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration \$5,592,000 to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$970,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed \$3,000), \$162,141,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$162,141,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1998 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as revenues

42 USC 7171
note.

are received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than \$0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds appropriated by this Act or any prior appropriations Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

Reports.

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

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

Reports.

SEC. 303. None of the funds appropriated by this Act or any prior appropriations Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

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

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

SEC. 304. None of the funds appropriated by this Act or any prior appropriations Act may be used to augment the \$61,159,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 305. None of the funds appropriated by this Act or any prior appropriations Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 306. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

40 USC app. 401
note.

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$170,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$17,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed \$20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$468,000,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$15,000,000 shall be derived from the Nuclear Waste Fund: *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 moneys received by the Commission for the cooperative nuclear safety research program, services rendered to State governments, foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under

section 149 of the Atomic Energy Act may be retained and used for salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$450,000,000 in fiscal year 1998 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That \$3,000,000 of the funds herein appropriated for regulatory reviews and other assistance provided to the Department of Energy and other Federal agencies shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1998 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to State governments, foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1998 appropriation estimated at not more than \$18,000,000.

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 5 U.S.C. 3109, \$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 of Representatives 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 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1998 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1998 appropriation estimated at not more than \$0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$2,600,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TENNESSEE VALLEY AUTHORITY

16 USC 831ee.

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, \$70,000,000, to remain available until expended, of which \$6,900,000 shall be available for operation, maintenance, surveillance, and improvement of Land Between the Lakes; and for essential stewardship activities for which appropriations were provided to the Tennessee Valley Authority in Public Law 104-206, such sums as are necessary in fiscal year 1999 and thereafter, to be derived only from one or more of the following sources: nonpower fund balances and collections; investment returns of the nonpower program; applied programmatic savings in the power and nonpower programs; savings from the suspension of bonuses and awards; savings from reductions in memberships and contributions; increases in collections resulting from nonpower activities, including user fees; or increases in charges to private and public utilities both investor and cooperatively owned, as well as to direct load customers: *Provided*, That such funds are available to fund the stewardship activities under this paragraph, notwithstanding sections 11, 14, 15, 29, or other provisions of the Tennessee Valley Authority Act, as amended, or provisions of the TVA power bond covenants: *Provided further*, That the savings from, and revenue adjustments to, the TVA budget in fiscal year 1999 and thereafter shall be sufficient to fund the aforementioned stewardship activities such that the net spending authority and resulting outlays for these activities shall not exceed \$0 in fiscal year 1999 and thereafter.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

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

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 503. None of the funds made available in this Act may be provided by contract or by grant (including a grant of funds to be available for student aid) to any institution of higher education, or subelement thereof, that is currently ineligible for contracts and grants pursuant to section 514 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997 (as contained in section 101(e) of division A of Public Law 104-208; 110 Stat. 3009-270).

SEC. 504. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with a contractor that is subject to the reporting requirement set forth in subsection (d) of section 4212 of title 38, United States Code, but has not submitted the most recent report required by such subsection.

SEC. 505. None of the funds made available in this Act to pay the salary of any officer or employee of the Department of the Interior may be used for the Animas-La Plata Project, in Colorado and New Mexico, except for: (1) activities required to comply with the applicable provisions of current law; and (2) continuation of activities pursuant to the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585).

SEC. 506. Section 1621 of title XVI of the Reclamation Wastewater and Groundwater Act, Public Law 104-266, is amended by—

43 USC 390h-12g.

(1) striking “study” in the section title and in subsection (a), and inserting “project” into the title and in subsection (a);

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

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

SEC. 507. Section 1208(a)(2) of the Yavapai-Prescott Indian Treaty Settlement Act of 1994 (Public Law 103-434) is amended by striking “\$4,000,000 for construction” and inserting “\$13,000,000, at 1997 prices, for construction plus or minus such amounts as may be justified by reason of ordinary fluctuations of applicable cost indexes”.

108 Stat. 4562.

SEC. 508. (a) The State of West Virginia shall receive credit towards its required contribution under Contract No. DACW59-C-0071 for the cost of recreational facilities to be constructed by a joint venture of the State in cooperation with private interests for recreation development at Stonewall Jackson Lake, West Virginia, except that the State shall receive no credit for costs associated with golf course development and the amount of the credit may not exceed the amount owed by the State under the Contract.

West Virginia.

(b) The Corps of Engineers shall revise both the 1977 recreation cost-sharing agreement and the Park and Recreation Lease dated October 2, 1995 to remove the requirement that such recreation facilities are to be owned by the Government at the time of their completion as contained in Article 2-06 of the cost-sharing agreement and Article 36 of the lease.

(c) Nothing in this section shall reduce the amount of funds owed the United States Government pursuant to the 1977 recreation cost-sharing agreement.

SEC. 509. Amounts to be transferred to the Department of Energy by the United States Enrichment Corporation (USEC)

pursuant to this section shall be retained and used for the specific purpose of development and demonstration of AVLIS technology for uranium enrichment: *Provided*, That, notwithstanding section 1605 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2297e-4), USEC shall transfer to the Department such sums as are necessary in fiscal year 1998 for AVLIS demonstration and development activities to be derived only from one or more of the following sources: savings from adjustments in the level of inventories; savings from reductions in capital and operating costs; savings from reductions in power costs including savings from increased use of off-peak power; or savings from adjustments in the amount of purchases: *Provided further*, That the savings from such reductions and adjustments in the amounts paid by USEC in fiscal year 1998 shall be sufficient to fund the aforementioned AVLIS demonstration and development activities such that the net spending authority and resulting outlays for these activities shall not exceed \$0 in fiscal year 1998 and thereafter: *Provided further*, That, prior to transferring funds to the Department for AVLIS activities pursuant to this section, the Chief Financial Officer of USEC shall submit to the Committees on Appropriations of the House of Representatives and Senate an itemized listing of the amounts of the reductions made pursuant to this section to fund the proposed transfer: *Provided further*, That, by November 1, 1998, the Chief Financial Officer of USEC shall submit to the Committees on Appropriations of the House of Representatives and Senate an itemized listing of the amounts of the reductions made pursuant to this section for fiscal year 1998: *Provided further*, That the provisions in this section related to the transfer to and use by the Department of funds for AVLIS demonstration and development activities shall expire as of the privatization date for USEC, as defined in section 3102 of the USEC Privatization Act (42 U.S.C. 2297h), and the total amount obligated by the Department pursuant to this section for AVLIS demonstration and development activities shall not exceed \$60,000,000.

Records.

Expiration date.

SEC. 510. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal Reclamation law.

SEC. 511. MAINTENANCE OF SECURITY AT THE GASEOUS DIFFUSION PLANTS.—Section 3107 of the USEC Privatization Act (42 U.S.C. 2297h-5) is amended by adding at the end the following:

Kentucky.
Ohio.

“(h) MAINTENANCE OF SECURITY.—

“(1) IN GENERAL.—With respect to the Paducah Gaseous Diffusion Plant, Kentucky, and the Portsmouth Gaseous Diffusion Plant, Ohio, the guidelines relating to the authority of the Department of Energy’s contractors (including any Federal agency, or private entity operating a gaseous diffusion plant under a contract or lease with the Department of Energy) and any subcontractor (at any tier) to carry firearms and make arrests in providing security at Federal installations, issued under section 161k. of the Atomic Energy Act of 1954 (42 U.S.C. 2201k.) shall require, at a minimum, the presence of an adequate number of security guards carrying sidearms at all times to ensure maintenance of security at the gaseous diffusion plants (whether a gaseous diffusion plant is operated directly by a Federal agency or by a private entity under a contract or lease with a Federal agency).”.

SEC. 512. None of the funds made available in this or any other Act may be used to restart the High Flux Beam Reactor.

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

Approved October 13, 1997.

LEGISLATIVE HISTORY—H.R. 2203 (S. 1004):

HOUSE REPORTS: Nos. 105-90 (Comm. on Appropriations) and 105-271 (Comm. of Conference).

SENATE REPORTS: No. 105-44 accompanying S. 1004 (Comm. on Appropriations). CONGRESSIONAL RECORD, Vol. 143 (1997):

July 24, 25, considered and passed House.

July 28, considered and passed Senate, amended, in lieu of S. 1004.

Sept. 30, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Oct. 13, Presidential statement.

Oct. 17, President’s special message on line item veto.

FEDERAL REGISTER, Vol. 62 (1997):

Oct. 20, Cancellation of items pursuant to the Line Item Veto Act.