

Standard Inspection (as defined in section 350.105 of title 49, Code of Federal Regulations), including examination of the driver, vehicle exterior and vehicle under-carriage, and

“(ii) a Commercial Vehicle Safety Alliance decal to be affixed to each such commercial vehicle upon completion of the inspection required by clause (i) or a re-inspection if the vehicle has met the criteria for the Level I inspection when no component parts were hidden from view and no evidence of a defect was present, and

“(iii) that any such decal, when affixed, expire at the end of a period of not more than 90 days, but

nothing in this paragraph shall be construed to preclude the Administration from requiring re-inspection of a vehicle bearing a valid inspection decal or from requiring that such a decal be removed when a certified Federal or State inspector determines that such a vehicle has a safety violations subsequent to the inspection for which the decal was granted.”

SA 1031. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 350. INCREASED GOVERNMENT SHARE.

(a) IN GENERAL.—Section 47109 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(d) SPECIAL RULE FOR CERTAIN AIRPORTS.—

“(1) IN GENERAL.—Notwithstanding subsection (b), in the case of a qualifying airport, the Government's share of allowable project costs shall be increased by the greater of—

“(A) the percentage determined under subsection (b); or

“(B) one-half of the percentage that the area of Federal land in the State where the airport is located is of the total area of that State.

“(2) LIMITATION.—The percentage increase of the Government's share of allowable project costs determined under this subsection shall not exceed the lesser of 93.75 percent or the highest percentage of the Government's share applicable to any project in any State under subsection (b).

“(3) QUALIFYING AIRPORT.—In this subsection, the term ‘qualifying airport’ means an airport that—

“(A) has less than .25 percent of the total number of passenger boardings at all commercial service airports during the calendar year used for calculating the most recent apportionments made under section 47114; and

“(B) is located in a State in which more than 40 percent of the total area of the State is Federal lands.

“(4) FEDERAL LANDS.—In this subsection, the term ‘Federal lands’ means nontaxable Indian lands (individual and tribal) and all lands owned by the Federal Government including, without limitation, appropriated and unappropriated lands and reserved and unreserved lands.”.

(b) CONFORMING AMENDMENT.—Section 47109(a) of title 49, United States Code, is amended by inserting “or subsection (d)” after “subsection (b)”.

(c) EFFECTIVE DATE.—The amendments made by this section apply to project grant

agreements entered into pursuant to section 47108 of title 49, United States Code, on or after the date of enactment of this Act.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 24, 2001 in SR-328A at 9:00 a.m. The purpose of this hearing will be to discuss livestock issues for the next Federal farm bill.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Friday, July 20, 2001, to hear testimony on Trade Adjustment Assistance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Friday, July 20, 2001, for a markup on the nomination of Gordon H. Mansfield to be Assistant Secretary for Congressional Affairs at the Department of Veterans Affairs. The meeting will take place in the Senate Reception Room after the first rollcall vote of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Denise Matthews and Cyndi Stowe, Fellows on the staff of the Committee on Appropriations, be granted the privileges of the floor during debate on the fiscal year 2002 Transportation appropriations bill and the conference report thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2002

On July 19, 2001, the Senate amended and passed H.R. 2311, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2311) entitled “An Act making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, 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 law, surveys and detailed studies and plans and specifications of projects prior to construction, \$152,402,000, to remain available until expended, of which not less than \$500,000 shall be used to conduct a study of Port of Iberia, Louisiana, and of which such sums as are necessary shall be used by the Secretary of the Army to conduct and submit to Congress a study that examines the known and potential environmental effects of oil and gas drilling activity in the Great Lakes (including effects on the shorelines and water of the Great Lakes): Provided, That during the fiscal years 2002 and 2003, no Federal or State permit or lease shall be issued for oil and gas slant, directional, or offshore drilling in or under 1 or more of the Great Lakes (including in or under any river flowing into or out of the lake): Provided further, That using \$100,000 of the funds provided herein for the States of Maryland, Virginia, Pennsylvania and the District of Columbia, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a Chesapeake Bay shoreline erosion study, including an examination of management measures that could be undertaken to address the sediments behind the dams on the lower Susquehanna River: Provided further, That the Secretary of the Army, using \$100,000 of the funds provided herein, is directed to conduct studies for flood damage reduction, environmental protection, environmental restoration, water supply, water quality and other purposes in Tuscaloosa County, Alabama, and shall provide a comprehensive plan for the development, conservation, disposal and utilization of water and related land resources, for flood damage reduction and allied purposes, including the determination of the need for a reservoir to satisfy municipal and industrial water supply needs: Provided further, That within the funds provided herein, the Secretary may use \$300,000 for the North Georgia Water Planning District Watershed Study, Georgia.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law; 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), \$1,570,798,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104-303; and 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 12, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; and London Locks and Dam, and Kanawha River, West Virginia, projects; and of which funds are provided for the following projects in the amounts specified:

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

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

Southern and Eastern Kentucky, Kentucky, \$2,500,000:

Provided, That using \$200,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct, at full Federal expense, technical studies of individual ditch systems identified by the State of Hawaii, and to assist the State in diversification by helping to define the cost of repairing and maintaining selected ditch systems: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$1,300,000 of the funds appropriated herein to continue construction of the navigation project at Kaumalapau Harbor, Hawaii: Provided further, That with \$800,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Brunswick County Beaches, North Carolina-Ocean Isle Beach portion in accordance with the General Reevaluation Report approved by the Chief of Engineers on May 15, 1998: Provided further, That \$2,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$500,000 to undertake the Bowie County Levee Project, which is defined as Alternative B Local Sponsor Option, in the Corps of Engineers document entitled Bowie County Local Flood Protection, Red River, Texas, Project Design Memorandum No. 1, Bowie County Levee, dated April 1997: Provided further, That the Secretary of the Army is directed to use \$4,000,000 of the funds provided herein for Dam safety and Seepage/Stability Correction Program to continue construction of seepage control features at Waterbury Dam, Vermont: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$2,500,000 of the funds appropriated herein to proceed with the removal of the Embrey Dam, Fredericksburg, Virginia: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$41,100,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the following elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project:

\$4,500,000 for the Clover Fork, Kentucky, element of the project;

\$1,000,000 for the City of Cumberland, Kentucky, element of the project;

\$1,650,000 for the town of Martin, Kentucky, element of the project;

\$2,100,000 for the Pike County, Kentucky, element of the project, including \$1,100,000 for additional studies along the tributaries of the Tug Fork and continuation of a Detailed Project Report for the Levisa Fork;

\$3,850,000 for the Martin County, Kentucky, element of the project;

\$950,000 for the Floyd County, Kentucky, element of the project;

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

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

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

\$450,000 to complete the Buchanan County, Virginia, Detailed Project Report;

\$700,000 to continue the Dickenson County, Detailed Project Report;

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

\$600,000 for the Upper Mingo County, West Virginia, element of the project;

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

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

Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is

directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the Section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: Provided further, That, with respect to the environmental infrastructure project in Lebanon, New Hampshire, for which funds are made available under this heading, the non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for work performed before the date of execution of the project cooperation agreement, if the Secretary determines the work is integral to the project: Provided further, That within the funds provided herein, \$250,000 may be used for the Horseshoe Lake, Arkansas feasibility study.

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 and 702g-1), \$328,011,000, to remain available until expended.

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, \$1,833,263,000, to remain available until expended, of which not less than \$300,000 shall be used for a study to determine, and develop a project that would make, the best use, on beaches of adjacent towns, of sand dredged from Morehead City Harbor, Carteret County, North Carolina; 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. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities, and of which not less than \$400,000 shall be used to carry out maintenance dredging of the Sagamore Creek Channel, New Hampshire: Provided, That of funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the

State of Delaware for the SRI Bridge from station 58+00 to station 293+00 between May 12, 1997 and September 30, 2002. Reimbursement costs shall not exceed \$1,277,000: Provided further, That the Secretary of the Army is directed to use \$2,000,000 of funds appropriated herein to remove and reinstall the docks and causeway, in kind, at Astoria East Boat Basin, Oregon: Provided further, That \$2,000,000 of the funds ap-

propriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to dredge a channel from the mouth of Wheeling Creek to Tunnel Green Park in Wheeling, West Virginia: Provided further, That \$500,000 of the funds appropriated herein shall be available for the conduct of activities related to the selection, by the Secretary of the Army in cooperation with the Environmental Protection

Agency, of a permanent disposal site for environmentally sound dredged material from navigational dredging projects in the State of Rhode Island: Provided further, That the project for the Apalachicola, Chattahoochee and Flint Rivers Navigation, authorized by section 2 of the Rivers and Harbor Act of March 2, 1945 (Public Law 79-14; 59 Stat. 10) and modified by the first section of the River and Harbor Act of 1946 (60 Stat. 635, chapter 595), is modified to authorize the Secretary, as part of navigation maintenance activities to develop and implement a plan to be integrated into the long-term dredged material management plan being developed for the Corley Slough reach as required by conditions of the State of Florida water quality certification, for periodically removing sandy dredged material from the disposal area known as Site 40, located at mile 36.5 of the Apalachicola River, and from other disposal sites that the Secretary may determine to be needed, for the purpose of reuse of the disposal areas, by transporting and depositing the sand for environmentally acceptable beneficial uses in coastal areas of northwest Florida to be determined in coordination with the State of Florida: Provided further, That the Secretary is authorized to acquire all lands, easements, and rights-of-way that may be determined by the Secretary, in consultation with the affected State, to be required for dredged material disposal areas to implement a long-term dredge material management plan: Provided further, That the long-term management plan shall be developed in coordination with the State of Florida no later than 2 years from the date of enactment of this legislation: Provided further, That, \$5,000,000 shall be made available for these purposes and \$8,173,000 shall be made available for the Apalachicola, Chattahoochee and Flint Rivers Navigation.

REGULATORY PROGRAM

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

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, \$140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Water Resources Support Center, and headquarters support functions at the USACE Finance Center, \$153,000,000, 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.

ADMINISTRATIVE PROVISIONS

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. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64-291; section 11 of the River and Harbor Act of 1925, Public Law 68-

585; the Civil Functions Appropriations Act, 1936, Public Law 75-208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90-483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended (Public Law 99-662); section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102-580; section 211 of the Water Resources Development Act of 1996, Public Law 104-303, and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed \$10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed \$50,000,000 in each fiscal year.

SEC. 102. ST. GEORGES BRIDGE, DELAWARE. None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 103. The Secretary may not expend funds to accelerate the schedule to finalize the Record of Decision for the revision of the Missouri River Master Water Control Manual and any associated changes to the Missouri River Annual Operating Plan. During consideration of revisions to the manual in fiscal year 2002, the Secretary may consider and propose alternatives for achieving species recovery other than the alternatives specifically prescribed by the United States Fish and Wildlife Service in the biological opinion of the Service. The Secretary shall consider the views of other Federal agencies, non-Federal agencies, and individuals to ensure that other congressionally authorized purposes are maintained.

SEC. 104. The non-Federal interest shall receive credit towards the lands, easements, relocations, rights-of-way, and disposal areas required for the Lava Hot Springs restoration project in Idaho, and acquired by the non-Federal interest before execution of the project co-operation agreement: Provided, That the Secretary shall provide credit for work only if the Secretary determines such work to be integral to the project.

SEC. 105. Of the funds provided under title I, \$15,500,000 shall be available for the Demonstration Erosion Control project, Mississippi.

SEC. 106. Of the funds made available under Operations and Maintenance, a total of \$3,000,000 may be made available for Perry Lake, Kansas.

SEC. 107. GUADALUPE RIVER, CALIFORNIA. The project for flood control, Guadalupe River, California, authorized by section 401 of the Water Resources Development Act of 1986, and the Energy and Water Development Appropriation Acts of 1990 and 1992, is modified to authorize the Secretary to construct the project substantially in accordance with the General Reevaluation and Environmental Report for Proposed Project Modifications, dated February 2001, at a total cost of \$226,800,000, with an estimated Federal cost of \$128,700,000, and estimated non-Federal cost of \$98,100,000.

SEC. 108. Of the funds provided under Operations and Maintenance for McKlellan-Kerr, Arkansas River Navigation System dredging, \$22,338,000 is provided: Provided, That of that amount, \$1,000,000 shall be for dredging on the Arkansas River for maintenance dredging at the authorized depth.

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

(1) **IN GENERAL.**—The Secretary of the Army (referred to in section as the “Secretary”) shall designate as nonnavigable the areas described in paragraph (3) unless the Secretary, after consultation with local and regional public officials (including local and regional planning organizations), makes a determination that 1 or more

projects proposed to be carried out in 1 or more areas described in paragraph (2) are not in the public interest.

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

(A) Beginning at the point in the easterly line of Church Street (49.50 feet wide), said beginning point being the following 2 courses from the intersection of the centerline of Church Street with the curved northerly right-of-way line of Pennsylvania-Reading Seashore Lines Railroad (66.00 feet wide)—

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

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

(B) Said beginning point also being the end of the thirteenth course and from said beginning point runs; thence, along the aforementioned Easterly line of Church Street—

(i) N. 11°28'50" E. 1052.14 feet; thence

(ii) crossing Church Street, N. 34°19'51" W. 1590.16 feet; thence

(iii) N. 27°56'37" E. 3674.36 feet; thence

(iv) N. 35°33'54" W. 975.59 feet; thence

(v) N. 57°04'39" W. 481.04 feet; thence

(vi) N. 36°22'55" W. 870.00 feet to a point in the Pierhead and Bulkhead Line along the Southeastern shore of the Delaware River; thence

(vii) along the same line N. 53°37'05" E. 1256.19 feet; thence

(viii) still along the same, N. 86°10'29" E. 1692.61 feet; thence, still along the same the following thirteenth courses

(ix) S. 67°44'20" E. 1090.00 feet to a point in the Pierhead and Bulkhead Line along the Southwesterly shore of Woodbury Creek; thence

(x) S. 39°44'20" E. 507.10 feet; thence

(xi) S. 31°01'38" E. 1062.95 feet; thence

(xii) S. 34°34'20" E. 475.00 feet; thence

(xiii) S. 32°20'28" E. 254.18 feet; thence

(xiv) S. 52°55'49" E. 964.95 feet; thence

(xv) S. 56°24'40" E. 366.60 feet; thence

(xvi) S. 80°31'50" E. 100.51 feet; thence

(xvii) N. 75°30'00" E. 120.00 feet; thence

(xviii) N. 53°09'00" E. 486.50 feet; thence

(xix) N. 81°18'00" E. 132.00 feet; thence

(xx) S. 56°35'00" E. 115.11 feet; thence

(xxi) S. 42°00'00" E. 271.00 feet; thence

(xxii) S. 48°30'00" E. 287.13 feet to a point in the Northwesterly line of Grove Avenue (59.75 feet wide); thence

(xxiii) S. 23°09'50" W. 4120.49 feet; thence

(xxiv) N. 66°50'10" W. 251.78 feet; thence

(xxv) S. 36°05'20" E. 228.64 feet; thence

(xxvi) S. 58°53'00" W. 1158.36 feet to a point in the Southwesterly line of said River Lane; thence

(xxvii) S. 41°31'35" E. 113.50 feet; thence

(xxviii) S. 61°28'35" W. 863.52 feet to the point of beginning.

(C)(i) Except as provided in clause (ii), beginning at a point in the centerline of Church Street (49.50 feet wide) where the same is intersected by the curved northerly line of Pennsylvania-Reading Seashore Lines Railroad right-of-way (66.00 feet wide), along that Railroad, on a curve to the left, having a radius of 1465.69 feet, an arc distance of 1132.14 feet—

(I) N. 88°45'47" W. 1104.21 feet; thence

(II) S. 69°06'30" W. 1758.95 feet; thence

(III) N. 23°04'43" W. 600.19 feet; thence

(IV) N. 19°15'32" W. 3004.57 feet; thence

(V) N. 44°52'41" W. 897.74 feet; thence

(VI) N. 32°26'05" W. 2765.99 feet to a point in the Pierhead and Bulkhead Line along the Southeastern shore of the Delaware River; thence

(VII) N. 53°37'05" E. 2770.00 feet; thence

(VIII) S. 36°22'55" E. 870.00 feet; thence

(IX) S. 57°04'39" E. 481.04 feet; thence

(X) S. 35°33'54" E. 975.59 feet; thence

(XI) S. 27°56'37" E. 3674.36 feet; thence

(XII) crossing Church Street, S. 34°19'51" E. 1590.16 feet to a point in the easterly line of Church Street; thence

(XIII) S. 11°28'50" W. 1052.14 feet; thence

(XIV) S. 61°28'35" W. 32.31 feet; thence

(XV) S. 11°28'50" W. 38.56 feet to the point of beginning.

(ii) The parcel described in clause (i) does not include the parcel beginning at the point in the centerline of Church Street (49.50 feet wide), that point being N. 11°28'50" E. 796.36 feet, measured along the centerline, from its intersection with the curved northerly right-of-way line of Pennsylvania-Reading Seashore Lines Railroad (66.00 feet wide)—

(I) N. 78°27'40" W. 118.47 feet; thence

(II) N. 15°48'40" W. 120.51 feet; thence

(III) N. 77°53'00" E. 189.58 feet to a point in the centerline of Church Street; thence

(IV) S. 11°28'50" W. 183.10 feet to the point of beginning.

(b) **LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—**

(1) **IN GENERAL.**—The designation under subsection (a)(1) shall apply to those parts of the areas described in subsection (a) that are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina facilities.

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

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

(B) **section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and**

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

(c) **TERMINATION OF DESIGNATION.**—If, on the date that is 20 years after the date of enactment of this Act, any area or portion of an area described in subsection (a)(3) is not bulkheaded, filled, or otherwise occupied by permanent structures (including marina facilities) in accordance with subsection (b), or if work in connection with any activity authorized under subsection (b) is not commenced by the date that is 5 years after the date on which permits for the work are issued, the designation of nonnavigability under subsection (a)(1) for that area or portion of an area shall terminate.

SEC. 110. NOME HARBOR TECHNICAL CORRECTIONS. Section 101(a)(1) of Public Law 106-53 (the Water Resources Development Act of 1999) is amended by—

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

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

SEC. 111. The Secretary of the Army shall not accept or solicit non-Federal voluntary contributions for shore protection work in excess of the minimum requirements established by law; except that, when voluntary contributions are tendered by a non-Federal sponsor for the prosecution of work outside the authorized scope of the Federal project at full non-Federal expense, the Secretary is authorized to accept said contributions.

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

“(3) **ENGINEERING RESEARCH AND DEVELOPMENT CENTER.**—The Engineering Research and Development Center is exempt from the requirements of this section.”

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

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

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

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

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

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

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

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

(2) floodproofing of not to exceed 4 commercial buildings located along Prospect Place or Union Avenue; and

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

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

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by striking “(b) The Secretary” and inserting the following:

“(b) PROJECTS.—

“(1) IN GENERAL.—The Secretary”; and

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

“(2) COST SHARING.—

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

“(B) FORM.—The non-Federal share may be provided through in-kind services, including the provision by the non-Federal interest of shell stock material that is determined by the Chief of Engineers to be suitable for use in carrying out the project.

“(C) APPLICABILITY.—The non-Federal interest shall be credited with the value of in-kind services provided on or after October 1, 2000, for a project described in paragraph (1) completed on or after that date, if the Secretary determines that the work is integral to the project.

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, \$34,918,000, to remain available until expended, of which \$10,749,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account of the Central Utah Project Completion Act and shall be available 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, \$1,310,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

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, \$732,496,000, to remain available until expended, of which \$4,000,000 shall be available for the West River/Lyman-Jones Rural Water System to provide rural, municipal, and industrial drinking water for Philip, South Dakota, in accordance with the Mni Wiconi Project Act of 1988 (102 Stat. 2566; 108 Stat. 4539), of which \$14,649,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$31,442,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which \$8,000,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106-163; of which not more than 25 percent of the amount provided for drought emergency assistance may be used for financial assistance for the preparation of cooperative drought contingency plans under title II of Public Law 102-250; and of which not more than \$500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706; 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 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 section 301 of Public Law 102-250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting “2001, and 2002” in lieu of “and 2001”: Provided further, That of the funds provided herein, \$1,000,000 may be used to complete the Hopi/Western Navajo Water Development Plan, Arizona: Provided further, That using \$500,000 of the funds provided herein, shall be available to begin design activities related to installation of electric irrigation water pumps at the Savage Rapids Dam on the Rogue River, Oregon: Provided further, That of such funds, not more than \$1,500,000 shall be available to the Secretary for completion of a feasibility study for the Santa Fe Regional Water System, New Mexico: Provided further, That the study shall be completed by September 30, 2002.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, \$7,215,000, 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, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$26,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans

and/or grants, \$280,000, 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, \$55,039,000, to be derived from 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 assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$52,968,000, 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 four passenger motor vehicles for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106-60.

SEC. 202. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 203. The Secretary of the Interior is authorized and directed to use not to exceed \$1,000,000 of the funds appropriated under title II to refund amounts received by the United States as payments for charges assessed by the Secretary prior to January 1, 1994 for failure to file certain certification or reporting forms prior to the receipt of irrigation water, pursuant to sections 206 and 224(c) of the Reclamation Reform Act of 1982 (96 Stat. 1226, 1272; 43 U.S.C. 390ff, 390ww(c)), including the amount of associated interest assessed by the Secretary and paid to the United States pursuant to section 224(i) of the Reclamation Reform Act of 1982 (101 Stat. 1330-268; 43 U.S.C. 390ww(i)).

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

(b) PAYMENT TO GENERAL FUND.—If any of the provisions of the stipulation referred to in subsection (a) is not met by the date that is 3 years after the date of enactment of this Act, payments to the general fund of the Treasury shall resume in accordance with section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)).

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

SEC. 205. (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" 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. 206. The Secretary of the Interior, in accepting payments for the reimbursable expenses incurred for the replacement, repair, and extraordinary maintenance with regard to the Valve Rehabilitation Project at the Arrowrock Dam on the Arrowrock Division of the Boise Project in Idaho, shall recover no more than \$6,900,000 of such expenses according to the application of the current formula for charging users for reimbursable operation and maintenance expenses at Bureau of Reclamation facilities on the Boise Project, and shall recover this portion of such expenses over a period of 15 years.

TITLE III DEPARTMENT OF ENERGY ENERGY PROGRAMS ENERGY SUPPLY

For Department of Energy expenses 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; and the purchase of not to exceed 17 passenger motor vehicles for replacement only, \$736,139,000, to remain available until expended, of which not less than \$3,000,000 shall be used for the advanced test reactor research and development upgrade initiative, and of which \$1,000,000 may be available for the Consortium for Plant Biotechnology Research.

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 fa-

cility or for plant or facility acquisition, construction or expansion, \$228,553,000, to remain available until expended.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, \$408,725,000, of which \$287,941,000 shall be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, all of which shall remain available until expended.

SCIENCE

For Department of Energy expenses 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 not to exceed 25 passenger motor vehicles for replacement only, \$3,268,816,000, to remain available until expended: Provided, That within the funds provided, molecular nuclear medicine research shall be continued at not less than the fiscal year 2001 funding level.

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, \$25,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: Provided, That \$2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended: Provided further, That \$6,000,000 shall be provided to affected units of local governments, as defined in Public Law 97-425, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97-425 and this Act. 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 multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982 in Public Law 97-425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the De-

partment 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), \$208,948,000, 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 \$137,810,000 in fiscal year 2002 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 2002 so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at not more than \$71,138,000.

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, \$30,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES NATIONAL NUCLEAR SECURITY ADMINISTRATION

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 11 for replacement only), \$6,062,891,000, to remain available until expended: Provided, That, \$30,000,000 shall be utilized for technology partnerships supportive of the National Nuclear Security Administration missions and \$3,000,000 shall be utilized at the NNSA laboratories for support of small business interactions including technology clusters relevant to laboratory missions: Provided further, That \$1,000,000 shall be made available for community reuse organizations within the Office of Worker and Community Transition.

DEFENSE NUCLEAR NONPROLIFERATION

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, Defense Nuclear Nonproliferation 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, \$880,500,000, to remain available until expended: Provided, That not to exceed \$7,000 may be used for official reception and representation expenses for national security and non-proliferation (including transparency) activities in fiscal year 2002.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$688,045,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator of the National Nuclear Security Administration, including official reception and

representation expenses (not to exceed \$15,000), \$15,000,000, to remain available until expended.

OTHER DEFENSE RELATED ACTIVITIES

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 30 passenger motor vehicles, of which 27 shall be for replacement only, \$5,389,868,000, 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, \$1,080,538,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), \$157,537,000, 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, \$564,168,000, 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, \$250,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

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

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, 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, \$4,891,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, up to \$8,000,000 collected by the

Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

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, \$28,038,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed \$5,200,000 in reimbursements, to remain available until expended: Provided, That up to \$1,512,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

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

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. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500, \$169,465,000, to remain available until expended, of which \$163,951,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, \$6,091,000 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 up to \$152,624,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That of the amount herein appropriated, not less than \$200,000 shall be provided for corridor review and environmental review required for construction of a 230 kv transmission line between Belfield and Hettinger, North Dakota: Provided further, That these funds shall be nonreimbursable: Provided further, That these funds shall be available until expended: Provided further, That within the amount herein appropriated not less than \$200,000 shall be provided for the Western Area Power Administration to conduct a technical analysis of the costs and feasibility of transmission expansion methods and technologies: Provided further, That WAPA shall publish a study by July 31, 2002 that contains recommendations of the most cost-effective methods and technologies to enhance electricity transmission from lignite and wind energy: Provided further, That these funds shall be nonreimbursable: Provided further, That these funds shall be 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, \$2,663,000, 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), \$187,155,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed \$187,155,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2002 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at not more than \$0: Provided further, That the Commission is authorized to hire an additional 10 senior executive service positions.

**GENERAL PROVISIONS
DEPARTMENT OF ENERGY**

SEC. 301. (a) None of the funds appropriated by this 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.

SEC. 302. None of the funds appropriated by this 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. 303. None of the funds appropriated by this Act may be used to augment the \$20,000,000 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) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

SEC. 304. None of the funds appropriated by this 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. 305. 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.

SEC. 306. Of the funds in this Act or any other Act provided to government-owned, contractor-operated laboratories, not to exceed 6 percent

shall be available to be used for Laboratory Directed Research and Development.

SEC. 307. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purposes of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residues; (3) wet residues; (4) direct repackaging residues; and (5) scrub alloy as referenced in the “Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site”.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the plant manager of a covered nuclear weapons production plant to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such plant in order to maintain and enhance such capabilities at such plant: Provided, That of the amount allocated to a covered nuclear weapons production plant each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: Provided further, That for purposes of this section, the term “covered nuclear weapons production plant” means the following:

- (1) The Kansas City Plant, Kansas City, Missouri.
- (2) The Y-12 Plant, Oak Ridge, Tennessee.
- (3) The Pantex Plant, Amarillo, Texas.
- (4) The Savannah River Plant, South Carolina.

SEC. 309. Notwithstanding any other law, and without fiscal year limitation, each Federal Power Marketing Administration is authorized to engage in activities and solicit, undertake and review studies and proposals relating to the formation and operation of a regional transmission organization.

SEC. 310. The Administrator of the National Nuclear Security Administration may authorize the manager of the Nevada Operations Office to engage in research, development, and demonstration activities with respect to the development, test, and evaluation capabilities necessary for operations and readiness of the Nevada Test Site: Provided, That of the amount allocated to the Nevada Operations Office each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs at the Nevada Test Site, not more than an amount equal to 2 percent of such amount may be used for these activities.

SEC. 311. DEPLETED URANIUM HEXAFLUORIDE. Section 1 of Public Law 105-204 is amended in subsection (b)—

- (1) by inserting “except as provided in subsection (c),” after “1321-349,”; and
- (2) by striking “fiscal year 2002” and inserting “fiscal year 2005”.

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

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

SEC. 313. (a) IN GENERAL.—The Secretary of Energy shall provide for the management of environmental matters (including planning and budgetary activities) with respect to the Paducah Gaseous Diffusion Plant, Kentucky, through the Assistant Secretary of Energy for Environmental Management.

(b) PARTICULAR REQUIREMENTS.—(1) In meeting the requirement in subsection (a), the Secretary shall provide for direct communication between the Assistant Secretary of Energy for

Environmental Management and the head of the Paducah Gaseous Diffusion Plant on the matters covered by that subsection.

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

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

(1) The Department of Energy’s Yucca Mountain program has been one of the most intensive scientific investigations in history.

(2) Significant milestones have been met, including the recent release of the Science and Engineering Report, and others are due in the near future including the Final Site Suitability Evaluation.

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

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

(5) Any decision on how to dispose of spent nuclear fuel and high level radioactive waste must be based on sound science and it is critical that the Federal Government provide adequate funding to ensure the availability of such science in a timely manner to allow fully informed decisions to be made in accordance with the statutorily mandated process.

(b) It is the sense of the Senate that the conferees on the part of the Senate should ensure that the levels of funding included in the Senate bill for the Yucca Mountain program are increased to an amount closer to that included in the House-passed version of the bill to ensure that a determination on the disposal of spent nuclear fuel and high level radioactive waste can be concluded in accordance with the statutorily mandated process.

SEC. 315. The Department of Energy shall consult with the State of South Carolina regarding any decisions or plans related to the disposition of surplus plutonium located at the Department of Energy Savannah River Site. The Secretary of Energy shall prepare not later than September 30, 2002, a plan for those facilities required to ensure the capability to dispose of such materials.

SEC. 316. PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST, NEW YORK. No Federal permit or lease shall be issued for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2002 or thereafter.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, 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, \$66,290,000, 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, \$18,500,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

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

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisi-

tion of plant and capital equipment as necessary and other expenses, \$40,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION SALARIES AND EXPENSES

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 official representation expenses (not to exceed \$15,000), and purchase of promotional items for use in the recruitment of individuals for employment, \$516,900,000, to remain available until expended: Provided, That of the amount appropriated herein, \$23,650,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at \$468,248,000 in fiscal year 2002 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, \$700,000 of the funds herein appropriated for regulatory reviews and other assistance to Federal agencies and States 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 2002 so as to result in a final fiscal year 2002 appropriation estimated at not more than \$48,652,000: Provided further, That, notwithstanding any other provision of law, no funds made available under this or any other Act may be expended by the Commission to implement or enforce 10 C.F.R. Part 35, as adopted by the Commission on October 23, 2000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$5,500,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at \$5,280,000 in fiscal year 2002 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at not more than \$220,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

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

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.

This Act may be cited as the "Energy and Water Development Appropriations Act, 2002".

EXECUTIVE CALENDAR

Mr. DASCHLE. Madam President, as in executive session, I now ask unanimous consent that the Agriculture Committee be discharged from further consideration of the following nominees to be members of the board of directors of the Commodity Credit Corporation, and that they be placed on the Executive Calendar: Eric Bost, William Hawks, Joseph Jen, James Moseley, and J.B. Penn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations are as follows:

DEPARTMENT OF AGRICULTURE

Eric M. Bost, of Texas, to be a Member of the Board of Directors of the Commodity Credit Corporation.

William T. Hawks, of Mississippi, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Joseph J. Jen, of California, to be a Member of the Board of Directors of the Commodity Credit Corporation.

James R. Moseley, of Indiana, to be a Member of the Board of Directors of the Commodity Credit Corporation.

J.B. Penn, of Arkansas, to be a Member of the Board of Directors of the Commodity Credit Corporation.

SENATE WORK

Mr. DASCHLE. Madam President, this is the end of the week. I thank my colleagues for the effort that has been made to get as much accomplished as we were able to achieve. We passed the energy and water appropriations bill. We passed the legislative branch appropriations bill. We just now passed the supplemental appropriations conference report. We appointed conferees to the bankruptcy reform legislation. We confirmed 23 nominations, including 3 judicial nominees this week. And we began consideration of the Transportation appropriations bill.

While I wish we could have gone further with regard to our work on the Transportation bill, I am pleased that as a result of a bipartisan effort to

achieve this success at the end of the week I think we have accomplished a good deal.

I thank the distinguished Republican leader for his efforts in allowing this kind of accomplishment to be noted. I appreciate very much the hard work of the Appropriations Committee and the appropriations subcommittees that were very involved in the work of this week; that of Senator DOMENICI, the ranking member of the energy and water appropriations subcommittee, and Senator REID in particular for his outstanding leadership in bringing about the successful conclusion of his bill. Senator DURBIN has done an outstanding job with his legislative branch appropriations bill.

As my colleague just noted, so much work went into the supplemental appropriations bill. I am very pleased that Senator BYRD and Senator STEVENS once again were able to complete their work as expeditiously as they did. I was contacted earlier today by the Vice President who asked if we could move this bill today. It was originally my intention to hold the bill over the weekend in order to give Senators more of a chance to examine the results. The bill was just presented to us this morning. But in order to accommodate a request by the administration, we chose to take up the bill, given the fact that no one had made a request for a rollcall vote. I thank my colleagues for their cooperation in not asking for a rollcall on this particular bill so we could move it ahead to accommodate the administration's request.

I am also very pleased with the success we have had in confirming 23 additional nominations; as I said, including 3 judicial nominees. That means that in the last 2 weeks we have now confirmed 77 nominations. I don't know what kind of a record that is, but it has to be one of the largest numbers of appointments confirmed in the shortest period of time. And we will continue to work at achieving just as impressive results in the coming weeks.

Madam President, we have had a good week. I look forward to a very successful week again next week working on, first, the Transportation appropriations bill, and, secondly, other available appropriations bills, in addition, of course, to other nominations.

ORDERS FOR MONDAY, JULY 23, 2001

Mr. DASCHLE. Madam President, I ask unanimous consent that when the

Senate completes its business today, it adjourn until the hour of 2 o'clock on Monday, July 23. I further ask unanimous consent that on Monday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period for morning business until 4 p.m. with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator KYL, or his designee, from 2 p.m. until 3 p.m.; and Senator BYRD, from 3 p.m. until 4 p.m.; and, further, that at 4 p.m. the Senate resume consideration of H.R. 2299, the Transportation Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DASCHLE. Madam President, Members of the Senate, on Monday the Senate will convene under this request at 2 p.m. with 2 hours of morning business. At 4 p.m., we will resume consideration of the Transportation Appropriations Act. There will be no rollcall votes until 5:45 p.m. on Monday. There will be a rollcall vote at that time. I expect there could be additional rollcall votes on Monday evening.

ADJOURNMENT UNTIL 2 P.M. MONDAY, JULY 23, 2001

Mr. DASCHLE. Madam President, if there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 2:30 p.m., adjourned until Monday, July 23, 2001, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 20, 2001:

THE JUDICIARY

SAM E. HADDON, OF MONTANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MONTANA.

RICHARD F. CEBULL, OF MONTANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MONTANA.

DEPARTMENT OF JUSTICE

RALPH F. BOYD, JR., OF MASSACHUSETTS, TO BE AN ASSISTANT ATTORNEY GENERAL.

EILEEN J. O'CONNOR, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

THE JUDICIARY

ROGER L. GREGORY, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.