

1 Manasquan Inlet to Barnegat Inlet, New Jer-
2 sey, \$400,000;

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

5 Townsend's Inlet to Cape May Inlet, New Jer-
6 sey, \$500,000; and

7 Monongahela River, Fairmont, West Virginia,
8 \$350,000:

9 *Provided*, That the Secretary of the Army, acting through
10 the Chief of Engineers, is directed to use \$600,000 of the
11 funds appropriated in Public Law 102-377 for the Red
12 River Waterway, Shreveport, Louisiana, to Daingerfield,
13 Texas, project for the feasibility phase of the Red River
14 Navigation, Southwest Arkansas, study: *Provided further*,
15 That the Secretary of the Army, acting through the Chief
16 of Engineers, is directed to use \$470,000 of the funds ap-
17 propriated herein to initiate the feasibility phase for the
18 Metropolitan Louisville, Southwest, Kentucky, study.

19 CONSTRUCTION, GENERAL

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

1 stitute a commitment of the Government to construction);
 2 \$1,475,892,000, to remain available until expended, of
 3 which such sums as are necessary pursuant to Public Law
 4 99-662 shall be derived from the Inland Waterways Trust
 5 Fund, for one-half of the costs of construction and reha-
 6 bilitation of inland waterways projects, including rehabili-
 7 tation costs for the Lock and Dam 25, Mississippi River,
 8 Illinois and Missouri; Lock and Dam 14, Mississippi
 9 River, Iowa; Lock and Dam 24, Mississippi River, Illinois
 10 and Missouri; and Lock and Dam 3, Mississippi River,
 11 Minnesota, projects, and of which funds are provided for
 12 the following projects in the amounts specified:

13 Noreo Bluffs, California, \$1,000,000;

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

16 Tybee Island, Georgia, \$2,500,000;

17 Indianapolis Central Waterfront, Indiana,
 18 \$7,000,000;

19 Indiana Shoreline Erosion, Indiana,
 20 \$3,000,000;

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

22 Ohio River Flood Protection, Indiana,
 23 \$1,300,000;

24 Harlan, Williamsburg, and Middlesboro, Ken-
 25 tucky, element of the Levisa and Tug Forks of the

1 Big Sandy River and Upper Cumberland River,
2 \$27,890,000;
3 Martin County, Kentucky, element of the
4 Levisa and Tug Forks of the Big Sandy River and
5 Upper Cumberland River, \$5,500,000;
6 Pike County, Kentucky, element of the Levisa
7 and Tug Forks of the Big Sandy River and Upper
8 Cumberland River, \$5,800,000;
9 Salyersville, Kentucky, \$2,050,000;
10 Lake Pontchartrain and Vicinity (Hurricane
11 Protection), Louisiana, \$22,920,000;
12 Lake Pontchartrain (Jefferson Parish)
13 Stormwater Discharge, Louisiana, \$2,379,000;
14 Flint River, Michigan, \$875,000;
15 Jackson County, Mississippi, \$3,000,000;
16 Joseph G. Minish Passaic River Park, New Jer-
17 sey, \$5,000,000;
18 Hudson River, Athens, New York, \$8,700,000;
19 Lackawanna River, Olyphant, Pennsylvania,
20 \$1,400,000;
21 Lackawanna River, Scranton, Pennsylvania,
22 \$5,425,000;
23 Lycoming County, Pennsylvania, \$339,000;
24 South Central Pennsylvania Environment Im-
25 provement Program, \$30,000,000, of which

1 \$10,000,000 shall be available only for water-related
2 environmental infrastructure and resource protection
3 and development projects in Lackawanna, Lycoming,
4 Susquehanna, Wyoming, Pike, and Monroe counties
5 in Pennsylvania in accordance with the purposes of
6 subsection (a) and requirements of subsections (b)
7 through (e) of section 313 of the Water Resources
8 Development Act of 1992, as amended;

9 Williamsport, Pennsylvania, \$225,000;
10 Wallisville Lake, Texas, \$9,200,000;
11 Virginia Beach, Virginia, \$10,000,000; and
12 West Virginia and Pennsylvania Flood Control,
13 West Virginia and Pennsylvania, \$3,000,000;

14 *Provided*, That the Secretary of the Army, acting through
15 the Chief of Engineers, is directed to proceed with design
16 and construction of the Southeast Louisiana, Louisiana,
17 project and to award continuing contracts, which are not
18 to be considered fully funded, beginning in fiscal year
19 1998 consistent with the limit of the authorized appropria-
20 tion ceiling: *Provided further*, That the Secretary of the
21 Army is directed to incorporate the economic analyses for
22 the Green Ridge and Plot sections of the Lackawanna
23 River, Scranton, Pennsylvania, project with the economic
24 analysis for the Albright Street section of the project, and
25 to cost-share and implement these combined sections as

1 a single project with no separable elements, except that
2 each section may be undertaken individually when the
3 non-Federal sponsor provides the applicable local coopera-
4 tion requirements: *Provided further*, That section 114 of
5 Public Law 101-101, the Energy and Water Development
6 Appropriations Act, 1990, is amended by striking “total
7 cost of \$19,600,000” and inserting in lieu thereof, “total
8 cost of \$40,000,000”: *Provided further*, That the Sec-
9 retary of the Army, acting through the Chief of Engineers,
10 is authorized and directed to combine the Wilmington
11 Harbor—Northeast Cape Fear River, North Carolina,
12 project authorized in section 202(a) of the Water Re-
13 sources Development Act of 1986, the Wilmington Har-
14 bor, Cape Fear River, North Carolina, project authorized
15 in section 101(a)(23) of the Water Resources Develop-
16 ment Act of 1996, and the Cape Fear—Northeast (Cape
17 Fear) Rivers, North Carolina, project authorized in sec-
18 tion 101(a)(22) of the Water Resources Development Act
19 of 1996 into a single project with one Project Cooperation
20 Agreement based on cost sharing as a single project.

21 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES,
22 ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MIS-
23 SISSIPPI, MISSOURI, AND TENNESSEE

24 For expenses necessary for prosecuting work of flood
25 control, and rescue work, repair, restoration, or mainte-
26 nance of flood control projects threatened or destroyed by

1 flood, as authorized by law (~~33~~ U.S.C. 702a and 702g-
2 1), \$285,450,000, to remain available until expended.

3 OPERATION AND MAINTENANCE, GENERAL

4 For expenses necessary for the preservation, oper-
5 ation, maintenance, and care of existing river and harbor,
6 flood control, and related works, including such sums as
7 may be necessary for the maintenance of harbor channels
8 provided by a State, municipality or other public agency,
9 outside of harbor lines, and serving essential needs of gen-
10 eral commerce and navigation; surveys and charting of
11 northern and northwestern lakes and connecting waters;
12 clearing and straightening channels; and removal of ob-
13 structions to navigation, \$1,726,955,000, to remain avail-
14 able until expended, of which such sums as become avail-
15 able in the Harbor Maintenance Trust Fund, pursuant to
16 Public Law 99-662, may be derived from that Fund, and
17 of which such sums as become available from the special
18 account established by the Land and Water Conservation
19 Act of 1965, as amended (~~16~~ U.S.C. 460l), may be derived
20 from that Fund for construction, operation, and mainte-
21 nance of outdoor recreation facilities, and of which funds
22 are provided for the following projects in the amounts
23 specified:

24 Anclote River, Florida, \$1,500,000; and

25 Raystown Lake, Pennsylvania, \$4,690,000.

1 ~~Provided~~, That the Secretary of the Army, acting through
2 the Chief of Engineers, is directed to use funds appro-
3 priated in Public Law 104-206 to reimburse the local
4 sponsor of the Fort Myers Beach, Florida, project for the
5 maintenance dredging performed by the local sponsor to
6 open the authorized channel to navigation in fiscal year
7 1996.

8 REGULATORY PROGRAM

9 For expenses necessary for administration of laws
10 pertaining to regulation of navigable waters and wetlands,
11 ~~\$112,000,000~~, to remain available until expended.

12 FLOOD CONTROL AND COASTAL EMERGENCIES

13 For expenses necessary for emergency flood control,
14 hurricane, and shore protection activities, as authorized
15 by section 5 of the Flood Control Act approved August
16 18, 1941, as amended, ~~\$14,000,000~~, to remain available
17 until expended.

18 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

19 (INCLUDING TRANSFER OF FUNDS)

20 For expenses necessary to administer and execute the
21 Formerly Utilized Sites Remedial Action Program to clean
22 up contaminated sites throughout the United States where
23 work was performed as part of the Nation's early atomic
24 energy program, ~~\$110,000,000~~, to remain available until
25 expended: ~~Provided~~, That funding obligated to an individ-
26 ual site in the Formerly Utilized Sites Remedial Action

1 Program shall not exceed the amount obligated during fis-
2 cal year 1997 unless the following conditions are met: (1)
3 there is a technical plan, schedule, and life-cycle cost esti-
4 mate for the work to be performed; (2) the remedy se-
5 lected for the site has been developed to meet, but not
6 exceed, the standard of cleanup required for reasonably
7 anticipated future land use and ground water uses; (3)
8 the remedy selected has incorporated separation or other
9 technology where practicable to reduce the amount of ma-
10 terial that is to be excavated, removed, transported, or dis-
11 posed; (4) the contracting mechanism used for the cleanup
12 of each site will be competitive fixed-price wherever pos-
13 sible, but as a minimum shall include performance-based
14 incentives; and (5) the cleanup plan has been presented
15 to the affected communities, and State and Federal offi-
16 cials, and has not received substantial disagreement: *Pro-*
17 *vided further,* That the unexpended balances of prior ap-
18 propriations provided for these activities in this Act or any
19 previous Energy and Water Development Appropriations
20 Act may be transferred to and merged with this appropria-
21 tion account, and thereafter, may be accounted for as one
22 fund for the same time period as originally enacted.

23 GENERAL EXPENSES

24 For expenses necessary for general administration
25 and related functions in the Office of the Chief of Engi-
26 neers and offices of the Division Engineers; activities of

1 the Coastal Engineering Research Board, the Humphreys
 2 Engineer Center Support Activity, the Engineering Stra-
 3 tegic Studies Center, the Water Resources Support Cen-
 4 ter, and the USACE Finance Center, and for costs of im-
 5 plementing the Secretary of the Army's plan to reduce the
 6 number of division offices as directed in title I, Public Law
 7 104-206, \$148,000,000, to remain available until ex-
 8 pended: *Provided*, That no part of any other appropriation
 9 provided in title I of this Act shall be available to fund
 10 the activities of the Office of the Chief of Engineers or
 11 the executive direction and management activities of the
 12 division offices.

13 ADMINISTRATIVE PROVISIONS

14 Appropriations in this title shall be available for offi-
 15 cial reception and representation expenses (not to exceed
 16 \$5,000); and during the current fiscal year the revolving
 17 fund, Corps of Engineers, shall be available for purchase
 18 (not to exceed 100 for replacement only) and hire of pas-
 19 senger motor vehicles.

20 TITLE II

21 DEPARTMENT OF THE INTERIOR

22 CENTRAL UTAH PROJECT

23 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

24 For carrying out activities authorized by the Central
 25 Utah Project Completion Act, and for activities related to
 26 the Uintah and Upalco Units authorized by 43 U.S.C.

1 620, \$40,353,000, to remain available until expended, of
 2 which \$16,610,000 shall be deposited into the Utah Rec-
 3 lamation Mitigation and Conservation Account. *Provided,*
 4 That of the amounts deposited into that account,
 5 \$5,000,000 shall be considered the Federal contribution
 6 authorized by paragraph 402(b)(2) of the Central Utah
 7 Project Completion Act and \$11,610,000 shall be available
 8 to the Utah Reclamation Mitigation and Conservation
 9 Commission to carry out activities authorized under that
 10 Act.

11 In addition, for necessary expenses incurred in carry-
 12 ing out related responsibilities of the Secretary of the Inte-
 13 rior, \$800,000, to remain available until expended.

14 BUREAU OF RECLAMATION

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

20 WATER AND RELATED RESOURCES

21 (INCLUDING TRANSFER OF FUNDS)

22 For management, development, and restoration of
 23 water and related natural resources and for related activi-
 24 ties, including the operation, maintenance and rehabilita-
 25 tion of reclamation and other facilities, participation in
 26 fulfilling related Federal responsibilities to Native Ameri-

1 cans, and related grants to, and cooperative and other
2 agreements with, State and local governments, Indian
3 tribes, and others, \$651,931,000, to remain available until
4 expended, of which \$12,758,000 shall be available for
5 transfer to the Upper Colorado River Basin Fund and
6 \$54,242,000 shall be available for transfer to the Lower
7 Colorado River Basin Development Fund, and of which
8 such amounts as may be necessary may be advanced to
9 the Colorado River Dam Fund: *Provided*, That such trans-
10 fers may be increased or decreased within the overall ap-
11 propriation under this heading: *Provided further*, That of
12 the total appropriated, the amount for program activities
13 that can be financed by the Reclamation Fund or the Bu-
14 reau of Reclamation special fee account established by 46
15 U.S.C. 460l-6a(i) shall be derived from that Fund or ac-
16 count: *Provided further*, That funds contributed under 43
17 U.S.C. 395 are available until expended for the purposes
18 for which contributed: *Provided further*, That funds ad-
19 vanced under 43 U.S.C. 397a shall be credited to this ac-
20 count and are available until expended for the same pur-
21 poses as the sums appropriated under this heading: *Pro-*
22 *vided further*, That any amounts provided for the safety
23 of dams modification work at Coolidge Dam, San Carlos
24 Irrigation Project, Arizona, are in addition to the amount
25 authorized in 43 U.S.C. 509: *Provided further*, That the

1 unexpended balances of the Bureau of Reclamation appro-
2 priation accounts for “Construction Program (Including
3 Transfer of Funds)”, “General Investigations”, “Emer-
4 gency Fund”, and “Operation and Maintenance” shall be
5 transferred to and merged with this account, to be avail-
6 able for the purposes for which they originally were appro-
7 priated.

8 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

9 For the cost of direct loans and/or grants,
10 \$10,000,000, to remain available until expended, as au-
11 thorized by the Small Reclamation Projects Act of August
12 6, 1956, as amended (43 U.S.C. 422a-422l): *Provided,*
13 That such costs, including the cost of modifying such
14 loans, shall be as defined in section 502 of the Congres-
15 sional Budget Act of 1974: *Provided further,* That these
16 funds are available to subsidize gross obligations for the
17 principal amount of direct loans not to exceed
18 \$31,000,000.

19 In addition, for administrative expenses necessary to
20 carry out the program for direct loans and/or grants,
21 \$425,000, to remain available until expended: *Provided,*
22 That of the total sums appropriated, the amount of pro-
23 gram activities that can be financed by the Reclamation
24 Fund shall be derived from that Fund.

1 CENTRAL VALLEY PROJECT RESTORATION FUND

2 For carrying out the programs, projects, plans, and
3 habitat restoration, improvement, and acquisition provi-
4 sions of the Central Valley Project Improvement Act, such
5 sums as may be collected in the Central Valley Project
6 Restoration Fund pursuant to sections 3407(d),
7 3404(e)(3), 3405(f), and 3406(e)(1) of Public Law 102-
8 575, to remain available until expended: *Provided*, That
9 the Bureau of Reclamation is directed to levy additional
10 mitigation and restoration payments totaling \$30,000,000
11 (October 1992 price levels) on a three-year rolling average
12 basis, as authorized by section 3407(d) of Public Law
13 102-575.

14 CALIFORNIA BAY-DELTA ECOSYSTEM RESTORATION

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses of the Department of the In-
17 terior and other participating Federal agencies in carrying
18 out the California Bay-Delta Environmental Enhancement
19 and Water Security Act consistent with plans to be ap-
20 proved by the Secretary of the Interior, in consultation
21 with such Federal agencies, \$120,000,000, to remain
22 available until expended, of which such amounts as may
23 be necessary to conform with such plans shall be trans-
24 ferred to appropriate accounts of such Federal agencies:
25 *Provided*, That such funds may be obligated only as non-
26 Federal sources provide their share in accordance with the

1 cost-sharing agreement required under section 102(d) of
2 such Act: *Provided further*, That such funds may be obli-
3 gated prior to the completion of a final programmatic envi-
4 ronmental impact statement only if: (1) consistent with
5 40 C.F.R. 1506.1(e); and (2) used for purposes that the
6 Secretary finds are of sufficiently high priority to warrant
7 such an expenditure.

8 POLICY AND ADMINISTRATION

9 For necessary expenses of policy, administration, and
10 related functions in the office of the Commissioner, the
11 Denver office, and offices in the five regions of the Bureau
12 of Reclamation, to remain available until expended,
13 \$47,658,000, to be derived from the Reclamation Fund
14 and be nonreimbursable as provided in 43 U.S.C. 377:
15 *Provided*, That no part of any other appropriation in this
16 Act shall be available for activities or functions budgeted
17 as policy and administration expenses.

18 ADMINISTRATIVE PROVISION

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

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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, \$880,730,000.

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. 1701 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, \$497,619,000, to remain available until expended.

1 URANIUM ENRICHMENT DECONTAMINATION AND
2 DECOMMISSIONING FUND

3 For necessary expenses in carrying out uranium en-
4 richment facility decontamination and decommissioning,
5 remedial actions and other activities of title II of the
6 Atomic Energy Act of 1954 and title X, subtitle A of the
7 Energy Policy Act of 1992, \$220,200,000, to be derived
8 from the Fund, to remain available until expended: *Pro-*
9 *vided,* That \$37,000,000 of amounts derived from the
10 Fund for such expenses shall be available in accordance
11 with title X, subtitle A, of the Energy Policy Act of 1992.

12 SCIENCE

13 For expenses of the Department of Energy activities
14 including the purchase, construction and acquisition of
15 plant and capital equipment and other expenses necessary
16 for science activities in carrying out the purposes of the
17 Department of Energy Organization Act (42 U.S.C. 7101
18 et seq.), including the acquisition or condemnation of any
19 real property or facility or for plant or facility acquisition,
20 construction, or expansion, and purchase of 15 passenger
21 motor vehicles for replacement only, \$2,207,632,000, to
22 remain available until expended: *Provided,* That
23 \$35,000,000 of the unobligated balances originally avail-
24 able for Superconducting Super Collider termination ac-
25 tivities shall be made available for other activities under
26 this heading.

1 NUCLEAR WASTE DISPOSAL FUND

2 For nuclear waste disposal activities to carry out the
3 purposes of Public Law 97-425, as amended, including
4 the acquisition of real property or facility construction or
5 expansion, \$160,000,000, to remain available until ex-
6 pended, to be derived from the Nuclear Waste Fund: *Pro-*
7 *vided*, That none of the funds provided herein shall be dis-
8 tributed to the State of Nevada or affected units of local
9 government (as defined by Public Law 97-425) by direct
10 payment, grant, or other means, for financial assistance
11 under section 116 of the Nuclear Waste Policy Act of
12 1982, as amended: *Provided further*, That the foregoing
13 proviso shall not apply to payments in lieu of taxes under
14 section 116(e)(3)(A) of the Nuclear Waste Policy Act of
15 1982, as amended.

16 DEPARTMENTAL ADMINISTRATION

17 For salaries and expenses of the Department of En-
18 ergy necessary for departmental administration in carry-
19 ing out the purposes of the Department of Energy Organi-
20 zation Act (42 U.S.C. 7101 et seq.), including the hire
21 of passenger motor vehicles and official reception and rep-
22 resentation expenses (not to exceed \$35,000),
23 \$214,723,000, to remain available until expended: *Pro-*
24 *vided*, That moneys received by the Department for mis-
25 cellaneous revenues estimated to total \$131,330,000 in
26 fiscal year 1998 may be retained and used for operating

1 expenses within this account, and may remain available
2 until expended, as authorized by section 201 of Public
3 Law ~~95-238~~, notwithstanding the provisions of ~~31 U.S.C.~~
4 ~~3302~~: *Provided further*, That the sum herein appropriated
5 shall be reduced by the amount of miscellaneous revenues
6 received during fiscal year 1998 so as to result in a final
7 fiscal year 1998 appropriation from the General Fund es-
8 timated at not more than ~~\$83,393,000~~.

9 OFFICE OF THE INSPECTOR GENERAL

10 For necessary expenses of the office of the inspector
11 general in carrying out the provisions of the Inspector
12 General Act of 1978, as amended, ~~\$27,500,000~~, to remain
13 available until expended.

14 ATOMIC ENERGY DEFENSE ACTIVITIES

15 WEAPONS ACTIVITIES

16 For Department of Energy expenses, including the
17 purchase, construction and acquisition of plant and capital
18 equipment and other incidental expenses necessary for
19 atomic energy defense weapons activities in carrying out
20 the purposes of the Department of Energy Organization
21 Act (~~42 U.S.C. 7101 et seq.~~), including the acquisition or
22 condemnation of any real property or any facility or for
23 plant or facility acquisition, construction, or expansion;
24 and the purchase of passenger motor vehicles (not to ex-
25 ceed ~~70~~ for replacement only), ~~\$3,943,442,000~~.

1 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE
2 MANAGEMENT

3 For Department of Energy expenses, including the
4 purchase, construction and acquisition of plant and capital
5 equipment and other expenses necessary for atomic energy
6 defense environmental restoration and waste management
7 activities in carrying out the purposes of the Department
8 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
9 cluding the acquisition or condemnation of any real prop-
10 erty or any facility or for plant or facility acquisition, con-
11 struction, or expansion; and the purchase of passenger
12 motor vehicles (not to exceed 6 for replacement only);
13 \$5,263,270,000.

14 OTHER DEFENSE ACTIVITIES

15 For Department of Energy expenses, including the
16 purchase, construction and acquisition of plant and capital
17 equipment and other expenses necessary for atomic energy
18 defense, other defense activities, in carrying out the pur-
19 poses of the Department of Energy Organization Act (42
20 U.S.C. 7101 et seq.); including the acquisition or con-
21 demnation of any real property or any facility or for plant
22 or facility acquisition, construction, or expansion; and the
23 purchase of passenger motor vehicles (not to exceed 2 for
24 replacement only); \$1,580,504,000.

1 DEFENSE NUCLEAR WASTE DISPOSAL

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

6 POWER MARKETING ADMINISTRATIONS

7 OPERATION AND MAINTENANCE, ALASKA POWER

8 ADMINISTRATION

9 For necessary expenses of operation and maintenance
10 of projects in Alaska and of marketing electric power and
11 energy, \$1,000,000, to remain available until expended.

12 BONNEVILLE POWER ADMINISTRATION FUND

13 Expenditures from the Bonneville Power Administra-
14 tion Fund, established pursuant to Public Law 93-454,
15 are approved for the anadromous fish supplementation fa-
16 cilities in the Yakima River Basin, Methow River Basin
17 and Upper Snake River Basin; for the Billy Shaw Res-
18 ervoir resident fish substitution project, and for the resi-
19 dent trout fish culture facility in Southeast Idaho; and of-
20 ficial reception and representation expenses in an amount
21 not to exceed \$3,000.

22 During fiscal year 1998, no new direct loan obliga-
23 tions may be made.

1 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
2 ADMINISTRATION

3 For necessary expenses of operation and maintenance
4 of power transmission facilities and of marketing electric
5 power and energy pursuant to the provisions of section
6 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
7 applied to the southeastern power area, \$12,222,000, to
8 remain available until expended; in addition, notwith-
9 standing 31 U.S.C. 3302, not to exceed \$20,000,000 in
10 reimbursements for transmission wheeling and ancillary
11 services; to remain available until expended.

12 OPERATION AND MAINTENANCE, SOUTHWESTERN POWER
13 ADMINISTRATION

14 For necessary expenses of operation and maintenance
15 of power transmission facilities and of marketing electric
16 power and energy, and for construction and acquisition of
17 transmission lines, substations and appurtenant facilities,
18 and for administrative expenses, including official recep-
19 tion and representation expenses in an amount not to ex-
20 ceed \$1,500 in carrying out the provisions of section 5
21 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
22 applied to the southwestern power area, \$25,210,000, to
23 remain available until expended; in addition, notwith-
24 standing the provisions of 31 U.S.C. 3302, not to exceed
25 \$4,650,000 in reimbursements; to remain available until
26 expended.

1 CONSTRUCTION, REHABILITATION, OPERATION AND
2 MAINTENANCE, WESTERN AREA POWER ADMINISTRATION
3 For carrying out the functions authorized by title III,
4 section 302(a)(1)(E) of the Act of August 4, 1977 (42
5 U.S.C. 7101 et seq.), and other related activities including
6 conservation and renewable resources programs as author-
7 ized, including the replacement of not more than two heli-
8 copters through transfers, exchanges, or sale, and official
9 reception and representation expenses in an amount not
10 to exceed \$1,500, \$189,043,000, to remain available until
11 expended, of which \$182,806,000 shall be derived from
12 the Department of the Interior Reclamation Fund: *Pro-*
13 *vided,* That of the amount herein appropriated,
14 \$5,432,000 is for deposit into the Utah Reclamation Miti-
15 gation and Conservation Account pursuant to title IV of
16 the Reclamation Projects Authorization and Adjustment
17 Act of 1992.

18 FALCON AND AMISTAD OPERATING AND MAINTENANCE
19 FUND

20 For operation, maintenance, and emergency costs for
21 the hydroelectric facilities at the Falcon and Amistad
22 Dams, \$970,000, to remain available until expended, and
23 to be derived from the Falcon and Amistad Operating and
24 Maintenance Fund of the Western Area Power Adminis-
25 tration, as provided in section 423 of the Foreign Rela-
26 tions Authorization Act, fiscal years 1994 and 1995.

1 FEDERAL ENERGY REGULATORY COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Energy Regu-
4 latory Commission to carry out the provisions of the De-
5 partment of Energy Organization Act (42 U.S.C. 7101 et
6 seq.); including services as authorized by 5 U.S.C. 3109,
7 the hire of passenger motor vehicles, and official reception
8 and representation expenses (not to exceed \$3,000),
9 \$162,141,000, to remain available until expended: *Pro-*
10 *vided*, That notwithstanding any other provision of law,
11 not to exceed \$162,141,000 of revenues from fees and an-
12 nual charges, and other services and collections in fiscal
13 year 1998 shall be retained and used for necessary ex-
14 penses in this account, and shall remain available until
15 expended: *Provided further*, That the sum herein appro-
16 priated from the General Fund shall be reduced as reve-
17 nues are received during fiscal year 1998 so as to result
18 in a final fiscal year 1998 appropriation from the General
19 Fund estimated at not more than \$0.

20 DEPARTMENT OF ENERGY

21 GENERAL PROVISIONS

22 SEC. 301. None of the funds appropriated by this Act
23 or any prior appropriations Act may be used to award a
24 management and operating contract unless such contract
25 is awarded using competitive procedures. The preceding

1 sentence does not apply to a management and operating
2 contract for research and development activities performed
3 at a federally funded research and development center.

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

11 (b) At least 60 days before a contract award, amend-
12 ment, or modification for which the Secretary intends to
13 grant such a waiver, the Secretary shall submit to the
14 Subcommittees on Energy and Water Development of the
15 Committees on Appropriations of the House of Represent-
16 atives and the Senate a report notifying the subcommit-
17 tees of the waiver and setting forth the reasons for the
18 waiver.

19 SEC. 303. None of the funds appropriated by this Act
20 or any prior appropriations Act may be used to award,
21 amend, or modify any contract for support services unless
22 a cost comparison conducted under the procedures and re-
23 quirements of Office of Management and Budget Circular
24 A-76 shows that the cost of performing the support serv-

1 ices by contractor personnel is lower than the cost of per-
2 forming such services by Department of Energy personnel.

3 SEC. 304. None of the funds appropriated by this Act
4 or any prior appropriations Act may be used to make pay-
5 ments under a management and operating contract for
6 providing products or services for use by Department of
7 Energy employees.

8 SEC. 305. None of the funds appropriated by this Act
9 or any prior appropriations Act may be used to—

10 (1) develop or implement a workforce restruc-
11 turing plan that covers employees of the Department
12 of Energy; or

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

16 under section 3161 of the National Defense Authorization
17 Act of Fiscal Year 1993 (Public Law 102-484; 106 Stat.
18 2644; 42 U.S.C. 7274h).

19 SEC. 306. None of the funds appropriated by this Act
20 or any prior appropriations Act may be used to augment
21 the \$56,000,000 made available for obligation by this Act
22 for severance payments and other benefits and community
23 assistance grants under section 3161 of the National De-
24 fense Authorization Act for Fiscal Year 1993 (Public Law
25 102-484; 106 Stat. 2644; 42 U.S.C. 7274h).

1 SEC. 307. None of the funds appropriated by this Act
2 to initiate new construction projects in fiscal year 1998
3 by the Department of Energy may be obligated for such
4 a construction project until the Secretary of the Army,
5 acting through the Chief of Engineers—

6 (1) performs an independent assessment of the
7 cost, scope, and schedule of the construction project
8 and validates the accuracy of the Department of En-
9 ergy's estimates for the cost, scope, and schedule for
10 the project; and

11 (2) submits to the Subcommittees on Energy
12 and Water Development of the Committees on Ap-
13 propriations of the House of Representatives and the
14 Senate a report on such assessment.

15 SEC. 308. None of the funds appropriated by this Act
16 or any prior appropriations Act may be used to prepare
17 or initiate requests for proposals for a program if the pro-
18 gram has not been funded by Congress.

19 SEC. 309. None of the funds appropriated by this Act
20 (including funds appropriated for salaries of employees of
21 the Department of Energy) may be used in any way, di-
22 rectly or indirectly, to influence congressional action on
23 any legislation or appropriation matters pending before
24 Congress.

1 (TRANSFERS OF UNEXPENDED BALANCES)

2 SEC. 310. The unexpended balances of prior appro-
3 priations provided for activities in this Act may be trans-
4 ferred to appropriation accounts for such activities estab-
5 lished pursuant to this title. Balances so transferred may
6 be merged with funds in the applicable established ac-
7 counts and thereafter may be accounted for as one fund
8 for the same time period as originally enacted.

9 TITLE IV

10 INDEPENDENT AGENCIES

11 APPALACHIAN REGIONAL COMMISSION

12 For expenses necessary to carry out the programs au-
13 thorized by the Appalachian Regional Development Act of
14 1965, as amended, notwithstanding section 405 of said
15 Act, and for necessary expenses for the Federal Co-Chair-
16 man and the alternate on the Appalachian Regional Com-
17 mission and for payment of the Federal share of the ad-
18 ministrative expenses of the Commission, including serv-
19 ices as authorized by 5 U.S.C. 3109, and hire of passenger
20 motor vehicles, \$160,000,000, to remain available until ex-
21 pended.

22 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

23 SALARIES AND EXPENSES

24 For necessary expenses of the Defense Nuclear Fa-
25 cilities Safety Board in carrying out activities authorized

1 by the Atomic Energy Act of 1954, as amended by Public
2 Law 100-456, section 1441, \$16,000,000, to remain
3 available until expended.

4 NUCLEAR REGULATORY COMMISSION

5 SALARIES AND EXPENSES

6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses of the Commission in carry-
8 ing out the purposes of the Energy Reorganization Act
9 of 1974, as amended, and the Atomic Energy Act of 1954,
10 as amended, including the employment of aliens; services
11 authorized by 5 U.S.C. 3109; publication and dissemina-
12 tion of atomic information; purchase, repair, and cleaning
13 of uniforms; official representation expenses (not to exceed
14 \$20,000); reimbursements to the General Services Admin-
15 istration for security guard services; hire of passenger
16 motor vehicles and aircraft, \$462,700,000, to remain
17 available until expended: *Provided*, That of the amount ap-
18 propriated herein, \$13,000,000 shall be derived from the
19 Nuclear Waste Fund: *Provided further*, That from this ap-
20 propriation, transfers of sums may be made to other agen-
21 cies of the Government for the performance of the work
22 for which this appropriation is made, and in such cases
23 the sums so transferred may be merged with the appro-
24 priation to which transferred: *Provided further*, That mon-
25 eys received by the Commission for the cooperative nuclear
26 safety research program, services rendered to State gov-

1 ernments, foreign governments and international organi-
2 zations, and the material and information access author-
3 ization programs, including criminal history checks under
4 section 149 of the Atomic Energy Act may be retained
5 and used for salaries and expenses associated with those
6 activities, notwithstanding 31 U.S.C. 3302, and shall re-
7 main available until expended. *Provided further*, That rev-
8 enues from licensing fees, inspection services, and other
9 services and collections estimated at \$446,700,000 in fis-
10 cal year 1998 shall be retained and used for necessary
11 salaries and expenses in this account, notwithstanding 31
12 U.S.C. 3302, and shall remain available until expended.
13 *Provided further*, That \$3,000,000 of the funds herein ap-
14 propriated for regulatory reviews and other assistance pro-
15 vided to the Department of Energy and other Federal
16 agencies shall be excluded from license fee revenues, not-
17 withstanding 42 U.S.C. 2214. *Provided further*, That the
18 sum herein appropriated shall be reduced by the amount
19 of revenues received during fiscal year 1998 from licensing
20 fees, inspection services and other services and collections,
21 excluding those moneys received for the cooperative nu-
22 clear safety research program, services rendered to State
23 governments, foreign governments and international orga-
24 nizations, and the material and information access author-

1 ization programs, so as to result in a final fiscal year 1998
2 appropriation estimated at not more than \$16,000,000.

3 OFFICE OF INSPECTOR GENERAL

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses of the Office of Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, as amended, including services au-
8 thorized by 5 U.S.C. 3109, \$4,800,000, to remain avail-
9 able until expended; and in addition, an amount not to
10 exceed 5 percent of this sum may be transferred from Sal-
11 aries and Expenses, Nuclear Regulatory Commission: *Pro-*
12 *vided*, That notice of such transfers shall be given to the
13 Committees on Appropriations of the House of Represent-
14 atives and Senate: *Provided further*, That from this appro-
15 priation, transfers of sums may be made to other agencies
16 of the Government for the performance of the work for
17 which this appropriation is made, and in such cases the
18 sums so transferred may be merged with the appropriation
19 to which transferred: *Provided further*, That revenues from
20 licensing fees, inspection services, and other services and
21 collections shall be retained and used for necessary sala-
22 ries and expenses in this account, notwithstanding 31
23 U.S.C. 3302, and shall remain available until expended:
24 *Provided further*, That the sum herein appropriated shall
25 be reduced by the amount of revenues received during fis-

1 cal year 1998 from licensing fees, inspection services, and
2 other services and collections, so as to result in a final
3 fiscal year 1998 appropriation estimated at not more than
4 \$0.

5 NUCLEAR WASTE TECHNICAL REVIEW BOARD

6 SALARIES AND EXPENSES

7 For necessary expenses of the Nuclear Waste Tech-
8 nical Review Board, as authorized by Public Law 100-
9 203, section 5051, \$2,400,000, to be derived from the Nu-
10 clear Waste Fund, and to remain available until expended.

11 TENNESSEE VALLEY AUTHORITY

12 For essential stewardship activities for which appro-
13 priations were provided to the Tennessee Valley Authority
14 in Public Law 104-206, such sums as are necessary in
15 fiscal year 1998 and thereafter, to be derived only from
16 one or more of the following sources: nonpower fund bal-
17 ances and collections; investment returns of the nonpower
18 program; applied programmatic savings in the power and
19 nonpower programs; savings from the suspension of bo-
20 nuses and awards; savings from reductions in member-
21 ships and contributions; increases in collections resulting
22 from nonpower activities, including user fees; or increases
23 in charges to private and public utilities both investor and
24 cooperatively owned, as well as to direct load customers:
25 *Provided*, That such funds are available to fund the stew-

1 ardsthip activities under this paragraph, notwithstanding
2 sections 11, 14, 15, 29, or other provisions of the Ten-
3 nessee Valley Authority Act, as amended: *Provided further*,
4 That the savings from, and revenue adjustments to, the
5 TVA budget in fiscal year 1998 and thereafter shall be
6 sufficient to fund the aforementioned stewardship activi-
7 ties such that the net spending authority and resulting
8 outlays for these activities shall not exceed \$0 in fiscal
9 year 1998 and thereafter: *Provided further*, That within
10 thirty days of enactment of this Act, the Chairman of the
11 TVA shall submit to the Committees on Appropriations
12 of the House of Representatives and Senate an itemized
13 listing of the amounts of the proposed reductions and in-
14 creased receipts to be made pursuant to this paragraph
15 in fiscal year 1998: *Provided further*, That by November
16 1, 1999, the Chairman of the TVA shall submit to the
17 Committees on Appropriations of the House and Senate
18 an itemized listing of the amounts of the reductions or
19 increased receipts made pursuant to this paragraph for
20 fiscal year 1998.

21 TITLE V

22 GENERAL PROVISIONS

23 SEC. 501. (a) PURCHASE OF AMERICAN-MADE
24 EQUIPMENT AND PRODUCTS.—It is the sense of the Con-
25 gress that, to the greatest extent practicable, all equip-

1 ment and products purchased with funds made available
2 in this Act should be American-made.

3 (b) NOTICE REQUIREMENT.—In providing financial
4 assistance to, or entering into any contract with, any en-
5 tity using funds made available in this Act, the head of
6 each Federal agency, to the greatest extent practicable,
7 shall provide to such entity a notice describing the state-
8 ment made in subsection (a) by the Congress.

9 (c) PROHIBITION OF CONTRACTS WITH PERSONS
10 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—
11 If it has been finally determined by a court or Federal
12 agency that any person intentionally affixed a label bear-
13 ing a “Made in America” inscription, or any inscription
14 with the same meaning, to any product sold in or shipped
15 to the United States that is not made in the United
16 States, the person shall be ineligible to receive any con-
17 tract or subcontract made with funds made available in
18 this Act, pursuant to the debarment, suspension, and ineli-
19 gibility procedures described in sections 9.400 through
20 9.409 of title 48, Code of Federal Regulations.

21 SEC. 502. None of the funds made available in this
22 Act may be provided by contract or by grant (including
23 a grant of funds to be available for student aid) to any
24 institution of higher education, or subelement thereof, that
25 is currently ineligible for contracts and grants pursuant

1 to section 514 of the Departments of Labor, Health and
2 Human Services, and Education, and Related Agencies
3 Appropriations Act, 1997 (as contained in section 101(e)
4 of division A of Public Law 104-208; 110 Stat. 3009-
5 270).

6 SEC. 503. None of the funds made available in this
7 Act may be obligated or expended to enter into or renew
8 a contract with a contractor that is subject to the report-
9 ing requirement set forth in subsection (d) of section 4212
10 of title 38, United States Code, but has not submitted the
11 most recent report required by such subsection.

12 SEC. 504. None of the funds made available in this
13 Act to pay the salary of any officer or employee of the
14 Department of the Interior may be used for the Animas-
15 La Plata Project, in Colorado and New Mexico, except for:
16 (1) activities required to comply with the applicable provi-
17 sions of current law; and (2) continuation of activities pur-
18 suant to the Colorado Ute Indian Water Rights Settle-
19 ment Act of 1988 (Public Law 100-585).

20 This Act may be cited as the “Energy and Water De-
21 velopment Appropriations Act, 1998”.

22 *That the following sums are appropriated, out of any*
23 *money in the Treasury not otherwise appropriated, for the*
24 *fiscal year ending September 30, 1998, for energy and*
25 *water development, and for other purposes, namely:*

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

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

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, \$164,065,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Norco Bluffs, California, \$200,000;

Laulaulei, Hawaii, \$200,000;

Tahoe Basin Study, Nevada and California,
\$320,000; and

Barnegat Inlet to Little Egg Harbor Inlet, New Jersey, \$400,000: Provided, That the Secretary of the

1 *Army, acting through the Chief of Engineers, may use*
2 *\$200,000 of funding appropriated herein to initiate*
3 *preconstruction engineering and design for the Dela-*
4 *ware Coast from Cape Henlopen to Fenwick Island,*
5 *Delaware project.*

6 *CONSTRUCTION, GENERAL*

7 *For the prosecution of river and harbor, flood control,*
8 *shore protection, and related projects authorized by laws;*
9 *and detailed studies, and plans and specifications, of*
10 *projects (including those for development with participation*
11 *or under consideration for participation by States, local*
12 *governments, or private groups) authorized or made eligible*
13 *for selection by law (but such studies shall not constitute*
14 *a commitment of the Government to construction),*
15 *\$1,284,266,000, to remain available until expended, of*
16 *which such sums as are necessary pursuant to Public Law*
17 *99-662 shall be derived from the Inland Waterways Trust*
18 *Fund, for one-half of the costs of construction and rehabili-*
19 *tation of inland waterways projects, including rehabilita-*
20 *tion costs for the Lock and Dam 25, Mississippi River, Illi-*
21 *nois and Missouri, Lock and Dam 14, Mississippi River,*
22 *Iowa, Lock and Dam 24, Mississippi River, Illinois and*
23 *Missouri, and Lock and Dam 3, Mississippi River, Min-*
24 *nesota, projects, and of which funds are provided for the*
25 *following projects in the amounts specified:*

1 *Arkansas River, Tucker Creek, Arkansas,*
2 *\$300,000;*

3 *Red River Emergency Bank Protection, Arkan-*
4 *sas, \$3,500,000;*

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

6 *Harlan (Levisa and Tug Forks of the Big Sandy*
7 *River and Upper Cumberland River), Kentucky,*
8 *\$18,000,000;*

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

12 *Middlesboro (Levisa and Tug Forks of the Big*
13 *Sandy River and Upper Cumberland River), Ken-*
14 *tucky, \$7,200,000;*

15 *Pike County (Levisa and Tug Forks of the Big*
16 *Sandy River and Upper Cumberland River), Ken-*
17 *tucky, \$5,800,000;*

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

21 *Williamsburg (Levisa and Tug Forks of the Big*
22 *Sandy River and Upper Cumberland River), Ken-*
23 *tucky, \$4,690,000;*

24 *Lake Ponchartrain Stormwater Discharge, Lou-*
25 *isiana, \$3,000,000;*

1 *Natchez Bluff, Mississippi, \$4,000,000;*
2 *Jackson County, Mississippi (Water Supply),*
3 *\$3,000,000;*
4 *Pearl River, Mississippi (Walkiah Bluff),*
5 *\$2,000,000;*
6 *Wallisville Lake, Texas, \$10,000,000;*
7 *Virginia Beach, Virginia (Reimbursement),*
8 *\$925,000;*
9 *Virginia Beach, Virginia (Hurricane Protec-*
10 *tion), \$15,000,000;*
11 *Hatfield Bottom (Levisa and Tug Forks of the*
12 *Big Sandy River and Upper Cumberland River),*
13 *West Virginia, \$1,000,000;*
14 *Lower Mingo (Kermit) (Levisa and Tug Forks of*
15 *the Big Sandy River and Upper Cumberland River),*
16 *West Virginia, \$6,300,000;*
17 *Lower Mingo, West Virginia, Tributaries Sup-*
18 *plement, \$150,000;*
19 *Upper Mingo County (Levisa and Tug Forks of*
20 *the Big Sandy River and Upper Cumberland River),*
21 *West Virginia, \$3,000,000;*
22 *Levisa Basin Flood Warning System (Levisa*
23 *and Tug Forks of the Big Sandy River and Upper*
24 *Cumberland River), Kentucky, \$400,000;*

1 *Tug Fork Basin Flood Warning System (Levisa*
2 *and Tug Forks of the Big Sandy River and Upper*
3 *Cumberland River), West Virginia, \$400,000; and*
4 *Wayne County (Levisa and Tug Forks of the Big*
5 *Sandy River and Upper Cumberland River), West*
6 *Virginia, \$1,200,000:*

7 *Provided further, That the Secretary of the Army is directed*
8 *to design and implement at full Federal expense an early*
9 *flood warning system for the Tug Fork and Levisa Basins,*
10 *West Virginia and Kentucky, within eighteen months of the*
11 *date of enactment of this Act: Provided further, That the*
12 *Secretary of the Army, acting through the Chief of Engi-*
13 *neers, is directed to combine the Wilmington Harbor-North-*
14 *east Cape Fear River authorized by the Water Resource De-*
15 *velopment Act of 1986, section 202(a), the Wilmington Har-*
16 *bor Channel Widening authorized by the Water Resources*
17 *Development Act of 1986, section 101(a)(23), and the Cape*
18 *Fear-Northeast (Cape Fear) River authorized by the Water*
19 *Resource Development Act of 1996, section 101(a)(22),*
20 *North Carolina projects into one project with one project*
21 *cooperation agreement based on cost sharing as a single*
22 *project and that with \$2,430,000 of the funds appropriated*
23 *herein, is directed to continue design and initiate construc-*
24 *tion of the combined project: Provided further, That the Sec-*
25 *retary of the Army, acting through the Chief of Engineers,*

1 *is directed to use \$15,000,000 of the funds appropriated*
2 *herein to initiate construction of the Houston-Galveston*
3 *Navigation Channels, Texas, project and execute a Project*
4 *Cooperation Agreement for the entire project authorized in*
5 *the Water Resources Development Act of 1996, Public law*
6 *104–303: Provided further, That the Assistant Secretary of*
7 *the Army for Civil Works shall consider the recommenda-*
8 *tions of the Special Reevaluation Report for the McCook*
9 *Reservoir as developed by the Corps of Engineers Chicago*
10 *District: Provided further, That the Secretary of the Army,*
11 *acting through the Chief of Engineers, may use up to*
12 *\$5,000,000 of the funding appropriated herein to initiate*
13 *construction of an emergency outlet from Devils Lake, North*
14 *Dakota, to the Sheyenne River, and that this amount is*
15 *designated by Congress as an emergency requirement pursu-*
16 *ant to section 251(b)(2)(D)(i) of the Balanced Budget and*
17 *Emergency Deficit Control Act of 1985 (2 U.S.C.*
18 *901(b)(2)(D)(i)); except that funds shall not become avail-*
19 *able unless the Secretary of the Army determines that an*
20 *emergency (as defined in section 102 of the Robert T. Staf-*
21 *ford Disaster Relief and Emergency Assistance Act (42*
22 *U.S.C. 5122)) exists with respect to the emergency need for*
23 *the outlet and reports to Congress that the construction is*
24 *technically sound, economically justified, and environ-*
25 *mentally acceptable and in compliance with the National*

1 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.):*
2 *Provided further, That the economic justification for the*
3 *emergency outlet shall be prepared in accordance with the*
4 *principles and guidelines for economic evaluation as re-*
5 *quired by regulations and procedures of the Army Corps*
6 *of Engineers for all flood control projects, and that the eco-*
7 *nomie justification be fully described, including the analy-*
8 *sis of the benefits and costs, in the project plan documents:*
9 *Provided further, That the plans for the emergency outlet*
10 *shall be reviewed and, to be effective, shall contain assur-*
11 *ances provided by the Secretary of State, after consultation*
12 *with the International Joint Commission, that the project*
13 *will not violate the requirements or intent of the Treaty*
14 *Between the United States and Great Britain Relating to*
15 *Boundary Waters Between the United States and Canada,*
16 *signed at Washington January 11, 1909 (36 Stat. 2448;*
17 *TS 548) (commonly known as the “Boundary Waters Trea-*
18 *ty of 1909”): Provided further, That the Secretary of the*
19 *Army shall submit the final plans and other documents for*
20 *the emergency outlet to Congress: Provided further, That no*
21 *funds made available under this Act or any other Act for*
22 *any fiscal year may be used by the Secretary of the Army*
23 *to carry out the portion of the feasibility study of the Devils*
24 *Lake Basin, North Dakota, authorized under the Energy*
25 *and Water Development Appropriations Act, 1993 (Public*

1 *Law 102–377), that addresses the needs of the area for sta-*
2 *bilized lake levels through inlet controls, or to otherwise*
3 *study any facility or carry out any activity that would per-*
4 *mit the transfer of water from the Missouri River Basin*
5 *into Devils Lake.*

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

9 *For expenses necessary for prosecuting work of flood*
10 *control, and rescue work, repair, restoration, or mainte-*
11 *nance of flood control projects threatened or destroyed by*
12 *flood, as authorized by law (33 U.S.C. 702a, 702g–1),*
13 *\$289,000,000, to remain available until expended: Pro-*
14 *vided, That notwithstanding the funding limitations set*
15 *forth in Public Law 104–6 (109 Stat. 85), the Secretary*
16 *of the Army, acting through the Chief of Engineers, is au-*
17 *thorized and directed to use additional funds appropriated*
18 *herein or previously appropriated to complete remedial*
19 *measures to prevent slope instability at Hickman Bluff,*
20 *Kentucky.*

21 *OPERATION AND MAINTENANCE, GENERAL*

22 *For expenses necessary for the preservation, operation,*
23 *maintenance, and care of existing river and harbor, flood*
24 *control, and related works, including such sums as may be*
25 *necessary for the maintenance of harbor channels provided*
26 *by a State, municipality or other public agency, outside*

1 *of harbor lines, and serving essential needs of general com-*
2 *merce and navigation; surveys and charting of northern*
3 *and northwestern lakes and connecting waters; clearing and*
4 *straightening channels; and removal of obstructions to navi-*
5 *gation, \$1,661,203,000, to remain available until expended,*
6 *of which such sums as become available in the Harbor*
7 *Maintenance Trust Fund, pursuant to Public Law 99-662,*
8 *may be derived from that fund, and of which such sums*
9 *as become available from the special account established by*
10 *the Land and Water Conservation Act of 1965, as amended*
11 *(16 U.S.C. 460l), may be derived from that fund for con-*
12 *struction, operation, and maintenance of outdoor recreation*
13 *facilities, and of which funds are provided for the following*
14 *projects in the amounts specified:*

15 *Beverly Shores, Indiana, \$1,700,000:*
16 *Provided, That no funds, whether appropriated, contrib-*
17 *uted, or otherwise provided, shall be available to the United*
18 *States Army Corps of Engineers for the purpose of acquir-*
19 *ing land in Jasper County, South Carolina, in connection*
20 *with the Savannah Harbor navigation project: Provided*
21 *further, That the Secretary of the Army, acting through the*
22 *Chief of Engineers, is authorized and directed to dredge a*
23 *navigational channel in the Chena River at Fairbanks,*
24 *Alaska from its confluence with the Tanana River upstream*
25 *to the University Road Bridge that will allow the safe pas-*

1 *sage during normal water levels of vessels up to 350 feet*
2 *in length, 60 feet in width, and drafting up to 3 feet.*

3 *REGULATORY PROGRAM*

4 *For expenses necessary for administration of laws per-*
5 *taining to regulation of navigable waters and wetlands,*
6 *\$106,000,000, to remain available until expended.*

7 *FLOOD CONTROL AND COASTAL EMERGENCIES*

8 *For expenses necessary for emergency flood control,*
9 *hurricane, and shore protection activities, as authorized by*
10 *section 5 of the Flood Control Act approved August 18,*
11 *1941, as amended, \$10,000,000, to remain available until*
12 *expended: Provided, That, using funds appropriated in this*
13 *Act, the Secretary of the Army may construct the Ten and*
14 *Fifteen Mile Bayou channel enlargement as an integral*
15 *part of the work accomplished on the St. Francis Basis,*
16 *Arkansas and Missouri Project, authorized by the Flood*
17 *Control Act of 1950.*

18 *GENERAL EXPENSES*

19 *For expenses necessary for general administration and*
20 *related functions in the Office of the Chief of Engineers and*
21 *offices of the Division Engineers; activities of the Coastal*
22 *Engineering Research Board, the Humphreys Engineer*
23 *Center Support Activity, the Engineering Strategic Studies*
24 *Center, the Water Resources Support Center, the USACE*
25 *Finance Center and for costs of implementing the Secretary*
26 *of the Army's plan to reduce the number of division offices*

1 *as directed in title I, Public Law 104-46, \$148,000,000,*
2 *to remain available until expended: Provided, That no part*
3 *of any other appropriation provided in title I of this Act*
4 *shall be available to fund the activities of the Office of the*
5 *Chief of Engineers or the executive direction and manage-*
6 *ment activities of the Division Offices.*

7 *REVOLVING FUND*

8 *Amounts in the Revolving Fund may be used to con-*
9 *struct a 17,000 square foot addition to the United States*
10 *Army Corps of Engineers Alaska District main office build-*
11 *ing on Elemendorf Air Force Base. The Revolving Fund*
12 *shall be reimbursed for such funding from the benefitting*
13 *appropriations by collection each year of user fees sufficient*
14 *to repay the capitalized cost of the asset and to operate and*
15 *maintain the asset.*

16 *ADMINISTRATIVE PROVISION*

17 *Appropriations in this title shall be available for offi-*
18 *cial reception and representation expenses (not to exceed*
19 *\$5,000); and during the current fiscal year the revolving*
20 *fund, Corps of Engineers, shall be available for purchase*
21 *(not to exceed 100 for replacement only) and hire of pas-*
22 *senger motor vehicles.*

23 *GENERAL PROVISIONS*

24 *CORPS OF ENGINEERS—CIVIL*

25 *SEC. 101. (a) In fiscal year 1998, the Secretary of the*
26 *Army shall advertise for competitive bid at least 8,500,000*

1 cubic yards of the hopper dredge volume accomplished with
2 government owned dredges in fiscal year 1992.

3 (b) Notwithstanding the provisions of this section, the
4 Secretary is authorized to use the dredge fleet of the Corps
5 of Engineers to undertake projects when industry does not
6 perform as required by the contract specifications or when
7 the bids are more than 25 percent in excess of what the
8 Secretary determines to be a fair and reasonable estimated
9 cost of a well equipped contractor doing the work or to re-
10 spond to emergency requirements.

11 SEC. 102. In fiscal year 1998 and thereafter, the Sec-
12 retary of the Army is authorized and directed to provide
13 planning, design and construction assistance to non-Fed-
14 eral interests in carrying out water related environmental
15 infrastructure and environmental resources development
16 projects, including assistance for wastewater treatment and
17 related facilities; water supply, storage, treatment and dis-
18 tribution facilities; and development, restoration or im-
19 provement of wetlands and other aquatic areas for the pur-
20 pose of protection or development of surface water resources:
21 Provided, That the non-Federal interest shall enter into a
22 binding agreement with the Secretary wherein the non-Fed-
23 eral interest will provide all lands, easements, rights-of-
24 way, relocations, and dredge material disposal areas re-
25 quired for the project, and pay 50 per centum of the costs

1 of required feasibility studies, 25 per centum of the costs
2 of designing and constructing the project, and 100 per cen-
3 tum of the costs of operation, maintenance, repair, replace-
4 ment or rehabilitation of the project: Provided further, That
5 the value of lands, easements, rights-of-way, relocations and
6 dredged material disposal areas provided by the non-Fed-
7 eral interest shall be credited toward the non-Federal share,
8 not to exceed 25 per centum, of the costs of dredging and
9 constructing the project: Provided further, That hereafter
10 the Federal share of the costs of each of the individual
11 projects undertaken shall not exceed \$5,000,000: Provided
12 further, That utilizing \$10,000,000 of the funds appro-
13 priated herein, the Secretary is directed to carry out this
14 section.

15 SEC. 103. GREEN BROOK SUB-BASIN FLOOD CONTROL
16 PROJECT, NEW JERSEY.—No funds made available under
17 this Act or any other Act for any fiscal year may be used
18 by the Secretary of the Army to carry out any plan for,
19 or otherwise construct, the Oak Way detention structure or
20 the Sky Top detention structure in Berkeley Heights, New
21 Jersey, as part of the project for flood control, Green Brook
22 Sub-basin, Raritan River Basin, New Jersey, authorized by
23 section 401(a) of the Water Resources Development Act of
24 1986 (Public Law 99–662; 100 Stat. 4119).

1 *SEC. 104. GREAT LAKES BASIN.—No funds made*
2 *available under this Act may be used by the Secretary of*
3 *the Army to consider any application for a permit that,*
4 *if granted, would result in the diversion of ground water*
5 *from the Great Lakes Basin.*

6

TITLE II

7

DEPARTMENT OF THE INTERIOR

8

CENTRAL UTAH PROJECT

9

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

10 *For carrying out activities authorized by the Central*
11 *Utah Project Completion Act, Public Law 102–575 (106*
12 *Stat. 4605), and for activities related to the Uintah and*
13 *Upalco Units authorized by 43 U.S.C. 620, \$40,353,000,*
14 *to remain available until expended, of which \$16,610,000*
15 *shall be deposited into the Utah Reclamation Mitigation*
16 *and Conservation Account: Provided, That of the amounts*
17 *deposited into that account, \$5,000,000 shall be considered*
18 *the Federal contribution authorized by paragraph 402(b)(2)*
19 *of the Central Utah Project Completion Act and*
20 *\$11,610,000 shall be available to the Utah Reclamation*
21 *Mitigation and Conservation Commission to carry out ac-*
22 *tivities authorized under that Act.*

23 *In addition, for necessary expenses incurred in carry-*
24 *ing out responsibilities of the Secretary of the Interior*

1 *under that Act, \$800,000, to remain available until ex-*
2 *pended.*

3 *BUREAU OF RECLAMATION*

4 *For carrying out the functions of the Bureau of Rec-*
5 *lamation as provided in the Federal reclamation laws (Act*
6 *of June 17, 1902, 32 Stat. 388, and Acts amendatory there-*
7 *of or supplementary thereto) and other Acts applicable to*
8 *that Bureau as follows:*

9 *WATER AND RELATED RESOURCES*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For management, development, and restoration of*
12 *water and related natural resources and for related activi-*
13 *ties, including the operation, maintenance and rehabilita-*
14 *tion of reclamation and other facilities, participation in*
15 *fulfilling related Federal responsibilities to Native Ameri-*
16 *cans, and related grants to, and cooperative and other*
17 *agreements with, state and local governments, Indian tribes,*
18 *and others, to remain available until expended,*
19 *\$688,379,000, of which \$18,758,000 shall be available for*
20 *transfer to the Upper Colorado River Basin Fund and*
21 *\$55,920,000 shall be available for transfer to the Lower Col-*
22 *orado River Basin Development Fund, and of which such*
23 *amounts as may be necessary may be advanced to the Colo-*
24 *rado River Dam Fund: Provided, That such transfers may*
25 *be increased or decreased within the overall appropriation*
26 *under this heading: Provided further, That of the total ap-*

1 *propriated, the amount for program activities that can be*
2 *financed by the Reclamation Fund or the Bureau of Rec-*
3 *lamation special fee account established by 16 U.S.C. 460l-*
4 *6a(i) shall be derived from that Fund or account: Provided*
5 *further, That funds contributed under 43 U.S.C. 395 are*
6 *available until expended for the purposes for which contrib-*
7 *uted: Provided further, That funds advanced under 43*
8 *U.S.C. 397a shall be credited to this account and are avail-*
9 *able until expended for the same purposes as the sums ap-*
10 *propriated under this heading: Provided further, That*
11 *using \$500,000 of funds appropriated herein, the Secretary*
12 *of the Interior shall undertake a non-reimbursable project*
13 *to install drains in the Pena Blanca area of New Mexico*
14 *to prevent seepage from Cochiti Dam: Provided further,*
15 *That funds available for expenditure for the Departmental*
16 *Irrigation Drainage Program may be expended by the Bu-*
17 *reau of Reclamation for site remediation on a nonreimburs-*
18 *able basis: Provided further, That section 10 of Public Law*
19 *89-108 as amended by section 8 of Public Law 99-294 and*
20 *section 1701(b) of Public Law 102-575, is further amended*
21 *by striking “\$61,000,000” and inserting in lieu thereof*
22 *“\$62,300,000”: Provided further, That the unexpended bal-*
23 *ances of the Bureau of Reclamation appropriation accounts*
24 *for “Construction Program (Including Transfer of Funds),”*
25 *“General Investigations”, “Emergency Fund”, and “Oper-*

1 *ation and Maintenance” shall be transferred to and merged*
2 *with this account, to be available for the purposes for which*
3 *they originally were appropriated: Provided further, That*
4 *the Secretary of the Interior may use \$80,000 of funding*
5 *appropriated herein to complete the feasibility study of al-*
6 *ternatives for meeting the drinking water needs on the*
7 *Cheyenne River Sioux Reservation and surrounding com-*
8 *munities in South Dakota: Provided further, That the Sec-*
9 *retary of the Interior may use \$2,500,000 of funds appro-*
10 *riated herein to initiate construction of the McCall Area*
11 *Wastewater Reclamation and Reuse, Idaho project: Pro-*
12 *vided further, That the Secretary of the Interior may use*
13 *\$300,000 of funding appropriated herein to undertake fea-*
14 *sibility planning studies and other activities for the Ute*
15 *Reservoir Pipeline (Quay County portion), New Mexico*
16 *project: Provided further, That the Secretary of the Interior*
17 *may use \$185,000 of the funding appropriated herein for*
18 *a feasibility study of alternatives for the Crow Creek Rural*
19 *Water Supply System to meet the drinking water needs on*
20 *the Crow Creek Sioux Indian Reservation.*

21 *BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT*

22 *For the cost of direct loans and/or grants, \$10,000,000,*
23 *to remain available until expended, as authorized by the*
24 *Small Reclamation Projects Act of August 6, 1956, as*
25 *amended (43 U.S.C. 422a–422l): Provided, That such costs,*
26 *including the cost of modifying such loans, shall be as de-*

1 *fined in section 502 of the Congressional Budget Act of*
2 *1974: Provided further, That these funds are available to*
3 *subsidize gross obligations for the principal amount of di-*
4 *rect loans not to exceed \$31,000,000.*

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

11 *CALIFORNIA BAY-DELTA ECOSYSTEM RESTORATION*

12 *For necessary expenses of the Department of the Inte-*
13 *rior and other participating Federal agencies in carrying*
14 *out the California Bay-Delta Environmental Enhancement*
15 *and Water Security Act consistent with plans to be ap-*
16 *proved by the Secretary of the Interior, in consultation with*
17 *such Federal agencies, \$50,000,000, to remain available*
18 *until expended, of which such amounts as may be necessary*
19 *to conform with such plans shall be transferred to appro-*
20 *priate accounts of such Federal agencies: Provided, That*
21 *such funds may be obligated only as non-Federal sources*
22 *provide their share in accordance with the cost-sharing*
23 *agreement required under section 102(d) of such Act: Pro-*
24 *vided further, That such funds may be obligated prior to*
25 *the completion of a final programmatic environmental im-*
26 *pact statement only if (1) consistent with 40 C.F.R.*

1 1506.1(c), and (2) used for purposes that the Secretary finds
2 are of sufficiently high priority to warrant such an expend-
3 iture.

4 *CENTRAL VALLEY PROJECT RESTORATION FUND*

5 *For carrying out the programs, projects, plans, and*
6 *habitat restoration, improvement, and acquisition provi-*
7 *sions of the Central Valley Project Improvement Act, such*
8 *sums as may be collected in the Central Valley Project Res-*
9 *toration Fund pursuant to sections 3407(d), 3404(c)(3),*
10 *3405(f), and 3406(c)(1) of Public Law 102–575, to remain*
11 *available until expended: Provided, That the Bureau of Rec-*
12 *lamation is directed to levy additional mitigation and res-*
13 *toration payments totaling \$25,130,000 (October 1992 price*
14 *levels) on a three-year rolling average basis, as authorized*
15 *by section 3407(d) of Public Law 102–575.*

16 *POLICY AND ADMINISTRATION*

17 *For necessary expenses of policy, administration and*
18 *related functions in the office of the Commissioner, the Den-*
19 *ver office, and offices in the five regions of the Bureau of*
20 *Reclamation, to remain available until expended,*
21 *\$47,558,000, to be derived from the Reclamation Fund and*
22 *be nonreimbursable as provided in 43 U.S.C. 377: Provided,*
23 *That no part of any other appropriation in this Act shall*
24 *be available for activities or functions budgeted as policy*
25 *and administration expenses.*

1 *SPECIAL FUNDS*2 *(TRANSFER OF FUNDS)*

3 *Sums herein referred to as being derived from the rec-*
4 *lamation fund or special fee account are appropriated from*
5 *the special funds in the Treasury created by the Act of June*
6 *17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987*
7 *(16 U.S.C. 460l–6a, as amended), respectively. Such sums*
8 *shall be transferred, upon request of the Secretary, to be*
9 *merged with and expended under the heads herein specified.*

10 *ADMINISTRATIVE PROVISION*

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

14 *TITLE III*15 *DEPARTMENT OF ENERGY*16 *NON-DEFENSE PROGRAMS*17 *ENERGY RESEARCH*

18 *For expenses of the Department of Energy activities*
19 *including the purchase, construction and acquisition of*
20 *plant and capital equipment and other expenses necessary*
21 *for energy research in carrying out the purposes of the De-*
22 *partment of Energy Organization Act (42 U.S.C. 7101, et*
23 *seq.), including the acquisition or condemnation of any real*
24 *property or any facility or for plant or facility acquisition,*
25 *construction, or expansion; purchase of passenger motor ve-*
26 *hicles (not to exceed 13 for replacement only), \$953,915,000,*

1 *to remain available until expended; and, in addition,*
2 *\$13,025,000 for energy assets acquisition, to remain avail-*
3 *able until expended: Provided, That \$1,500,000 of the funds*
4 *appropriated herein may be used to continue the cost-*
5 *shared, fish-friendly turbine program.*

6 *ENVIRONMENTAL MANAGEMENT*

7 *(NONDEFENSE)*

8 *For Department of Energy expenses, including the*
9 *purchase, construction and acquisition of plant and capital*
10 *equipment and other expenses necessary for nondefense en-*
11 *vironmental management activities in carrying out the*
12 *purposes of the Department of Energy Organization Act (42*
13 *U.S.C. 7101, et seq.), including the acquisition or con-*
14 *demnation of any real property or any facility or for plant*
15 *or facility acquisition, construction, or expansion,*
16 *\$664,684,000, to remain available until expended: Pro-*
17 *vided, That from funds available herein, the Department*
18 *of Energy will assess the cost of decommissioning the South-*
19 *west Experimental Fast Oxide Reactor site.*

20 *URANIUM ENRICHMENT DECONTAMINATION AND*

21 *DECOMMISSIONING FUND*

22 *For necessary expenses in carrying out uranium en-*
23 *richment facility decontamination and decommissioning,*
24 *remedial actions and other activities of title II of the Atom-*
25 *ic Energy Act of 1954 and title X, subtitle A of the Energy*

1 *Policy Act of 1992, \$230,000,000, to be derived from the*
2 *Fund, to remain available until expended.*

3 *NUCLEAR WASTE DISPOSAL FUND*

4 *For nuclear waste disposal activities to carry out the*
5 *purposes of Public Law 97-425, as amended, including the*
6 *acquisition of real property or facility construction or ex-*
7 *pansion, \$160,000,000, to remain available until expended,*
8 *to be derived from the Nuclear Waste Fund; of which*
9 *\$4,000,000 shall be available to the Nuclear Regulatory*
10 *Commission to license a multi-purpose cannister design;*
11 *and of which not to exceed \$1,500,000 may be provided to*
12 *the State of Nevada, solely to conduct scientific oversight*
13 *responsibilities pursuant to the Nuclear Waste Policy Act*
14 *of 1982, (Public Law 97-425), as amended; and of which*
15 *not to exceed \$6,175,000 may be provided to affected local*
16 *governments, as defined in Public Law 97-425, to conduct*
17 *appropriate activities pursuant to the Act: Provided fur-*
18 *ther, That the distribution of the funds to the units of local*
19 *government shall be determined by the Department of En-*
20 *ergy: Provided further, That the funds shall be made avail-*
21 *able to the State and units of local government by direct*
22 *payment: Provided further, That within ninety days of the*
23 *completion of each Federal fiscal year, each State or local*
24 *entity shall provide certification to the Department of En-*
25 *ergy, that all funds expended from such payments have been*
26 *expended for activities as defined in Public Law 97-425.*

1 *Failure to provide such certification shall cause such entity*
2 *to be prohibited from any further funding provided for*
3 *similar activities: Provided further, That none of the funds*
4 *herein appropriated may be: (1) used directly or indirectly*
5 *to influence legislative action on any matter pending before*
6 *Congress or a State legislature or for lobbying activity as*
7 *provided in 18 U.S.C. 1913; (2) used for litigation expenses;*
8 *or (3) used to support multistate efforts or other coalition*
9 *building activities inconsistent with the restrictions con-*
10 *tained in this Act.*

11 *SCIENCE*

12 *For expenses of the Department of Energy activities*
13 *including the purchase, construction and acquisition of*
14 *plant and capital equipment and other expenses necessary*
15 *for general science and research activities in carrying out*
16 *the purposes of the Department of Energy Organization Act*
17 *(42 U.S.C. 7101, et seq.), including the acquisition or con-*
18 *demnation of any real property or facility or for plant or*
19 *facility acquisition, construction, or expansion; and the*
20 *purchase of 5 passenger motor vehicles for replacement only,*
21 *\$2,084,567,000, to remain available until expended; and,*
22 *in addition, \$138,510,000 science assets acquisition, to re-*
23 *main available until expended.*

24 *DEPARTMENTAL ADMINISTRATION*

25 *For salaries and expenses of the Department of Energy*
26 *necessary for Departmental Administration in carrying out*

1 *the purposes of the Department of Energy Organization Act*
2 *(42 U.S.C. 7101, et seq.), including the hire of passenger*
3 *motor vehicles and official reception and representation ex-*
4 *penses (not to exceed \$35,000), \$220,847,000, to remain*
5 *available until expended, plus such additional amounts as*
6 *necessary to cover increases in the estimated amount of cost*
7 *of work for others notwithstanding the provisions of the*
8 *Anti-Deficiency Act (31 U.S.C. 1511, et seq.): Provided,*
9 *That such increases in cost of work are offset by revenue*
10 *increases of the same or greater amount, to remain avail-*
11 *able until expended: Provided further, That moneys received*
12 *by the Department for miscellaneous revenues estimated to*
13 *total \$131,330,000 in fiscal year 1998 may be retained and*
14 *used for operating expenses within this account, and may*
15 *remain available until expended, as authorized by section*
16 *201 of Public Law 95–238, notwithstanding the provisions*
17 *of 31 U.S.C. 3302: Provided further, That the sum herein*
18 *appropriated shall be reduced by the amount of miscellane-*
19 *ous revenues received during fiscal year 1998 so as to result*
20 *in a final fiscal year 1998 appropriation from the General*
21 *Fund estimated at not more than \$89,517,000.*

22 *OFFICE OF THE INSPECTOR GENERAL*

23 *For necessary expenses of the Office of the Inspector*
24 *General in carrying out the provisions of the Inspector Gen-*
25 *eral Act of 1978, as amended, \$27,500,000, to remain avail-*
26 *able until expended.*

1 *ATOMIC ENERGY DEFENSE ACTIVITIES*2 *WEAPONS ACTIVITIES*

3 *For Department of Energy expenses, including the*
4 *purchase, construction and acquisition of plant and capital*
5 *equipment and other expenses necessary for atomic energy*
6 *defense weapons activities in carrying out the purposes of*
7 *the Department of Energy Organization Act (42 U.S.C.*
8 *7101, et seq.), including the acquisition or condemnation*
9 *of any real property or any facility or for plant or facility*
10 *acquisition, construction, or expansion; and the purchase*
11 *of passenger motor vehicles (not to exceed 70 for replacement*
12 *only), \$4,302,450,000, to remain available until expended,*
13 *of which \$2,000,000 is provided for improvements to Green-*
14 *ville Road in Livermore, California: Provided, That fund-*
15 *ing for any ballistic missile defense program undertaken*
16 *by the Department of Energy for the Department of Defense*
17 *shall be provided by the Department of Defense according*
18 *to procedures established for Work for Others by the Depart-*
19 *ment of Energy.*

20 *DEFENSE ENVIRONMENTAL RESTORATION AND WASTE*21 *MANAGEMENT*

22 *For Department of Energy expenses, including the*
23 *purchase, construction and acquisition of plant and capital*
24 *equipment and other expenses necessary for atomic energy*
25 *defense environmental restoration and waste management*
26 *activities in carrying out the purposes of the Department*

1 of *Energy Organization Act* (42 U.S.C. 7101, et seq.), in-
2 cluding the acquisition or condemnation of any real prop-
3 erty or any facility or for plant or facility acquisition, con-
4 struction, or expansion; and the purchase of passenger
5 motor vehicles (not to exceed 6 for replacement only),
6 \$5,311,974,000, to remain available until expended, of
7 which \$65,000,000 shall be available only for “Closure
8 Projects” to accelerate closure of specific facilities and there-
9 by significantly reduce outyear costs; and, in addition,
10 \$343,000,000 for privatization projects, to remain available
11 until expended.

12 *OTHER DEFENSE ACTIVITIES*

13 For Department of Energy expenses, including the
14 purchase, construction and acquisition of plant and capital
15 equipment and other expenses necessary for atomic energy
16 defense, other defense activities, in carrying out the pur-
17 poses of the *Department of Energy Organization Act* (42
18 U.S.C. 7101, et seq.), including the acquisition or con-
19 demnation of any real property or any facility or for plant
20 or facility acquisition, construction, or expansion, and the
21 purchase of passenger motor vehicles (not to exceed 2 for
22 replacement only), \$1,637,981,000, to remain available
23 until expended.

24 *DEFENSE NUCLEAR WASTE DISPOSAL*

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

1 *acquisition of real property or facility construction or ex-*
2 *pansion, \$190,000,000, to remain available until expended.*

3 *POWER MARKETING ADMINISTRATIONS*

4 *OPERATION AND MAINTENANCE, ALASKA POWER*

5 *ADMINISTRATION*

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

11 *BONNEVILLE POWER ADMINISTRATION FUND*

12 *Expenditures from the Bonneville Power Administra-*
13 *tion Fund, established pursuant to Public Law 93-454, are*
14 *approved for the anadromous fish supplementation facili-*
15 *ties in the Yakima River Basin, Methow River Basin and*
16 *Upper Snake River Basin, for the Billy Shaw Reservoir*
17 *resident fish substitution project, and for the resident trout*
18 *fish culture facility in southeast Idaho; and for official re-*
19 *ception and representation expenses in an amount not to*
20 *exceed \$3,000.*

21 *During fiscal year 1998, no new direct loan obliga-*
22 *tions may be made.*

23 *OPERATION AND MAINTENANCE, SOUTHEASTERN POWER*

24 *ADMINISTRATION*

25 *For necessary expenses of operation and maintenance*
26 *of power transmission facilities and of marketing electric*

1 *power and energy pursuant to the provisions of section 5*
2 *of the Flood Control Act of 1944 (16 U.S.C. 825s), as ap-*
3 *plied to the southeastern power area, \$12,222,000, to re-*
4 *main available until expended; in addition, notwithstand-*
5 *ing 31 U.S.C. 3302, not to exceed \$20,000,000 in reimburse-*
6 *ments for transmission wheeling and ancillary services, to*
7 *remain available until expended.*

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

10 *For necessary expenses of operation and maintenance*
11 *of power transmission facilities and of marketing electric*
12 *power and energy, and for construction and acquisition of*
13 *transmission lines, substations and appurtenant facilities,*
14 *and for administrative expenses, including official recep-*
15 *tion and representation expenses in an amount not to ex-*
16 *ceed \$1,500 in carrying out the provisions of section 5 of*
17 *the Flood Control Act of 1944 (16 U.S.C. 825s), as applied*
18 *to the southwestern power area, \$26,500,000, to remain*
19 *available until expended; in addition, notwithstanding the*
20 *provisions of 31 U.S.C. 3302, not to exceed \$4,650,000 in*
21 *reimbursements, to remain available until expended.*

22 *CONSTRUCTION, REHABILITATION, OPERATION AND*
23 *MAINTENANCE, WESTERN AREA POWER ADMINISTRATION*
24 *(INCLUDING TRANSFER OF FUNDS)*

25 *For carrying out the functions authorized by title III,*
26 *section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C.*

1 7101, *et seq.*), and other related activities including con-
2 servation and renewable resources programs as authorized,
3 including the replacement of not more than 2 helicopters
4 through transfers, exchange, or sale, and official reception
5 and representation expenses in an amount not to exceed
6 \$1,500, \$180,334,000, to remain available until expended,
7 of which \$174,935,000 shall be derived from the Department
8 of the Interior Reclamation Fund: Provided, That of the
9 amount herein appropriated, \$5,592,000 is for deposit into
10 the Utah Reclamation Mitigation and Conservation Ac-
11 count pursuant to title IV of the Reclamation Projects Au-
12 thorization and Adjustment Act of 1992: Provided further,
13 That the Secretary of the Treasury is authorized to transfer
14 from the Colorado River Dam Fund to the Western Area
15 Power Administration \$5,592,000 to carry out the power
16 marketing and transmission activities of the Boulder Can-
17 yon project as provided in section 104(a)(4) of the Hoover
18 Power Plant Act of 1984, to remain available until ex-
19 pended.

20 *FALCON AND AMISTAD OPERATING AND MAINTENANCE*

21 *FUND*

22 *For operation, maintenance, and emergency costs for*
23 *the hydroelectric facilities at the Falcon and Amistad*
24 *Dams, \$1,065,000, to remain available until expended, and*
25 *to be derived from the Falcon and Amistad Operating and*
26 *Maintenance Fund of the Western Area Power Administra-*

1 tion, as provided in section 423 of the Foreign Relations
2 Authorization Act, fiscal years 1994 and 1995.

3 *FEDERAL ENERGY REGULATORY COMMISSION*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Federal Energy Regu-*
6 *latory Commission to carry out the provisions of the De-*
7 *partment of Energy Organization Act (42 U.S.C. 7101, et*
8 *seq.), including services as authorized by 5 U.S.C. 3109,*
9 *the hire of passenger motor vehicles, and official reception*
10 *and representation expenses (not to exceed \$3,000),*
11 *\$162,141,000, to remain available until expended: Pro-*
12 *vided, That notwithstanding any other provision of law, not*
13 *to exceed \$162,141,000 of revenues from fees and annual*
14 *charges, and other services and collections in fiscal year*
15 *1998 shall be retained and used for necessary expenses in*
16 *this account, and shall remain available until expended:*
17 *Provided further, That the sum herein appropriated from*
18 *the General Fund shall be reduced as revenues are received*
19 *during fiscal year 1998 so as to result in a final fiscal year*
20 *1998 appropriation from the General Fund estimated at*
21 *not more than \$0.*

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TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$160,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$17,500,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized

1 *by 5 U.S.C. 3109; publication and dissemination of atomic*
2 *information; purchase, repair, and cleaning of uniforms; of-*
3 *ficial representation expenses (not to exceed \$20,000); reim-*
4 *bursements to the General Services Administration for secu-*
5 *rity guard services; hire of passenger motor vehicles and*
6 *aircraft, \$476,500,000, to remain available until expended:*
7 *Provided, That of the amount appropriated herein,*
8 *\$17,000,000 shall be derived from the Nuclear Waste Fund:*
9 *Provided further, That from this appropriation, transfer of*
10 *sums may be made to other agencies of the Government for*
11 *the performance of the work for which this appropriation*
12 *is made, and in such cases the sums so transferred may*
13 *be merged with the appropriation to which transferred: Pro-*
14 *vided further, That moneys received by the Commission for*
15 *the cooperative nuclear safety research program, services*
16 *rendered to State governments, foreign governments and*
17 *international organizations, and the material and informa-*
18 *tion access authorization programs, including criminal his-*
19 *tory checks under section 149 of the Atomic Energy Act may*
20 *be retained and used for salaries and expenses associated*
21 *with those activities, notwithstanding 31 U.S.C. 3302, and*
22 *shall remain available until expended: Provided further,*
23 *That revenues from licensing fees, inspection services, and*
24 *other services and collections estimated at \$457,500,000 in*
25 *fiscal year 1998 shall be retained and used for necessary*

1 *salaries and expenses in this account, notwithstanding 31*
2 *U.S.C. 3302, and shall remain available until expended:*
3 *Provided further, That the funds herein appropriated for*
4 *regulatory reviews and other assistance provided to the De-*
5 *partment of Energy and other Federal agencies shall be ex-*
6 *cluded from license fee revenues, notwithstanding 42 U.S.C.*
7 *2214: Provided further, That the sum herein appropriated*
8 *shall be reduced by the amount of revenues received during*
9 *fiscal year 1998 from licensing fees, inspection services and*
10 *other services and collections, excluding those moneys re-*
11 *ceived for the cooperative nuclear safety research program,*
12 *services rendered to State governments, foreign governments*
13 *and international organizations, and the material and in-*
14 *formation access authorization programs, so as to result in*
15 *a final fiscal year 1997 appropriation estimated at not*
16 *more than \$19,000,000.*

17 *OFFICE OF INSPECTOR GENERAL*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For necessary expenses of the Office of Inspector Gen-*
20 *eral in carrying out the provisions of the Inspector General*
21 *Act of 1978, as amended, including services authorized by*
22 *5 U.S.C. 3109, \$4,800,000, to remain available until ex-*
23 *pended; and in addition, an amount not to exceed 5 percent*
24 *of this sum may be transferred from Salaries and Expenses,*
25 *Nuclear Regulatory Commission: Provided, That notice of*

1 *such transfers shall be given to the Committees on Appro-*
2 *priations of the House and Senate: Provided further, That*
3 *from this appropriation, transfers of sums may be made*
4 *to other agencies of the Government for the performance of*
5 *the work for which this appropriation is made, and in such*
6 *cases the sums so transferred may be merged with the ap-*
7 *propriation to which transferred: Provided further, That*
8 *revenues from licensing fees, inspection services, and other*
9 *services and collections shall be retained and used for nec-*
10 *essary salaries and expenses in this account, notwithstand-*
11 *ing 31 U.S.C. 3302, and shall remain available until ex-*
12 *pended: Provided further, That the sum herein appro-*
13 *priated shall be reduced by the amount of revenues received*
14 *during fiscal year 1998 from licensing fees, inspection serv-*
15 *ices, and other services and collections, so as to result in*
16 *a final fiscal year 1998 appropriation estimated at not*
17 *more than \$0.*

18 *NUCLEAR WASTE TECHNICAL REVIEW BOARD*

19 *SALARIES AND EXPENSES*

20 *For necessary expenses of the Nuclear Waste Technical*
21 *Review Board, as authorized by Public Law 100–203, sec-*
22 *tion 5051, \$3,200,000, to be derived from the Nuclear Waste*
23 *Fund, and to remain available until expended.*

1 *TENNESSEE VALLEY AUTHORITY*

2 *For the purpose of carrying out the provisions of the*
3 *Tennessee Valley Authority Act of 1933, as amended (16*
4 *U.S.C. ch. 12A), including hire, maintenance, and oper-*
5 *ation of aircraft, and purchase and hire of passenger motor*
6 *vehicles, \$86,000,000, to remain available until expended:*

7 *TITLE V*8 *GENERAL PROVISIONS*

9 *SEC. 501. (a) PURCHASE OF AMERICAN-MADE EQUIP-*
10 *MENT AND PRODUCTS.—It is the sense of the Congress that,*
11 *to the greatest extent practicable, all equipment and prod-*
12 *ucts purchased with funds made available in this Act should*
13 *be American-made.*

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

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

1 *the United States that is not made in the United States,*
2 *the person shall be ineligible to receive any contract or sub-*
3 *contract made with funds made available in this Act, pur-*
4 *suant to the debarment, suspension, and ineligibility proce-*
5 *dures described in sections 9.400 through 9.409 of title 48,*
6 *Code of Federal Regulations.*

7 *SEC. 502. Section 1621 of title XVI of the Reclamation*
8 *Wastewater and Groundwater Act, Public Law 104–266, is*
9 *amended by—*

10 *(1) striking “Study” in the section title, and in-*
11 *serting “Project”;*

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

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

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

24 *SEC. 504. (a) The State of West Virginia shall receive*
25 *credit towards its required contribution under Contract No.*

1 *DACW59-C-0071 for the cost of recreational facilities to*
2 *be constructed by a joint venture of the State in cooperation*
3 *with private interests for recreation development at Stone-*
4 *wall Jackson Lake, West Virginia, except that the State*
5 *shall receive no credit for costs associated with golf course*
6 *development and the amount of the credit may not exceed*
7 *the amount owed by the State under the Contract.*

8 **(b)** *The Corps of Engineers shall revise both the 1977*
9 *recreation cost-sharing agreement and the Park and Recre-*
10 *ation Lease dated October 2, 1995 to remove the require-*
11 *ment that such recreation facilities are to be owned by the*
12 *Government at the time of their completion as contained*
13 *in Article 2-06 of the cost-sharing agreement and Article*
14 *36 of the lease.*

15 **(c)** *Nothing in this section shall reduce the amount of*
16 *funds owed the United States Government pursuant to the*
17 *1977 recreation cost-sharing agreement.*

18 **SEC. 505. (a) IN GENERAL.**—*For fiscal year 1998 and*
19 *each fiscal year thereafter, appropriations, made for the Bu-*
20 *reau of Reclamation may be used by the Secretaries of the*
21 *Interior for the purpose of entering into cooperative agree-*
22 *ments with willing private landowners for restoration and*
23 *enhancement of fish, wildlife, and other resources on public*
24 *or private land or both that benefit the water and lands*

1 *within a watershed that contains a Bureau of Reclamation*
2 *project.*

3 (b) *DIRECT AND INDIRECT WATERSHED AGREE-*
4 *MENTS.—The Secretary of the Interior may enter into a*
5 *watershed restoration and enhancement agreement—*

6 (1) *directly with a willing private landowner, or*

7 (2) *indirectly through an agreement with a*
8 *State, local, or tribal government or other public en-*
9 *tity, educational institution, or private nonprofit or-*
10 *ganization.*

11 (c) *TERMS AND CONDITIONS.—In order for the Sec-*
12 *retary to enter into a watershed restoration and enhance-*
13 *ment agreement—*

14 (1) *the agreement shall—*

15 (A) *include such terms and conditions mu-*
16 *tually agreed to by the Secretary and the land-*
17 *owner;*

18 (B) *improve the viability of and otherwise*
19 *benefit the fish, wildlife, and other resources on,*
20 *in the watershed;*

21 (C) *authorize the provision of technical as-*
22 *sistance by the Secretary in the planning of ac-*
23 *tivities that will further the purposes of the*
24 *agreement;*

1 (D) provide for the sharing of costs of im-
2 plementing the agreement among the Federal
3 Government, the landowner, and other entities,
4 as mutually agreed on by the affected interests;
5 and

6 (E) ensure that any expenditures by the
7 Secretary pursuant to the agreement is deter-
8 mined by the Secretary to be in the public inter-
9 est; and

10 (2) the Secretary may require such other terms
11 and conditions as are necessary to protect the public
12 investment on private lands: Provided, That such
13 terms and conditions are mutually agreed to by the
14 Secretary and the landowner.

15 This Act may be cited as the “Energy and Water De-
16 velopment Appropriations Act, 1998”.

Passed the House of Representatives July 25, 1997.

Attest: ROBIN H. CARLE,
 Clerk.

Passed the Senate July 28, 1997.

Attest: GARY SISCO,
 Secretary.