

# *In the Senate of the United States,*

*September 7, 2000.*

*Resolved,* That the bill from the House of Representatives (H.R. 4733) entitled “An Act making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.”, do pass with the following

## **AMENDMENT:**

Strike out all after the enacting clause and insert:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *fiscal year ending September 30, 2001, for energy and*
- 4 *water development, and for other purposes, namely:*



1 shall submit to Congress a report not later than March 31,  
2 2001, and of which \$100,000 shall be made available to  
3 Western Biomass Energy LLC for an ethanol demonstra-  
4 tion project: Provided, That \$4,000,000 shall be made avail-  
5 able for the demonstration of an underground mining loco-  
6 motive and an earth loader powered by hydrogen at existing  
7 mining facilities within the State of Nevada. The dem-  
8 onstration is subject to a private sector industry cost-share  
9 of not less than equal amount, and a portion of these funds  
10 may also be used to acquire a prototype hydrogen fueling  
11 appliance to provide on-site hydrogen in the demonstration:  
12 Provided further, That \$5,000,000 shall be made available  
13 to support a project to demonstrate a commercial facility  
14 employing thermo-depolymerization technology at a site ad-  
15 jacent to the Nevada Test Site. The project shall proceed  
16 on a cost-share basis where Federal funding shall be  
17 matched in at least an equal amount with non-Federal  
18 funding: Provided further, That \$1,000,000 shall be made  
19 available for the Kotzebue wind project: Provided further,  
20 That \$2,000,000 shall be made available for the design and  
21 construction of a demonstration facility for regional bio-  
22 mass ethanol manufacturing in southeast Alaska: Provided  
23 further, That \$500,000 shall be made available for the bio-  
24 reactor landfill project to be administered by the Environ-  
25 mental Education and Research Foundation and Michigan

1 *State University: Provided further, That of the amount*  
2 *available for wind energy systems, not less than \$5,000,000*  
3 *shall be made available for small wind, including not less*  
4 *than \$2,000,000 for the small wind turbine development*  
5 *project: Provided further, That, in addition, royalties re-*  
6 *ceived to compensate the Department of Energy for its par-*  
7 *ticipation in the First-Of-A-Kind-Engineering program*  
8 *shall be credited to this account to be available until Sep-*  
9 *tember 30, 2002 for the purposes of Nuclear Energy, Science*  
10 *and Technology activities: Provided further, That of the*  
11 *amounts made available for energy supply \$1,000,000 shall*  
12 *be available for the Office of Arctic Energy: Provided fur-*  
13 *ther, That \$1,000,000 is provided to initiate planning of*  
14 *a one MW dish engine field validation power project at*  
15 *UNLV in Nevada: Provided further, That \$3,000,000 shall*  
16 *be made available for technology development and dem-*  
17 *onstration program in Combined Cooling, Heating and*  
18 *Power Technology Development for Thermal Load Manage-*  
19 *ment, District Energy Systems, and Distributed Genera-*  
20 *tion, based upon natural gas, hydrogen, and renewable en-*  
21 *ergy technologies. Further, the program is to be carried out*  
22 *by the Oak Ridge National Laboratory through its Building*  
23 *Equipment Technology Program.*

24 *NON-DEFENSE ENVIRONMENTAL MANAGEMENT*

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

1 *equipment and other expenses necessary for non-defense en-*  
2 *vironmental management activities in carrying out the*  
3 *purposes of the Department of Energy Organization Act (42*  
4 *U.S.C. 7101 et seq.), including the acquisition or con-*  
5 *demnation of any real property or any facility or for plant*  
6 *or facility acquisition, construction or expansion,*  
7 *\$309,141,000, to remain available until expended.*

8 *URANIUM ENRICHMENT DECONTAMINATION AND*  
9 *DECOMMISSIONING FUND*

10 *For necessary expenses in carrying out uranium en-*  
11 *richment facility decontamination and decommissioning,*  
12 *remedial actions and other activities of title II of the Atom-*  
13 *ic Energy Act of 1954 and title X, subtitle A of the Energy*  
14 *Policy Act of 1992, \$297,778,000, to be derived from the*  
15 *Fund, to remain available until expended: Provided, That*  
16 *\$30,000,000 of amounts derived from the Fund for such ex-*  
17 *penses shall be available in accordance with title X, subtitle*  
18 *A, of the Energy Policy Act of 1992.*

19 *SCIENCE*

20 *For Department of Energy expenses including the pur-*  
21 *chase, construction and acquisition of plant and capital*  
22 *equipment, and other expenses necessary for science activi-*  
23 *ties in carrying out the purposes of the Department of En-*  
24 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*  
25 *the acquisition or condemnation of any real property or*  
26 *facility or for plant or facility acquisition, construction, or*

1 expansion, and purchase of not to exceed 58 passenger  
2 motor vehicles for replacement only, \$2,870,112,000, to re-  
3 main available until expended, of which \$500,000 shall be  
4 available for participation by the Idaho National Engineer-  
5 ing and Environmental Laboratory in the Greater Yellow-  
6 stone Energy and Transportation Systems Study: Provided,  
7 That \$3,000,000 shall be made available for high tempera-  
8 ture superconductivity research at Boston College: Provided  
9 further, That notwithstanding any other provision of law,  
10 not to exceed \$51,163,000 of the funds appropriated herein  
11 may be obligated for the Small Business Innovation Re-  
12 search program and not to exceed \$3,069,000 of the funds  
13 appropriated herein may be obligated for the Small Busi-  
14 ness Technology Transfer program: Provided further, That  
15 \$12,500,000 of the funds appropriated herein shall be avail-  
16 able for Molecular Nuclear Medicine.

17 *NUCLEAR WASTE DISPOSAL*

18 *For nuclear waste disposal activities to carry out the*  
19 *purposes of Public Law 97-425, as amended, including the*  
20 *acquisition of real property or facility construction or ex-*  
21 *pansion, \$59,175,000, to remain available until expended*  
22 *and to be derived from the Nuclear Waste Fund: Provided,*  
23 *That not to exceed \$2,500,000 may be provided to the State*  
24 *of Nevada solely for expenditures, other than salaries and*  
25 *expenses of State employees, to conduct scientific oversight*  
26 *responsibilities pursuant to the Nuclear Waste Policy Act*

1 of 1982, (Public Law 97-425) as amended: Provided fur-  
2 ther, That not to exceed \$5,887,000 may be provided to af-  
3 fected units of local governments, as defined in Public Law  
4 97-425, to conduct appropriate activities pursuant to the  
5 Act: Provided further, That the distribution of the funds  
6 as determined by the units of local government shall be ap-  
7 proved by the Department of Energy: Provided further,  
8 That the funds for the State of Nevada shall be made solely  
9 to the Nevada Division of Emergency Management by direct  
10 payment and units of local government by direct payment:  
11 Provided further, That within 90 days of the completion  
12 of each Federal fiscal year, the Nevada Division of Environ-  
13 mental Management and the Governor of the State of Ne-  
14 vada and each local entity shall provide certification to the  
15 Department of Energy, that all funds expended from such  
16 payments have been expended for activities authorized by  
17 Public Law 97-425. Failure to provide such certification  
18 shall cause such entity to be prohibited from any further  
19 funding provided for similar activities: Provided further,  
20 That none of the funds herein appropriated may be: (1)  
21 used directly or indirectly to influence legislative action on  
22 any matter pending before Congress or a State legislature  
23 or for lobbying activity as provided in 18 U.S.C. 1913; (2)  
24 used for litigation expenses; or (3) used to support multi-  
25 state efforts or other coalition building activities incon-

1 *sistent with the restrictions contained in this Act: Provided*  
2 *further, That all proceeds and recoveries by the Secretary*  
3 *in carrying out activities authorized by the Nuclear Waste*  
4 *Policy Act of 1982 in Public Law 97-425, as amended, in-*  
5 *cluding but not limited to, any proceeds from the sale of*  
6 *assets, shall be available without further appropriation and*  
7 *shall remain available until expended.*

8 *DEPARTMENTAL ADMINISTRATION*

9 *For salaries and expenses of the Department of Energy*  
10 *necessary for departmental administration in carrying out*  
11 *the purposes of the Department of Energy Organization Act*  
12 *(42 U.S.C. 7101 et seq.), including the hire of passenger*  
13 *motor vehicles and official reception and representation ex-*  
14 *penses (not to exceed \$35,000), \$210,128,000, to remain*  
15 *available until expended, plus such additional amounts as*  
16 *necessary to cover increases in the estimated amount of cost*  
17 *of work for others notwithstanding the provisions of the*  
18 *Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided,*  
19 *That such increases in cost of work are offset by revenue*  
20 *increases of the same or greater amount, to remain avail-*  
21 *able until expended: Provided further, That moneys received*  
22 *by the Department for miscellaneous revenues estimated to*  
23 *total \$128,762,000 in fiscal year 2001 may be retained and*  
24 *used for operating expenses within this account, and may*  
25 *remain available until expended, as authorized by section*  
26 *201 of Public Law 95-238, notwithstanding the provisions*

1 of 31 U.S.C. 3302: Provided further, That the sum herein  
2 appropriated shall be reduced by the amount of miscella-  
3 neous revenues received during fiscal year 2001 so as to  
4 result in a final fiscal year 2001 appropriation from the  
5 General Fund estimated at not more than \$81,366,000.

6 OFFICE OF THE INSPECTOR GENERAL

7 For necessary expenses of the Office of the Inspector  
8 General in carrying out the provisions of the Inspector Gen-  
9 eral Act of 1978, as amended, \$28,988,000, to remain avail-  
10 able until expended.

11 ATOMIC ENERGY DEFENSE ACTIVITIES

12 NATIONAL NUCLEAR SECURITY ADMINISTRATION

13 WEAPONS ACTIVITIES

14 For Department of Energy expenses, including the  
15 purchase, construction and acquisition of plant and capital  
16 equipment and other incidental expenses necessary for  
17 atomic energy defense weapons activities in carrying out  
18 the purposes of the Department of Energy Organization Act  
19 (42 U.S.C. 7101 et seq.), including the acquisition or con-  
20 demnation of any real property or any facility or for plant  
21 or facility acquisition, construction, or expansion; and the  
22 purchase of passenger motor vehicles (not to exceed 12 for  
23 replacement only), \$4,883,289,000, to remain available  
24 until expended.

1                    *DEFENSE NUCLEAR NONPROLIFERATION*

2            *For Department of Energy expenses, including the*  
3 *purchase, construction and acquisition of plant and capital*  
4 *equipment and other incidental expenses necessary for*  
5 *atomic energy defense, Defense Nuclear Nonproliferation ac-*  
6 *tivities, in carrying out the purposes of the Department of*  
7 *Energy Organization Act (42 U.S.C. 7101 et seq.), includ-*  
8 *ing the acquisition or condemnation of any real property*  
9 *or any facility or for plant or facility acquisition, construc-*  
10 *tion, or expansion, \$908,967,000, to remain available until*  
11 *expended: Provided, That not to exceed \$5,000 may be used*  
12 *for official reception and representation expenses for na-*  
13 *tional security and nonproliferation (including trans-*  
14 *parency) activities in fiscal year 2001: Provided further,*  
15 *That \$2,000,000 shall be provided for equipment acquisi-*  
16 *tion for the Incorporated Research Institutions for Seis-*  
17 *mology (IRIS) PASSCAL Instrument Center.*

18                    *NAVAL REACTORS*

19            *For Department of Energy expenses, including the*  
20 *purchase, construction and acquisition of plant and capital*  
21 *equipment and other incidental expenses necessary for*  
22 *atomic energy defense, Naval Reactor activities, in carrying*  
23 *out the purposes of the Department of Energy Organization*  
24 *Act (42 U.S.C. 7101 et seq.), including the acquisition or*  
25 *condemnation of any real property or any facility or for*

1 *plant or facility acquisition, construction, or expansion,*  
2 *\$694,600,000, to remain available until expended.*

3 *OFFICE OF THE ADMINISTRATOR*

4 *For necessary expenses of the Office of the Adminis-*  
5 *trator of the National Nuclear Security Administration, in-*  
6 *cluding official reception and representation expenses (not*  
7 *to exceed \$5,000), \$10,000,000, to remain available until*  
8 *expended.*

9 *OTHER DEFENSE RELATED ACTIVITIES*

10 *DEFENSE ENVIRONMENTAL RESTORATION AND WASTE*

11 *MANAGEMENT*

12 *For Department of Energy expenses, including the*  
13 *purchase, construction and acquisition of plant and capital*  
14 *equipment and other expenses necessary for atomic energy*  
15 *defense environmental restoration and waste management*  
16 *activities in carrying out the purposes of the Department*  
17 *of Energy Organization Act (42 U.S.C. 7101 et seq.), in-*  
18 *cluding the acquisition or condemnation of any real prop-*  
19 *erty or any facility or for plant or facility acquisition, con-*  
20 *struction, or expansion; and the purchase of 67 passenger*  
21 *motor vehicles for replacement only, \$4,635,763,000, to re-*  
22 *main available until expended: Provided, That \$3,000,000*  
23 *shall be made available from within the funds provided for*  
24 *Science and Technology to support a program to be man-*  
25 *aged by the Carlsbad office of the Department of Energy,*  
26 *in coordination with the United States-Mexico Border*

1 *Health Commission, to apply and demonstrate technologies*  
2 *to reduce hazardous waste streams that threaten public*  
3 *health and environmental security in order to advance the*  
4 *potential for commercialization of technologies relevant to*  
5 *the Department's clean-up mission: Provided further, That*  
6 *\$2,000,000 shall be made available from within the funds*  
7 *provided for Science and Technology to support a program*  
8 *to be managed by the Carlsbad office of the Department of*  
9 *Energy to implement a program to support the Materials*  
10 *Corridor Partnership Initiative.*

#### 11 *DEFENSE FACILITIES CLOSURE PROJECTS*

12 *For expenses of the Department of Energy to accelerate*  
13 *the closure of defense environmental management sites, in-*  
14 *cluding the purchase, construction and acquisition of plant*  
15 *and capital equipment and other necessary expenses,*  
16 *\$1,082,297,000, to remain available until expended.*

#### 17 *DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION*

18 *For Department of Energy expenses for privatization*  
19 *projects necessary for atomic energy defense environmental*  
20 *management activities authorized by the Department of*  
21 *Energy Organization Act (42 U.S.C. 7101 et seq.),*  
22 *\$324,000,000, to remain available until expended.*

#### 23 *OTHER DEFENSE ACTIVITIES*

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

1 *equipment and other expenses necessary for atomic energy*  
2 *defense, other defense activities, in carrying out the pur-*  
3 *poses of the Department of Energy Organization Act (42*  
4 *U.S.C. 7101 et seq.), including the acquisition or con-*  
5 *demnation of any real property or any facility or for plant*  
6 *or facility acquisition, construction, or expansion,*  
7 *\$579,463,000, to remain available until expended, of which*  
8 *\$17,000,000 shall be for the Department of Energy Employ-*  
9 *ees Compensation Initiative upon enactment of authoriza-*  
10 *tion legislation into law.*

11 *DEFENSE NUCLEAR WASTE DISPOSAL*

12 *For nuclear waste disposal activities to carry out the*  
13 *purposes of Public Law 97-425, as amended, including the*  
14 *acquisition of real property or facility construction or ex-*  
15 *pansion, \$292,000,000, to remain available until expended.*

16 *POWER MARKETING ADMINISTRATIONS*

17 *BONNEVILLE POWER ADMINISTRATION FUND*

18 *Expenditures from the Bonneville Power Administra-*  
19 *tion Fund, established pursuant to Public Law 93-454, are*  
20 *approved for the Nez Perce Tribe Resident Fish Substi-*  
21 *tution Program, the Cour D'Alene Tribe Trout Production*  
22 *facility, and for official reception and representation ex-*  
23 *penses in an amount not to exceed \$1,500.*

24 *During fiscal year 2001, no new direct loan obliga-*  
25 *tions may be made. Section 511 of the Energy and Water*

1 *Development Appropriations Act, 1997 (Public Law 104–*  
2 *206), is amended by striking the last sentence and inserting,*  
3 *“This authority shall expire September 30, 2005.”.*

4     *OPERATION AND MAINTENANCE, SOUTHEASTERN POWER*  
5                                     *ADMINISTRATION*

6         *For necessary expenses of operation and maintenance*  
7 *of power transmission facilities and of marketing electric*  
8 *power and energy, including transmission wheeling and*  
9 *ancillary services, pursuant to the provisions of section 5*  
10 *of the Flood Control Act of 1944 (16 U.S.C. 825s), as ap-*  
11 *plied to the southeastern power area, \$3,900,000, to remain*  
12 *available until expended; in addition, notwithstanding the*  
13 *provisions of 31 U.S.C. 3302, amounts collected by the*  
14 *Southeastern Power Administration pursuant to the Flood*  
15 *Control Act to recover purchase power and wheeling ex-*  
16 *penses shall be credited to this account as offsetting collec-*  
17 *tions, to remain available until expended for the sole pur-*  
18 *pose of making purchase power and wheeling expenditures*  
19 *as follows: for fiscal year 2001, up to \$34,463,000; for fiscal*  
20 *year 2002, up to \$26,463,000; for fiscal year 2003, up to*  
21 *\$20,000,000; and for fiscal year 2004, up to \$15,000,000.*

22     *OPERATION AND MAINTENANCE, SOUTHWESTERN POWER*  
23                                     *ADMINISTRATION*

24                             *(INCLUDING TRANSFER OF FUNDS)*

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

1 *power and energy, and for construction and acquisition of*  
2 *transmission lines, substations and appurtenant facilities,*  
3 *and for administrative expenses, including official recep-*  
4 *tion and representation expenses in an amount not to ex-*  
5 *ceed \$1,500 in carrying out the provisions of section 5 of*  
6 *the Flood Control Act of 1944 (16 U.S.C. 825s), as applied*  
7 *to the southwestern power area, \$28,100,000, to remain*  
8 *available until expended; in addition, notwithstanding the*  
9 *provisions of 31 U.S.C. 3302, not to exceed \$4,200,000 in*  
10 *reimbursements, to remain available until expended: Pro-*  
11 *vided, That amounts collected by the Southwestern Power*  
12 *Administration pursuant to the Flood Control Act to re-*  
13 *cover purchase power and wheeling expenses shall be cred-*  
14 *ited to this account as offsetting collections, to remain avail-*  
15 *able until expended for the sole purpose of making purchase*  
16 *power and wheeling expenditures as follows: for fiscal year*  
17 *2001, up to \$288,000; for fiscal year 2002, up to \$288,000;*  
18 *for fiscal year 2003, up to \$288,000; and for fiscal year*  
19 *2004, up to \$288,000.*

20 *CONSTRUCTION, REHABILITATION, OPERATION AND*  
21 *MAINTENANCE, WESTERN AREA POWER ADMINISTRATION*

22 *For carrying out the functions authorized by title III,*  
23 *section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C.*  
24 *7152), and other related activities including conservation*  
25 *and renewable resources programs as authorized, including*  
26 *official reception and representation expenses in an amount*

1 *not to exceed \$1,500, \$164,916,000, to remain available*  
2 *until expended, of which \$154,616,000 shall be derived from*  
3 *the Department of the Interior Reclamation Fund: Pro-*  
4 *vided, That of the amount herein appropriated, \$5,950,000*  
5 *is for deposit into the Utah Reclamation Mitigation and*  
6 *Conservation Account pursuant to title IV of the Reclama-*  
7 *tion Projects Authorization and Adjustment Act of 1992:*  
8 *Provided further, That amounts collected by the Western*  
9 *Area Power Administration pursuant to the Flood Control*  
10 *Act of 1944 and the Reclamation Project Act of 1939 to*  
11 *recover purchase power and wheeling expenses shall be cred-*  
12 *ited to this account as offsetting collections, to remain avail-*  
13 *able until expended for the sole purpose of making purchase*  
14 *power and wheeling expenditures as follows: for fiscal year*  
15 *2001, up to \$42,500,000; for fiscal year 2002, up to*  
16 *\$33,500,000; for fiscal year 2003, up to \$30,000,000; and*  
17 *for fiscal year 2004, up to \$20,000,000.*

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, \$2,670,000, 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 Administra-*  
25 *tion, as provided in section 423 of the Foreign Relations*  
26 *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 *\$175,200,000, to remain available until expended: Pro-*  
10 *vided, That notwithstanding any other provision of law, not*  
11 *to exceed \$175,200,000 of revenues from fees and annual*  
12 *charges, and other services and collections in fiscal year*  
13 *2001 shall be retained and used for necessary 2001 expenses*  
14 *in this account, and shall remain available until expended:*  
15 *Provided further, That the sum herein appropriated from*  
16 *the General Fund shall be reduced as revenues are received*  
17 *during fiscal year 2001 so as to result in a final fiscal year*  
18 *2001 appropriation from the General Fund estimated at*  
19 *not more than \$0.*

20           *GENERAL PROVISIONS—DEPARTMENT OF*21                           *ENERGY*

22           *SEC. 301. (a) None of the funds appropriated by this*  
23 *Act for Department of Energy programs may be used to*  
24 *award, amend, or modify a contract in a manner that devi-*  
25 *ates from the Federal Acquisition Regulation unless, on a*

1 *case-by-case basis, a waiver to allow for such a deviation*  
2 *is granted.*

3       **(b)** *The Administrator of the National Nuclear Secu-*  
4 *rity Administration shall have the exclusive waiver author-*  
5 *ity for activities under “Atomic Energy Defense Activities,*  
6 *National Nuclear Security Administration” and may not*  
7 *delegate the authority to grant such a waiver. The Secretary*  
8 *of Energy shall have the exclusive waiver authority for all*  
9 *other activities which may not be delegated.*

10       **(c)** *At least 60 days before a contract award, amend-*  
11 *ment, or modification for which the Secretary intends to*  
12 *grant such a waiver as provided for in subsection (b), the*  
13 *Secretary shall submit to the Subcommittees on Energy and*  
14 *Water Development of the Committees on Appropriations*  
15 *of the House of Representatives and the Senate a report no-*  
16 *tifying the subcommittees of the waiver and setting forth*  
17 *the reasons for the waiver.*

18       **(d)** *At least 60 days before a contract award, amend-*  
19 *ment, or modification for which the Administrator of the*  
20 *National Nuclear Security Administration intends to grant*  
21 *such a waiver as provided in subsection (b), the Adminis-*  
22 *trator shall submit to the Subcommittees on Energy and*  
23 *Water Development of the Committees on Appropriations*  
24 *of the House of Representatives and the Senate a report no-*

1 *tifying the subcommittees of the waiver and setting forth*  
2 *the reasons for the waiver.*

3       *SEC. 302. (a) None of the funds appropriated by this*  
4 *Act under “Atomic Energy Defense Activities, National Nu-*  
5 *clear Security Administration” may be used to award,*  
6 *amend, or modify a contract in a manner that deviates*  
7 *from the Federal Acquisition Regulation, unless the Admin-*  
8 *istrator of the National Nuclear Security Administration*  
9 *grants, on a case-by-case basis, a waiver to allow for such*  
10 *a deviation. The Administrator may not delegate the au-*  
11 *thority to grant such a waiver.*

12       *(b) At least 60 days before a contract award, amend-*  
13 *ment, or modification for which the Administrator intends*  
14 *to grant such a waiver, the Administrator shall submit to*  
15 *the Subcommittees on Energy and Water Development of*  
16 *the Committees on Appropriations of the House of Rep-*  
17 *resentatives and the Senate a report notifying the sub-*  
18 *committees of the waiver and setting forth the reasons for*  
19 *the waiver.*

20       *SEC. 303. None of the funds appropriated by this Act*  
21 *may be used to—*

22             *(1) develop or implement a workforce restruc-*  
23             *turing plan that covers employees of the Department*  
24             *of Energy; or*

1           (2) *provide enhanced severance payments or*  
2           *other benefits for employees of the Department of En-*  
3           *ergy, under section 3161 of the National Defense Au-*  
4           *thorization Act for Fiscal Year 1993 (Public Law*  
5           *102-484; 106 Stat. 2644; 42 U.S.C. 7274h).*

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

10           *(TRANSFERS OF UNEXPENDED BALANCES)*

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

18           *SEC. 306. Notwithstanding 41 U.S.C. 254c(a), the Sec-*  
19           *retary of Energy may use funds appropriated by this Act*  
20           *to enter into or continue multi-year contracts for the acqui-*  
21           *sition of property or services under the head, "Energy Sup-*  
22           *ply" without obligating the estimated costs associated with*  
23           *any necessary cancellation or termination of the contract.*  
24           *The Secretary of Energy may pay costs of termination or*  
25           *cancellation from—*

1           (1) appropriations originally available for the  
2           performance of the contract concerned;

3           (2) appropriations currently available for pro-  
4           curement of the type of property or services concerned,  
5           and not otherwise obligated; or

6           (3) funds appropriated for those payments.

7           *SEC. 307. Of the funds in this Act provided to govern-*  
8           *ment-owned, contractor-operated laboratories, up to 8 per-*  
9           *cent shall be available to be used for Laboratory Directed*  
10           *Research and Development: Provided, That the funds in the*  
11           *Environmental Management programs of the Department*  
12           *of Energy are available for Laboratory Directed Research*  
13           *and Development.*

14           *SEC. 308. (a) Of the funds appropriated by this title*  
15           *to the Department of Energy, not more than \$200,000,000*  
16           *shall be available for reimbursement of management and*  
17           *operating contractor travel expenses.*

18           *(b) Funds appropriated by this title to the Department*  
19           *of Energy may be used to reimburse a Department of En-*  
20           *ergy management and operating contractor for travel costs*  
21           *of its employees under the contract only to the extent that*  
22           *the contractor applies to its employees the same rates and*  
23           *amounts as those that apply to Federal employees under*  
24           *subchapter I of chapter 57 of title 5, United States Code,*  
25           *or rates and amounts established by the Secretary of En-*

1 *ergy. The Secretary of Energy may provide exceptions to*  
2 *the reimbursement requirements of this section as the Sec-*  
3 *retary considers appropriate.*

4 *(c) The limitation in subsection (a) shall not apply*  
5 *to reimbursement of management and operating contractor*  
6 *travel expenses within the Laboratory Directed Research*  
7 *and Development program.*

8 *SEC. 309. (a) None of the funds for the National Nu-*  
9 *clear Security Administration in this Act or any future En-*  
10 *ergy and Water Development Appropriations Act may be*  
11 *expended after December 31 of each year under a covered*  
12 *contract unless the funds are expended in accordance with*  
13 *a Laboratory Funding Plan for Nuclear Security that has*  
14 *been approved by the Administrator of the National Nuclear*  
15 *Security Administration as part of the overall Laboratory*  
16 *Funding Plan required by section 310(a) of Public Law*  
17 *106–60. At the beginning of each fiscal year, the Adminis-*  
18 *trator shall issue directions to laboratories under a covered*  
19 *contract for the programs, projects, and activities of the Na-*  
20 *tional Nuclear Security Administration to be conducted at*  
21 *such laboratories in that fiscal year. The Administrator and*  
22 *the laboratories under a covered contract shall devise a Lab-*  
23 *oratory Funding Plan for Nuclear Security that identifies*  
24 *the resources needed to carry out these programs, projects,*  
25 *and activities. Funds shall be released to the Laboratories*

1 *only after the Secretary has approved the overall Labora-*  
2 *tory Funding Plan containing the Laboratory Funding*  
3 *Plan for Nuclear Security. The Secretary shall consult with*  
4 *the Administrator on the overall Laboratory Funding Plans*  
5 *for Los Alamos National Laboratory, Lawrence Livermore*  
6 *National Laboratory, and Sandia National Laboratories*  
7 *prior to approving them. The Administrator may provide*  
8 *exceptions to requirements pertaining to a Laboratory*  
9 *Funding Plan for Nuclear Security as the Administrator*  
10 *considers appropriate.*

11 *(b) For purposes of this section, “covered contract”*  
12 *means a contract for the management and operation of the*  
13 *following laboratories: Argonne National Laboratory,*  
14 *Brookhaven National Laboratory, Idaho National Engi-*  
15 *neering and Environmental Laboratory, Lawrence Berkeley*  
16 *National Laboratory, Lawrence Livermore National Lab-*  
17 *oratory, Los Alamos National Laboratory, Oak Ridge Na-*  
18 *tional Laboratory, Pacific Northwest National Laboratory,*  
19 *and Sandia National Laboratories.*

20 *SEC. 310. None of the funds provided in this Act may*  
21 *be used to establish or maintain independent centers at a*  
22 *Department of Energy laboratory or facility unless such*  
23 *funds have been specifically identified in the budget submis-*  
24 *sion.*

1        *SEC. 311. None of the funds made available in this*  
2 *or any other Act may be used to restart the High Flux*  
3 *Beam Reactor.*

4        *SEC. 312. None of the funds in this Act may be used*  
5 *to dispose of transuranic waste in the Waste Isolation Pilot*  
6 *Plant which contains concentrations of plutonium in excess*  
7 *of 20 percent by weight for the aggregate of any material*  
8 *category on the date of the enactment of this Act, or is gen-*  
9 *erated after such date.*

10        *SEC. 313. TERM OF OFFICE OF PERSON FIRST AP-*  
11 *POINTED AS UNDER SECRETARY FOR NUCLEAR SECURITY*  
12 *OF THE DEPARTMENT OF ENERGY. (a) LENGTH OF*  
13 *TERM.—The term of office as Under Secretary for Nuclear*  
14 *Security of the Department of Energy of the first person*  
15 *appointed to that position shall be three years.*

16        *(b) EXCLUSIVE REASONS FOR REMOVAL.—The exclu-*  
17 *sive reasons for removal from office as Under Secretary for*  
18 *Nuclear Security of the person described in subsection (a)*  
19 *shall be inefficiency, neglect of duty, or malfeasance in of-*  
20 *fice.*

21        *(c) POSITION DESCRIBED.—The position of Under*  
22 *Secretary for Nuclear Security of the Department of Energy*  
23 *referred to in this section is the position established by sub-*  
24 *section (c) of section 202 of the Department of Energy Orga-*  
25 *nization Act (42 U.S.C. 7132), as added by section 3202*

1 *of the National Nuclear Security Administration Act (title*  
2 *XXXII of Public Law 106–65; 113 Stat. 954)).*

3       *SEC. 314. SCOPE OF AUTHORITY OF SECRETARY OF*  
4 *ENERGY TO MODIFY ORGANIZATION OF NATIONAL NU-*  
5 *CLEAR SECURITY ADMINISTRATION. (a) SCOPE OF AUTHOR-*  
6 *ITY.—Subtitle A of the National Nuclear Security Adminis-*  
7 *tration Act (title XXXII of Public Law 106–65; 113 Stat.*  
8 *957; 50 U.S.C. 2401 et seq.) is amended by adding at the*  
9 *end the following new section:*

10 **“SEC. 3219. SCOPE OF AUTHORITY OF SECRETARY OF EN-**  
11                   **ERGY TO MODIFY ORGANIZATION OF ADMIN-**  
12                   **ISTRATION.**

13       *“Notwithstanding the authority granted by section 643*  
14 *of the Department of Energy Organization Act (42 U.S.C.*  
15 *7253) or any other provision of law, the Secretary of En-*  
16 *ergy may not establish, abolish, alter, consolidate, or dis-*  
17 *continue any organizational unit or component, or transfer*  
18 *any function, of the Administration, except as authorized*  
19 *by subsection (b) or (c) of section 3291.”.*

20       *(b) CONFORMING AMENDMENTS.—Section 643 of the*  
21 *Department of Energy Organization Act (42 U.S.C. 7253)*  
22 *is amended—*

23               *(1) by striking “The Secretary” and inserting*  
24               *“(a) Subject to subsection (b), the Secretary”; and*

1           (2) by adding at the end the following new sub-  
2       section:

3           “(b) The authority of the Secretary to establish, abol-  
4       ish, alter, consolidate, or discontinue any organizational  
5       unit or component of the National Nuclear Security Admin-  
6       istration is governed by the provisions of section 3219 of  
7       the National Nuclear Security Administration Act (title  
8       XXXII of Public Law 106–65).”.

9           **SEC. 315. PROHIBITION ON PAY OF PERSONNEL EN-**  
10       **GAGED IN CONCURRENT SERVICE OR DUTIES INSIDE AND**  
11       **OUTSIDE NATIONAL NUCLEAR SECURITY ADMINISTRATION.**  
12       *Subtitle C of the National Nuclear Security Administration*  
13       *Act (title XXXII of Public Law 106–65; 50 U.S.C. 2441*  
14       *et seq.) is amended by adding at the end the following new*  
15       *section:*

16       **“SEC. 3245. PROHIBITION ON PAY OF PERSONNEL ENGAGED**  
17                               **IN CONCURRENT SERVICE OR DUTIES INSIDE**  
18                               **AND OUTSIDE ADMINISTRATION.**

19           “(a) Except as otherwise expressly provided by statute,  
20       no funds authorized to be appropriated or otherwise made  
21       available for the Department of Energy may be obligated  
22       or utilized to pay the basic pay of an officer or employee  
23       of the Department of Energy who—

1           “(1) serves concurrently in a position in the Ad-  
2           ministration and a position outside the Administra-  
3           tion; or

4           “(2) performs concurrently the duties of a posi-  
5           tion in the Administration and the duties of a posi-  
6           tion outside the Administration.”

7           “(b) The provision of this section shall take effect 60  
8           days after the date of enactment of this section.”.

9           SEC. 316. *The Administrator of the National Nuclear*  
10          *Security Administration may authorize the plant manager*  
11          *of a covered nuclear weapons production plant to engage*  
12          *in research, development, and demonstration activities with*  
13          *respect to the engineering and manufacturing capabilities*  
14          *at such plant in order to maintain and enhance such capa-*  
15          *bilities at such plant: Provided, That of the amount allo-*  
16          *cated to a covered nuclear weapons production plant each*  
17          *fiscal year from amounts available to the Department of*  
18          *Energy for such fiscal year for national security programs,*  
19          *not more than an amount equal to 2 percent of such amount*  
20          *may be used for these activities: Provided further, That for*  
21          *purposes of this section, the term “covered nuclear weapons*  
22          *production plant” means the following:*

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

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

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

2           *SEC. 317. LIMITING THE INCLUSION OF COSTS OF*  
3 *PROTECTION OF, MITIGATION OF DAMAGE TO, AND EN-*  
4 *HANCEMENT OF FISH AND WILDLIFE, WITHIN RATES*  
5 *CHARGED BY THE BONNEVILLE POWER ADMINISTRATION,*  
6 *TO THE RATE PERIOD IN WHICH THE COSTS ARE IN-*  
7 *CURRED. Section 7 of the Pacific Northwest Electric Power*  
8 *Planning and Conservation Act (16 U.S.C. 839e) is amend-*  
9 *ed by adding at the end the following:*

10           “(n) *LIMITING THE INCLUSION OF COSTS OF PROTEC-*  
11 *TION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT*  
12 *OF FISH AND WILDLIFE, WITHIN RATES CHARGED BY THE*  
13 *BONNEVILLE POWER ADMINISTRATION, TO THE RATE PE-*  
14 *RIOD IN WHICH THE COSTS ARE INCURRED.—Notwith-*  
15 *standing any other provision of this section, rates estab-*  
16 *lished by the Administrator, under this section shall recover*  
17 *costs for protection, mitigation and enhancement of fish and*  
18 *wildlife, whether under the Pacific Northwest Electric*  
19 *Power Planning and Conservation Act or any other Act,*  
20 *not to exceed such amounts the Administrator forecasts will*  
21 *be expended during the fiscal year 2002–2006 rate period,*  
22 *while preserving the Administrator’s ability to establish ap-*  
23 *propriate reserves and maintain a high Treasury payment*  
24 *probability for the subsequent rate period.”.*

1        *SEC. 318. Notwithstanding any other law, and without*  
2 *fiscal year limitation, each Federal Power Marketing Ad-*  
3 *ministration is authorized to engage in activities and so-*  
4 *licit, undertake and review studies and proposals relating*  
5 *to the formation and operation of a regional transmission*  
6 *organization.*

7        *SEC. 319. (a) LIMITATION ON TOTAL COST OF CON-*  
8 *STRUCTION OF NATIONAL IGNITION FACILITY.—Notwith-*  
9 *standing any other provision of law, the total amount that*  
10 *may be expended for purposes of construction of the Na-*  
11 *tional Ignition Facility, including conceptual and con-*  
12 *struction design associated with the Facility, may not ex-*  
13 *ceed \$74,100,000.*

14        *(b) INDEPENDENT REVIEW OF NATIONAL IGNITION FA-*  
15 *CILITY.—(1) The Administrator of the National Nuclear Se-*  
16 *curity Administration shall provide for an independent re-*  
17 *view of the National Ignition Facility and the Inertial Con-*  
18 *finement Fusion Program. The review shall be conducted*  
19 *by the National Academy of Sciences.*

20        *(2) The review under paragraph (1) shall address the*  
21 *following:*

22            *(A) Whether or not the National Ignition Facil-*  
23 *ity is required in order to maintain the safety and*  
24 *reliability of the current nuclear weapons stockpile.*

1           (B) *Whether or not alternatives to the National*  
2 *Ignition Facility could achieve the objective of main-*  
3 *taining the safety and reliability of the current nu-*  
4 *clear weapons stockpile.*

5           (C) *Any current technical problems with the Na-*  
6 *tional Ignition Facility, including the effects of such*  
7 *problems on the cost, schedule, or likely success of the*  
8 *National Ignition Facility project.*

9           (D) *The likely cost of the construction of the Na-*  
10 *tional Ignition facility, including any conceptual and*  
11 *construction design and manufacture associated with*  
12 *construction of the Facility.*

13           (E) *The potential effects of cost overruns in the*  
14 *construction of the National Ignition Facility on the*  
15 *stockpile stewardship program.*

16           (F) *The cost and advisability of scaling back the*  
17 *number of proposed beamlines at the National Igni-*  
18 *tion Facility.*

19           (3) *Not later than September 1, 2001, the Adminis-*  
20 *trator shall submit to Congress a report on the review con-*  
21 *ducted under this subsection. The report shall include the*  
22 *results of the review and such comments and recommenda-*  
23 *tions regarding the results of the review as the Adminis-*  
24 *trator considers appropriate.*

1        *SEC. 320. (a) FINDING.—Congress finds that the De-*  
2 *partment of Energy is seeking innovative technologies for*  
3 *the demilitarization of weapons components and the treat-*  
4 *ment of mixed waste resulting from the demilitarization of*  
5 *such components.*

6        *(b) EVALUATION OF ADAMS PROCESS.—The Secretary*  
7 *of Energy shall conduct an evaluation of the so-called*  
8 *“Adams process” currently being tested by the Department*  
9 *of Energy at its Diagnostic Instrumentation and Analysis*  
10 *Laboratory using funds of the Department of Defense.*

11        *(c) REPORT.—Not later than September 30, 2001, the*  
12 *Secretary of Energy shall submit to Congress a report on*  
13 *the evaluation conducted under subsection (b).*

14        *SEC. 321. REPORT ON NATIONAL ENERGY POLICY. (a)*  
15 *FINDINGS.—Congress finds that—*

16            *(1) since July 1999—*

17                    *(A) diesel prices have increased nearly 40*  
18                    *percent;*

19                    *(B) liquid petroleum prices have increased*  
20                    *approximately 55 percent; and*

21                    *(C) gasoline prices have increased approxi-*  
22                    *mately 50 percent;*

23            *(2)(A) natural gas is the heating fuel for most*  
24            *homes and commercial buildings; and*

1           (B) the price of natural gas increased 7.8 percent  
2 during June 2000 and has doubled since 1999;

3           (3) strong demand for gasoline and diesel fuel  
4 has resulted in inventories of home heating oil that  
5 are down 39 percent from a year ago;

6           (4) rising oil and natural gas prices are a sig-  
7 nificant factor in the 0.6 percent increase in the Con-  
8 sumer Price Index for June 2000 and the 3.7 percent  
9 increase over the past 12 months;

10          (5) demand for diesel fuel, liquid petroleum, and  
11 gasoline has continued to increase while supplies have  
12 decreased;

13          (6) the current energy crisis facing the United  
14 States has had and will continue to have a detri-  
15 mental impact on the economy;

16          (7) the price of energy greatly affects the input  
17 costs of farmers, truckers, and small businesses; and

18          (8) on July 21, 2000, in testimony before the  
19 Committee on Agriculture, Nutrition, and Forestry of  
20 the Senate, the Secretary of Energy stated that the  
21 Administration had developed and was in the process  
22 of finalizing a plan to address potential home heating  
23 oil and natural gas shortages.

24          (b) REPORT.—Not later than September 30, 2000, the  
25 Secretary of Energy shall submit to Congress a report de-

1 *tailing the Department of Energy's plan to address the high*  
2 *cost of home heating oil and natural gas.*

3 *SEC. 322. (a) FINDINGS.—The Senate makes the fol-*  
4 *lowing findings:*

5 *(1) The closure or downsizing of a Department*  
6 *of Energy facility can have serious economic impacts*  
7 *on communities that have been built around and in*  
8 *support of the facility.*

9 *(2) To mitigate the devastating impacts of the*  
10 *closure of Department of Energy facilities on sur-*  
11 *rounding communities, section 3161 of the National*  
12 *Defense Authorization Act for Fiscal Year 1993 (42*  
13 *U.S.C. 7274h) provides a mechanism for the provi-*  
14 *sion of financial assistance to such communities for*  
15 *redevelopment and to assist employees of such facili-*  
16 *ties in transferring to other employment.*

17 *(3) Limitations on the capacity of the Depart-*  
18 *ment of Energy to seek reprogramming of funds for*  
19 *worker and community assistance programs in re-*  
20 *sponse to the closure or downsizing of Department fa-*  
21 *cilities undermines the capability of the Department*  
22 *to respond appropriately to unforeseen contingencies.*

23 *(b) SENSE OF SENATE.—It is the sense of the Senate*  
24 *that, in agreeing to the conference report to accompany the*  
25 *bill H.R. 4733 of the 106th Congress, the conferees on the*

1 *part of the Senate should not recede to provisions or lan-*  
2 *guage proposed by the House of Representatives that would*  
3 *limit the capacity of the Department of Energy to augment*  
4 *funds available for worker and community assistance*  
5 *grants under section 3161 of the National Defense Author-*  
6 *ization for Fiscal Year 1993 or under the provisions of the*  
7 *USEC Privatization Act (subchapter A of chapter 1 of title*  
8 *III of Public Law 104–134; 42 U.S.C. 2297h et seq.).*

9       *SEC. 323. REPORT ON IMPACTS OF A STATE-IMPOSED*  
10 *LIMIT ON THE QUANTITY OF SPENT NUCLEAR FUEL THAT*  
11 *MAY BE STORED ONSITE. (a) SECRETARY OF ENERGY.—*  
12 *Not later than 90 days after the date of enactment of this*  
13 *Act, the Secretary of Energy shall submit to Congress a re-*  
14 *port containing a description of all alternatives that are*  
15 *available to the Northern States Power Company and the*  
16 *Federal Government to allow the Company to continue to*  
17 *operate the Prairie Island Nuclear Generating Plant until*  
18 *the end of the term of the license issued to the Company*  
19 *by the Nuclear Regulatory Commission, in view of a law*  
20 *of the State of Minnesota that limits the quantity of spent*  
21 *nuclear fuel that may be stored at the Plant, assuming that*  
22 *existing Federal and State laws remain unchanged.*

23       *SEC. 324. LIMITATION ON USE OF FUNDS TO PRO-*  
24 *MOTE OR ADVERTISE PUBLIC TOURS. (a) IN GENERAL.—*  
25 *Notwithstanding any other provision of law, no funds made*

1 *available under this title shall be used to promote or adver-*  
2 *tise any public tour of the Yucca Mountain facility of the*  
3 *Department of Energy.*

4 (b) *APPLICABILITY.*—*Subsection (a) does not apply to*  
5 *a public notice that is required by statute or regulation.*

#### 6 *TITLE IV*

#### 7 *INDEPENDENT AGENCIES*

#### 8 *APPALACHIAN REGIONAL COMMISSION*

9 *For expenses necessary to carry out the programs au-*  
10 *thorized by the Appalachian Regional Development Act of*  
11 *1965, as amended, for necessary expenses for the Federal*  
12 *Co-Chairman and the alternate on the Appalachian Re-*  
13 *gional Commission, for payment of the Federal share of the*  
14 *administrative expenses of the Commission, including serv-*  
15 *ices as authorized by 5 U.S.C. 3109, and hire of passenger*  
16 *motor vehicles, \$66,400,000, to remain available until ex-*  
17 *pended.*

#### 18 *DEFENSE NUCLEAR FACILITIES SAFETY BOARD*

#### 19 *SALARIES AND EXPENSES*

20 *For necessary expenses of the Defense Nuclear Facili-*  
21 *ties Safety Board in carrying out activities authorized by*  
22 *the Atomic Energy Act of 1954, as amended by Public Law*  
23 *100–456, section 1441, \$18,500,000, to remain available*  
24 *until expended.*

1            *NUCLEAR WASTE TECHNICAL REVIEW BOARD*2                            *SALARIES AND EXPENSES*3                            *(INCLUDING TRANSFER OF FUNDS)*

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

8            *GENERAL PROVISIONS—INDEPENDENT*9                            *AGENCIES*10          *SEC. 401. PRESIDENTIAL ENERGY COMMISSION. (a)*

11 *FINDINGS.—Congress finds that—*

12                    (1) *crude oil and natural gas account for two-*  
13 *thirds of America’s energy consumption;*

14                    (2) *in May 2000, United States natural gas*  
15 *stocks totaled 1,450 billion cubic feet, 36 percent below*  
16 *the normal natural gas inventory of 2,281 billion*  
17 *cubic feet;*

18                    (3) *in July 2000, United States crude oil inven-*  
19 *tories totaled 298,000,000 barrels, 11 percent below*  
20 *the 24-year average of 334,000,000 barrels;*

21                    (4) *in June 2000, distillate fuel (heating oil and*  
22 *diesel fuel) inventories totaled 103,700,000 barrels, 26*  
23 *percent below the 24-year average of 140,000,000 bar-*  
24 *rels;*

25                    (5) *combined shortages in inventories of natural*  
26 *gas, crude oil, and distillate stocks, coupled with*

1 steady or increased demand, could cause supply and  
2 price shocks that would likely have a severe impact on  
3 consumers and the economy; and

4 (6) energy supply is a critical national security  
5 issue.

6 (b) *PRESIDENTIAL ENERGY COMMISSION.*—

7 (1) *ESTABLISHMENT.*—

8 (A) *IN GENERAL.*—*The President shall es-*  
9 *tablish, from among a group of not fewer than*  
10 *30 persons recommended jointly by the Speaker*  
11 *and Minority Leader of the House of Representa-*  
12 *tives and the Majority Leader and Minority*  
13 *Leader of the Senate, a Presidential Energy*  
14 *Commission (referred to in this section as the*  
15 *“Commission”), which shall consist of between*  
16 *15 and 21 representatives from among the fol-*  
17 *lowing categories:*

18 (i) *Oil and natural gas producing*  
19 *States.*

20 (ii) *States with no oil or natural gas*  
21 *production.*

22 (iii) *Oil and natural gas industries.*

23 (iv) *Consumer groups focused on en-*  
24 *ergy issues.*

25 (v) *Environmental groups.*

1                   (vi) *Experts and analysts familiar*  
2                   *with the supply and demand characteristics*  
3                   *of all energy sectors.*

4                   (vii) *The Energy Information Admin-*  
5                   *istration.*

6                   (B) *TIMING.*—*The appointments of the*  
7                   *members of the Commission shall be made not*  
8                   *later than 30 days after the date of enactment of*  
9                   *this Act.*

10                  (C) *PERIOD OF APPOINTMENT.*—*Members*  
11                  *shall be appointed for the life of the Commission.*  
12                  *Any vacancy in the Commission shall not affect*  
13                  *its powers, but shall be filled in the same man-*  
14                  *ner as the original appointment.*

15                  (D) *CHAIRPERSON.*—*The members of the*  
16                  *Commission shall appoint 1 of the members to*  
17                  *serve as Chairperson of the Commission.*

18                  (E) *INITIAL MEETING.*—*Not later than 30*  
19                  *days after the date on which all members of the*  
20                  *Commission have been appointed, the Commis-*  
21                  *sion shall hold its first meeting.*

22                  (F) *MEETINGS.*—*The Commission shall*  
23                  *meet at the call of the Chairperson.*

24                  (2) *DUTIES.*—

25                  (A) *IN GENERAL.*—*The Commission shall—*

1                   *(i) conduct a study, focusing primarily*  
2                   *on the oil and natural gas industries, of—*

3                   *(I) the status of inventories of*  
4                   *natural gas, crude oil, and distillate*  
5                   *fuel in the United States, including*  
6                   *trends and projections for those inven-*  
7                   *tories;*

8                   *(II) the causes for and con-*  
9                   *sequences of energy supply disruptions*  
10                   *and energy product shortages nation-*  
11                   *wide and in particular regions;*

12                   *(III) ways in which the United*  
13                   *States can become less dependent on*  
14                   *foreign oil supplies;*

15                   *(IV) ways in which the United*  
16                   *States can better manage and utilize*  
17                   *its domestic energy resources;*

18                   *(V) ways in which alternative en-*  
19                   *ergy supplies can be used to reduce de-*  
20                   *mand on traditional energy sectors;*

21                   *(VI) ways in which the United*  
22                   *States can reduce energy consumption;*

23                   *(VII) the status of, problems with,*  
24                   *and ways to improve—*

1                   (aa) transportation and de-  
2                   livery systems of energy resources  
3                   to locations throughout the United  
4                   States;

5                   (bb) refinery capacity and  
6                   utilization in the United States;  
7                   and

8                   (cc) natural gas, crude oil,  
9                   distillate fuel, and other energy-  
10                  related petroleum product storage  
11                  in the United States; and

12               (VIII) any other energy-related  
13               topic that the Commission considers  
14               pertinent; and

15               (ii) not later than 180 days after the  
16               date of enactment of this Act, submit to the  
17               President and Congress a report that  
18               contains—

19                   (I) a detailed statement of the  
20                   findings and conclusions of the Com-  
21                   mission; and

22                   (II) the recommendations of the  
23                   Commission for such legislation and  
24                   administrative actions as the Commis-  
25                   sion considers appropriate.



1 *neers to undertake immediate measures to provide erosion*  
2 *control and sediment protection to sewage lines, trails, and*  
3 *bridges in Pueblo and Los Alamos Canyons downstream of*  
4 *Diamond Drive in New Mexico: Provided, That the entire*  
5 *amount shall be available only to the extent an official*  
6 *budget request for \$204,000,000, that includes designation*  
7 *of the entire amount of the request as an emergency require-*  
8 *ment as defined in the Balanced Budget and Emergency*  
9 *Deficit Control Act of 1985, as amended, is transmitted by*  
10 *the President to the Congress: Provided further, That the*  
11 *entire amount is designated by the Congress as an emer-*  
12 *gency requirement pursuant to section 251(b)(2)(A) of the*  
13 *Balanced Budget and Emergency Deficit Control Act of*  
14 *1985, as amended.*

15 *TITLE VI*

16 *RESCISSION*

17 *DEPARTMENT OF ENERGY*

18 *DEFENSE NUCLEAR WASTE DISPOSAL*

19 *(RESCISSION)*

20 *Of the funds appropriated in Public Law 104-46 for*  
21 *interim storage of nuclear waste, \$85,000,000 are trans-*  
22 *ferred to this heading and are hereby rescinded.*

## TITLE VII

## GENERAL PROVISIONS

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*SEC. 701. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.*

*SEC. 702. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.*

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

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

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

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

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

6 *SEC. 704. Section 6101(a)(3) of the Omnibus Budget*  
7 *Reconciliation Act of 1990, as amended (42 U.S.C.*  
8 *2214(a)(3)) and Public Law 106–60 (113 Stat. 501), is fur-*  
9 *ther amended by striking “September 30, 2000” and insert-*  
10 *ing “September 30, 2001”.*

11 *SEC. 705. None of the funds appropriated by this Act*  
12 *shall be used to propose or issue rules, regulations, decrees,*  
13 *or orders for the purpose of implementation, or in prepara-*  
14 *tion for implementation, of the Kyoto Protocol which was*  
15 *adopted on December 11, 1997, in Kyoto, Japan at the*  
16 *Third Conference of the Parties to the United Nations*  
17 *Framework Convention on Climate Change, which has not*  
18 *been submitted to the Senate for advice and consent to rati-*  
19 *fication pursuant to article II, section 2, clause 2, of the*  
20 *United States Constitution, and which has not entered into*  
21 *force pursuant to article 25 of the Protocol.*

22 *SEC. 706. (a) Sections 5105, 5106 and 5109 of Divi-*  
23 *sion B of an Act making appropriations for military con-*  
24 *struction, family housing, and base realignment and closure*  
25 *for the Department of Defense for the fiscal year ending*

1 *September 30, 2001, and for other purposes (Public Law*  
2 *106–246), are repealed.*

3 *(b) Subsection (a) shall take effect on the date of enact-*  
4 *ment of this Act.*

5 *SEC. 707. SALE OF MINERAL RIGHTS BY THE TEN-*  
6 *NESSEE VALLEY AUTHORITY. The Tennessee Valley Author-*  
7 *ity shall not proceed with the proposed sale of approxi-*  
8 *mately 40,000 acres of mineral rights in land within the*  
9 *Daniel Boone National Forest, Kentucky, until after the*  
10 *Tennessee Valley Authority completes an environmental im-*  
11 *pact statement under the National Environmental Policy*  
12 *Act of 1969 (42 U.S.C. 4321 et seq.).*

13 *SEC. 708. REPORT TO CONGRESS ON ELECTRICITY*  
14 *PRICES. (a) FINDINGS.—Congress finds that—*

15 *(1) California is currently experiencing an en-*  
16 *ergy crisis;*

17 *(2) rolling power outages are a serious possi-*  
18 *bility;*

19 *(3) wholesale electricity prices have soared, re-*  
20 *sulting in electrical bills that have increased as much*  
21 *as 300 percent in the San Diego area;*

22 *(4) small business owners and people on small or*  
23 *fixed incomes, especially senior citizens, are particu-*  
24 *larly suffering;*

1           (5) *the crisis is so severe that the County of San*  
2 *Diego recently declared a financial state of emer-*  
3 *gency; and*

4           (6) *the staff of the Federal Energy Regulatory*  
5 *Commission (referred to in this section as the “Com-*  
6 *mission”)* *is currently investigating the crisis and is*  
7 *compiling a report to be presented to the Commission*  
8 *not later than November 1, 2000.*

9       **(b) REPORT.—**

10           (1) *IN GENERAL.—The Commission shall—*

11                   (A) *continue the investigation into the cause*  
12 *of the summer price spike described in subsection*  
13 *(a); and*

14                   (B) *not later than December 1, 2000, sub-*  
15 *mit to Congress a report on the results of the in-*  
16 *vestigation.*

17           (2) *CONTENTS.—The report shall include—*

18                   (A) *data obtained from a hearing held by*  
19 *the Commission in San Diego;*

20                   (B) *identification of the causes of the San*  
21 *Diego price increases;*

22                   (C) *a determination whether California*  
23 *wholesale electricity markets are competitive;*

24                   (D) *a recommendation whether a regional*  
25 *price cap should be set in the Western States;*

1           (E) a determination whether manipulation  
2           of prices has occurred at the wholesale level; and  
3           (F) a determination of the remedies, includ-  
4           ing legislation or regulations, that are necessary  
5           to correct the problem and prevent similar inci-  
6           dents in California or anywhere else in the  
7           United States.

8           SEC. 709. FUNDING OF THE COASTAL WETLANDS  
9           PLANNING, PROTECTION AND RESTORATION ACT. Section  
10          4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), is  
11          amended in the second sentence by striking “2000” and in-  
12          serting “2009”.

13          SEC. 710. REDESIGNATION OF INTERSTATE SANITA-  
14          TION COMMISSION AND DISTRICT. (a) INTERSTATE SANITA-  
15          TION COMMISSION.—

16                 (1) IN GENERAL.—The district known as the  
17                 “Interstate Sanitation Commission”, established by  
18                 article III of the Tri-State Compact described in the  
19                 Resolution entitled, “A Joint Resolution granting the  
20                 consent of Congress to the States of New York, New  
21                 Jersey, and Connecticut to enter into a compact for  
22                 the creation of the Interstate Sanitation District and  
23                 the establishment of the Interstate Sanitation Com-  
24                 mission”, approved August 27, 1935 (49 Stat. 933),

1        *is redesignated as the “Interstate Environmental*  
2        *Commission”.*

3            (2) *REFERENCES.*—*Any reference in a law, regu-*  
4        *lation, map, document, paper, or other record of the*  
5        *United States to the Interstate Sanitation Commis-*  
6        *sion shall be deemed to be a reference to the Interstate*  
7        *Environmental Commission.*

8        (b) *INTERSTATE SANITATION DISTRICT.*—

9            (1) *IN GENERAL.*—*The district known as the*  
10        *“Interstate Sanitation District”, established by article*  
11        *II of the Tri-State Compact described in the Resolu-*  
12        *tion entitled, “A Joint Resolution granting the con-*  
13        *sent of Congress to the States of New York, New Jer-*  
14        *sey, and Connecticut to enter into a compact for the*  
15        *creation of the Interstate Sanitation District and the*  
16        *establishment of the Interstate Sanitation Commis-*  
17        *sion”, approved August 27, 1935 (49 Stat. 932), is re-*  
18        *designated as the “Interstate Environmental Dis-*  
19        *trict”.*

20            (2) *REFERENCES.*—*Any reference in a law, regu-*  
21        *lation, map, document, paper, or other record of the*  
22        *United States to the Interstate Sanitation District*  
23        *shall be deemed to be a reference to the Interstate En-*  
24        *vironmental District.*

1        *This Act may be cited as the “Energy and Water De-*  
2 *velopment Appropriations Act, 2001”.*

Attest:

*Secretary.*

106TH CONGRESS  
2D SESSION

**H. R. 4733**

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**AMENDMENT**