

***In the Senate of the United States,***

*July 19, 2001.*

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

**AMENDMENT:**

Strike out all after the enacting clause and insert:

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, 2002, for energy and*  
4 *water development, and for other purposes, namely:*

1 *Dam on the Arrowrock Division of the Boise Project in*  
2 *Idaho, shall recover no more than \$6,900,000 of such ex-*  
3 *penses according to the application of the current formula*  
4 *for charging users for reimbursable operation and mainte-*  
5 *nance expenses at Bureau of Reclamation facilities on the*  
6 *Boise Project, and shall recover this portion of such expenses*  
7 *over a period of 15 years.*

8

### *TITLE III*

9

## *DEPARTMENT OF ENERGY*

10

### *ENERGY PROGRAMS*

11

#### *ENERGY SUPPLY*

12

13 *For Department of Energy expenses including the pur-*  
14 *chase, construction and acquisition of plant and capital*  
15 *equipment, and other expenses necessary for energy supply,*  
16 *and uranium supply and enrichment activities in carrying*  
17 *out the purposes of the Department of Energy Organization*  
18 *Act (42 U.S.C. 7101 et seq.), including the acquisition or*  
19 *condemnation of any real property or any facility or for*  
20 *plant or facility acquisition, construction, or expansion;*  
21 *and the purchase of not to exceed 17 passenger motor vehi-*  
22 *cles for replacement only, \$736,139,000, to remain available*  
23 *until expended, of which not less than \$3,000,000 shall be*  
24 *used for the advanced test reactor research and development*  
25 *upgrade initiative, and of which \$1,000,000 may be avail-*  
*able for the Consortium for Plant Biotechnology Research.*

1            *NON-DEFENSE ENVIRONMENTAL MANAGEMENT*

2            *For Department of Energy expenses, including the*  
3 *purchase, construction and acquisition of plant and capital*  
4 *equipment and other expenses necessary for non-defense en-*  
5 *vironmental management activities in carrying out the*  
6 *purposes of the Department of Energy Organization Act (42*  
7 *U.S.C. 7101 et seq.), including the acquisition or con-*  
8 *demnation of any real property or any facility or for plant*  
9 *or facility acquisition, construction or expansion,*  
10 *\$228,553,000, to remain available until expended.*

11            *URANIUM FACILITIES MAINTENANCE AND REMEDIATION*12                            *(INCLUDING TRANSFER OF FUNDS)*

13            *For necessary expenses to maintain, decontaminate,*  
14 *decommission, and otherwise remediate uranium processing*  
15 *facilities, \$408,725,000, of which \$287,941,000 shall be de-*  
16 *rived from the Uranium Enrichment Decontamination and*  
17 *Decommissioning Fund, all of which shall remain available*  
18 *until expended.*

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*

1 *facility or for plant or facility acquisition, construction, or*  
2 *expansion, and purchase of not to exceed 25 passenger*  
3 *motor vehicles for replacement only, \$3,268,816,000, to re-*  
4 *main available until expended: Provided, That within the*  
5 *funds provided, molecular nuclear medicine research shall*  
6 *be continued at not less than the fiscal year 2001 funding*  
7 *level.*

8 *NUCLEAR WASTE DISPOSAL*

9 *For nuclear waste disposal activities to carry out the*  
10 *purposes of Public Law 97-425, as amended, including the*  
11 *acquisition of real property or facility construction or ex-*  
12 *pansion, \$25,000,000, to remain available until expended*  
13 *and to be derived from the Nuclear Waste Fund: Provided,*  
14 *That \$2,500,000 shall be provided to the State of Nevada*  
15 *solely for expenditures, other than salaries and expenses of*  
16 *State employees, to conduct scientific oversight responsibil-*  
17 *ities pursuant to the Nuclear Waste Policy Act of 1982,*  
18 *Public Law 97-425, as amended: Provided further, That*  
19 *\$6,000,000 shall be provided to affected units of local gov-*  
20 *ernments, as defined in Public Law 97-425, to conduct ap-*  
21 *propriate activities pursuant to the Act: Provided further,*  
22 *That the distribution of the funds as determined by the*  
23 *units of local government shall be approved by the Depart-*  
24 *ment of Energy: Provided further, That the funds for the*  
25 *State of Nevada shall be made available solely to the Nevada*

1 *Division of Emergency Management by direct payment and*  
2 *units of local government by direct payment: Provided fur-*  
3 *ther, That within 90 days of the completion of each Federal*  
4 *fiscal year, the Nevada Division of Emergency Management*  
5 *and the Governor of the State of Nevada and each local*  
6 *entity shall provide certification to the Department of En-*  
7 *ergy that all funds expended from such payments have been*  
8 *expended for activities authorized by Public Law 97-425*  
9 *and this Act. Failure to provide such certification shall*  
10 *cause such entity to be prohibited from any further funding*  
11 *provided for similar activities: Provided further, That none*  
12 *of the funds herein appropriated may be: (1) used directly*  
13 *or indirectly to influence legislative action on any matter*  
14 *pending before Congress or a State legislature or for lob-*  
15 *bing activity as provided in 18 U.S.C. 1913; (2) used for*  
16 *litigation expenses; or (3) used to support multi-State ef-*  
17 *forts or other coalition building activities inconsistent with*  
18 *the restrictions contained in this Act: Provided further,*  
19 *That all proceeds and recoveries by the Secretary in car-*  
20 *rying out activities authorized by the Nuclear Waste Policy*  
21 *Act of 1982 in Public Law 97-425, as amended, including*  
22 *but not limited to, any proceeds from the sale of assets, shall*  
23 *be available without further appropriation and shall re-*  
24 *main available until expended.*

## DEPARTMENTAL ADMINISTRATION

1  
2       *For salaries and expenses of the Department of Energy*  
3 *necessary for departmental administration in carrying out*  
4 *the purposes of the Department of Energy Organization Act*  
5 *(42 U.S.C. 7101 et seq.), including the hire of passenger*  
6 *motor vehicles and official reception and representation ex-*  
7 *penses (not to exceed \$35,000), \$208,948,000, to remain*  
8 *available until expended, plus such additional amounts as*  
9 *necessary to cover increases in the estimated amount of cost*  
10 *of work for others notwithstanding the provisions of the*  
11 *Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided,*  
12 *That such increases in cost of work are offset by revenue*  
13 *increases of the same or greater amount, to remain avail-*  
14 *able until expended: Provided further, That moneys received*  
15 *by the Department for miscellaneous revenues estimated to*  
16 *total \$137,810,000 in fiscal year 2002 may be retained and*  
17 *used for operating expenses within this account, and may*  
18 *remain available until expended, as authorized by section*  
19 *201 of Public Law 95-238, notwithstanding the provisions*  
20 *of 31 U.S.C. 3302: Provided further, That the sum herein*  
21 *appropriated shall be reduced by the amount of miscella-*  
22 *neous revenues received during fiscal year 2002 so as to*  
23 *result in a final fiscal year 2002 appropriation from the*  
24 *General Fund estimated at not more than \$71,138,000.*

1                    *OFFICE OF THE INSPECTOR GENERAL*

2            *For necessary expenses of the Office of the Inspector*  
3 *General in carrying out the provisions of the Inspector Gen-*  
4 *eral Act of 1978, as amended, \$30,000,000, to remain avail-*  
5 *able until expended.*

6                    *ATOMIC ENERGY DEFENSE ACTIVITIES*7                    *NATIONAL NUCLEAR SECURITY ADMINISTRATION*8                    *WEAPONS ACTIVITIES*

9            *For Department of Energy expenses, including the*  
10 *purchase, construction and acquisition of plant and capital*  
11 *equipment and other incidental expenses necessary for*  
12 *atomic energy defense weapons activities in carrying out*  
13 *the purposes of the Department of Energy Organization Act*  
14 *(42 U.S.C. 7101 et seq.), including the acquisition or con-*  
15 *demnation of any real property or any facility or for plant*  
16 *or facility acquisition, construction, or expansion; and the*  
17 *purchase of passenger motor vehicles (not to exceed 11 for*  
18 *replacement only), \$6,062,891,000, to remain available*  
19 *until expended: Provided, That, \$30,000,000 shall be uti-*  
20 *lized for technology partnerships supportive of the National*  
21 *Nuclear Security Administration missions and \$3,000,000*  
22 *shall be utilized at the NNSA laboratories for support of*  
23 *small business interactions including technology clusters*  
24 *relevant to laboratory missions: Provided further, That*  
25 *\$1,000,000 shall be made available for community reuse or-*

1 *ganizations within the Office of Worker and Community*  
2 *Transition.*

3 *DEFENSE NUCLEAR NONPROLIFERATION*

4 *For Department of Energy expenses, including the*  
5 *purchase, construction and acquisition of plant and capital*  
6 *equipment and other incidental expenses necessary for*  
7 *atomic energy defense, Defense Nuclear Nonproliferation ac-*  
8 *tivities, in carrying out the purposes of the Department of*  
9 *Energy Organization Act (42 U.S.C. 7101 et seq.), includ-*  
10 *ing the acquisition or condemnation of any real property*  
11 *or any facility or for plant or facility acquisition, construc-*  
12 *tion, or expansion, \$880,500,000, to remain available until*  
13 *expended: Provided, That not to exceed \$7,000 may be used*  
14 *for official reception and representation expenses for na-*  
15 *tional security and nonproliferation (including trans-*  
16 *parency) activities in fiscal year 2002.*

17 *NAVAL REACTORS*

18 *For Department of Energy expenses necessary for*  
19 *naval reactors activities to carry out the Department of En-*  
20 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*  
21 *the acquisition (by purchase, condemnation, construction,*  
22 *or otherwise) of real property, plant, and capital equip-*  
23 *ment, facilities, and facility expansion, \$688,045,000, to re-*  
24 *main available until expended.*

1                    *OFFICE OF THE ADMINISTRATOR*

2            *For necessary expenses of the Office of the Adminis-*  
3 *trator of the National Nuclear Security Administration, in-*  
4 *cluding official reception and representation expenses (not*  
5 *to exceed \$15,000), \$15,000,000, to remain available until*  
6 *expended.*

7                    *OTHER DEFENSE RELATED ACTIVITIES*8            *DEFENSE ENVIRONMENTAL RESTORATION AND WASTE*9                    *MANAGEMENT*

10          *For Department of Energy expenses, including the*  
11 *purchase, construction and acquisition of plant and capital*  
12 *equipment and other expenses necessary for atomic energy*  
13 *defense environmental restoration and waste management*  
14 *activities in carrying out the purposes of the Department*  
15 *of Energy Organization Act (42 U.S.C. 7101 et seq.), in-*  
16 *cluding the acquisition or condemnation of any real prop-*  
17 *erty or any facility or for plant or facility acquisition, con-*  
18 *struction, or expansion; and the purchase of 30 passenger*  
19 *motor vehicles, of which 27 shall be for replacement only,*  
20 *\$5,389,868,000, to remain available until expended.*

21                    *DEFENSE FACILITIES CLOSURE PROJECTS*

22          *For expenses of the Department of Energy to accelerate*  
23 *the closure of defense environmental management sites, in-*  
24 *cluding the purchase, construction and acquisition of plant*

1 *and capital equipment and other necessary expenses,*  
2 *\$1,080,538,000, to remain available until expended.*

3 *DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION*

4 *For Department of Energy expenses for privatization*  
5 *projects necessary for atomic energy defense environmental*  
6 *management activities authorized by the Department of*  
7 *Energy Organization Act (42 U.S.C. 7101 et seq.),*  
8 *\$157,537,000, to remain available until expended.*

9 *OTHER DEFENSE ACTIVITIES*

10 *For Department of Energy expenses, including the*  
11 *purchase, construction and acquisition of plant and capital*  
12 *equipment and other expenses necessary for atomic energy*  
13 *defense, other defense activities, in carrying out the pur-*  
14 *poses of the Department of Energy Organization Act (42*  
15 *U.S.C. 7101 et seq.), including the acquisition or con-*  
16 *demnation of any real property or any facility or for plant*  
17 *or facility acquisition, construction, or expansion,*  
18 *\$564,168,000, to remain available until expended.*

19 *DEFENSE NUCLEAR WASTE DISPOSAL*

20 *For nuclear waste disposal activities to carry out the*  
21 *purposes of Public Law 97-425, as amended, including the*  
22 *acquisition of real property or facility construction or ex-*  
23 *pansion, \$250,000,000, to remain available until expended.*

1                    *POWER MARKETING ADMINISTRATIONS*2                    *BONNEVILLE POWER ADMINISTRATION FUND*

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

17                    *OPERATION AND MAINTENANCE, SOUTHEASTERN POWER*  
18                    *ADMINISTRATION*

19                    *For necessary expenses of operation and maintenance*  
20 *of power transmission facilities and of marketing electric*  
21 *power and energy, including transmission wheeling and*  
22 *ancillary services, pursuant to the provisions of section 5*  
23 *of the Flood Control Act of 1944 (16 U.S.C. 825s), as ap-*  
24 *plied to the southeastern power area, \$4,891,000, to remain*  
25 *available until expended; in addition, notwithstanding the*

1 *provisions of 31 U.S.C. 3302, up to \$8,000,000 collected by*  
2 *the Southeastern Power Administration pursuant to the*  
3 *Flood Control Act to recover purchase power and wheeling*  
4 *expenses shall be credited to this account as offsetting collec-*  
5 *tions, to remain available until expended for the sole pur-*  
6 *pose of making purchase power and wheeling expenditures.*

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

9 *For necessary expenses of operation and maintenance*  
10 *of power transmission facilities and of marketing electric*  
11 *power and energy, and for construction and acquisition of*  
12 *transmission lines, substations and appurtenant facilities,*  
13 *and for administrative expenses, including official recep-*  
14 *tion and representation expenses in an amount not to ex-*  
15 *ceed \$1,500 in carrying out the provisions of section 5 of*  
16 *the Flood Control Act of 1944 (16 U.S.C. 825s), as applied*  
17 *to the southwestern power area, \$28,038,000, to remain*  
18 *available until expended; in addition, notwithstanding the*  
19 *provisions of 31 U.S.C. 3302, not to exceed \$5,200,000 in*  
20 *reimbursements, to remain available until expended: Pro-*  
21 *vided, That up to \$1,512,000 collected by the Southwestern*  
22 *Power Administration pursuant to the Flood Control Act*  
23 *to recover purchase power and wheeling expenses shall be*  
24 *credited to this account as offsetting collections, to remain*

1 *available until expended for the sole purpose of making pur-*  
2 *chase power and wheeling expenditures.*

3 *CONSTRUCTION, REHABILITATION, OPERATION AND*  
4 *MAINTENANCE, WESTERN AREA POWER ADMINISTRATION*

5 *For carrying out the functions authorized by title III,*  
6 *section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C.*  
7 *7152), and other related activities including conservation*  
8 *and renewable resources programs as authorized, including*  
9 *official reception and representation expenses in an amount*  
10 *not to exceed \$1,500, \$169,465,000, to remain available*  
11 *until expended, of which \$163,951,000 shall be derived from*  
12 *the Department of the Interior Reclamation Fund: Pro-*  
13 *vided, That of the amount herein appropriated, \$6,091,000*  
14 *is for deposit into the Utah Reclamation Mitigation and*  
15 *Conservation Account pursuant to title IV of the Reclama-*  
16 *tion Projects Authorization and Adjustment Act of 1992:*  
17 *Provided further, That up to \$152,624,000 collected by the*  
18 *Western Area Power Administration pursuant to the Flood*  
19 *Control Act of 1944 and the Reclamation Project Act of*  
20 *1939 to recover purchase power and wheeling expenses shall*  
21 *be credited to this account as offsetting collections, to re-*  
22 *main available until expended for the sole purpose of mak-*  
23 *ing purchase power and wheeling expenditures: Provided*  
24 *further, That of the amount herein appropriated, not less*  
25 *than \$200,000 shall be provided for corridor review and en-*  
26 *vironmental review required for construction of a 230 kv*

1 *transmission line between Belfield and Hettinger, North*  
2 *Dakota: Provided further, That these funds shall be non-*  
3 *reimbursable: Provided further, That these funds shall be*  
4 *available until expended: Provided further, That within the*  
5 *amount herein appropriated not less than \$200,000 shall*  
6 *be provided for the Western Area Power Administration to*  
7 *conduct a technical analysis of the costs and feasibility of*  
8 *transmission expansion methods and technologies: Provided*  
9 *further, That WAPA shall publish a study by July 31, 2002*  
10 *that contains recommendations of the most cost-effective*  
11 *methods and technologies to enhance electricity trans-*  
12 *mission from lignite and wind energy: Provided further,*  
13 *That these funds shall be nonreimbursable: Provided fur-*  
14 *ther, That these funds shall be available until expended.*

15 *FALCON AND AMISTAD OPERATING AND MAINTENANCE*

16 *FUND*

17 *For operation, maintenance, and emergency costs for*  
18 *the hydroelectric facilities at the Falcon and Amistad*  
19 *Dams, \$2,663,000, to remain available until expended, and*  
20 *to be derived from the Falcon and Amistad Operating and*  
21 *Maintenance Fund of the Western Area Power Administra-*  
22 *tion, as provided in section 423 of the Foreign Relations*  
23 *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 *\$187,155,000, to remain available until expended: Pro-*  
10 *vided, That notwithstanding any other provision of law, not*  
11 *to exceed \$187,155,000 of revenues from fees and annual*  
12 *charges, and other services and collections in fiscal year*  
13 *2002 shall be retained and used for necessary expenses in*  
14 *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 2002 so as to result in a final fiscal year*  
18 *2002 appropriation from the General Fund estimated at*  
19 *not more than \$0: Provided further, That the Commission*  
20 *is authorized to hire an additional 10 senior executive serv-*  
21 *ice positions.*

22                            *GENERAL PROVISIONS*23                            *DEPARTMENT OF ENERGY*

24            *SEC. 301. (a) None of the funds appropriated by this*  
25 *Act may be used to award a management and operating*

1 *contract unless such contract is awarded using competitive*  
2 *procedures or the Secretary of Energy grants, on a case-*  
3 *by-case basis, a waiver to allow for such a deviation. The*  
4 *Secretary may not delegate the authority to grant such a*  
5 *waiver.*

6 (b) *At least 60 days before a contract award, amend-*  
7 *ment, or modification for which the Secretary intends to*  
8 *grant such a waiver, the Secretary shall submit to the Sub-*  
9 *committees on Energy and Water Development of the Com-*  
10 *mittees on Appropriations of the House of Representatives*  
11 *and the Senate a report notifying the subcommittees of the*  
12 *waiver and setting forth the reasons for the waiver.*

13 *SEC. 302. None of the funds appropriated by this Act*  
14 *may be used to—*

15 (1) *develop or implement a workforce restruc-*  
16 *turing plan that covers employees of the Department*  
17 *of Energy; or*

18 (2) *provide enhanced severance payments or*  
19 *other benefits for employees of the Department of En-*  
20 *ergy,*

21 *under section 3161 of the National Defense Authorization*  
22 *Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.*  
23 *2644; 42 U.S.C. 7274h).*

24 *SEC. 303. None of the funds appropriated by this Act*  
25 *may be used to augment the \$20,000,000 made available*

1 *for obligation by this Act for severance payments and other*  
2 *benefits and community assistance grants under section*  
3 *3161 of the National Defense Authorization Act for Fiscal*  
4 *Year 1993 (Public Law 102-484; 106 Stat. 2644; 42 U.S.C.*  
5 *7274h) unless the Department of Energy submits a re-*  
6 *programming request subject to approval by the appro-*  
7 *priate Congressional committees.*

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

12               *(TRANSFERS OF UNEXPENDED BALANCES)*

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

20       *SEC. 306. Of the funds in this Act or any other Act*  
21 *provided to government-owned, contractor-operated labora-*  
22 *tories, not to exceed 6 percent shall be available to be used*  
23 *for Laboratory Directed Research and Development.*

24       *SEC. 307. None of the funds in this Act may be used*  
25 *to dispose of transuranic waste in the Waste Isolation Pilot*  
26 *Plant which contains concentrations of plutonium in excess*

1 of 20 percent by weight for the aggregate of any material  
2 category on the date of enactment of this Act, or is generated  
3 after such date. For the purposes of this section, the mate-  
4 rial categories of transuranic waste at the Rocky Flats En-  
5 vironmental Technology Site include: (1) ash residues; (2)  
6 salt residues; (3) wet residues; (4) direct repackaging residues;  
7 and (5) scrub alloy as referenced in the “Final Environ-  
8 mental Impact Statement on Management of Certain Pluto-  
9 nium Residues and Scrub Alloy Stored at the Rocky Flats  
10 Environmental Technology Site”.

11       *SEC. 308. The Administrator of the National Nuclear*  
12 *Security Administration may authorize the plant manager*  
13 *of a covered nuclear weapons production plant to engage*  
14 *in research, development, and demonstration activities with*  
15 *respect to the engineering and manufacturing capabilities*  
16 *at such plant in order to maintain and enhance such capa-*  
17 *bilities at such plant: Provided, That of the amount allo-*  
18 *cated to a covered nuclear weapons production plant each*  
19 *fiscal year from amounts available to the Department of*  
20 *Energy for such fiscal year for national security programs,*  
21 *not more than an amount equal to 2 percent of such amount*  
22 *may be used for these activities: Provided further, That for*  
23 *purposes of this section, the term “covered nuclear weapons*  
24 *production plant” means the following:*

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

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

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

5           (4) *The Savannah River Plant, South Carolina.*

6           *SEC. 309. Notwithstanding any other law, and without*  
7 *fiscal year limitation, each Federal Power Marketing Ad-*  
8 *ministration is authorized to engage in activities and so-*  
9 *licit, undertake and review studies and proposals relating*  
10 *to the formation and operation of a regional transmission*  
11 *organization.*

12          *SEC. 310. The Administrator of the National Nuclear*  
13 *Security Administration may authorize the manager of the*  
14 *Nevada Operations Office to engage in research, develop-*  
15 *ment, and demonstration activities with respect to the de-*  
16 *velopment, test, and evaluation capabilities necessary for*  
17 *operations and readiness of the Nevada Test Site: Provided,*  
18 *That of the amount allocated to the Nevada Operations Of-*  
19 *fice each fiscal year from amounts available to the Depart-*  
20 *ment of Energy for such fiscal year for national security*  
21 *programs at the Nevada Test Site, not more than an*  
22 *amount equal to 2 percent of such amount may be used*  
23 *for these activities.*

1        *SEC. 311. DEPLETED URANIUM HEXAFLUORIDE. Sec-*  
2 *tion 1 of Public Law 105–204 is amended in subsection*  
3 *(b)—*

4            (1) *by inserting “except as provided in sub-*  
5 *section (c),” after “1321–349),”; and*

6            (2) *by striking “fiscal year 2002” and inserting*  
7 *“fiscal year 2005”.*

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

12        (b) *The study shall be completed and delivered to the*  
13 *House and Senate Committees on Appropriations within*  
14 *180 days of enactment.*

15        *SEC. 313. (a) IN GENERAL.—The Secretary of Energy*  
16 *shall provide for the management of environmental matters*  
17 *(including planning and budgetary activities) with respect*  
18 *to the Paducah Gaseous Diffusion Plant, Kentucky, through*  
19 *the Assistant Secretary of Energy for Environmental Man-*  
20 *agement.*

21        (b) *PARTICULAR REQUIREMENTS.—(1) In meeting the*  
22 *requirement in subsection (a), the Secretary shall provide*  
23 *for direct communication between the Assistant Secretary*  
24 *of Energy for Environmental Management and the head of*

1 *the Paducah Gaseous Diffusion Plant on the matters cov-*  
2 *ered by that subsection.*

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

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

7           (1) *The Department of Energy's Yucca Mountain*  
8 *program has been one of the most intensive scientific*  
9 *investigations in history.*

10          (2) *Significant milestones have been met, includ-*  
11 *ing the recent release of the Science and Engineering*  
12 *Report, and others are due in the near future includ-*  
13 *ing the Final Site Suitability Evaluation.*

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

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

19          (5) *Any decision on how to dispose of spent nu-*  
20 *clear fuel and high level radioactive waste must be*  
21 *based on sound science and it is critical that the Fed-*  
22 *eral Government provide adequate funding to ensure*  
23 *the availability of such science in a timely manner to*  
24 *allow fully informed decisions to be made in accord-*  
25 *ance with the statutorily mandated process.*



## TITLE V

## GENERAL PROVISIONS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

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

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

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

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 *This Act may be cited as the “Energy and Water De-*  
8 *velopment Appropriations Act, 2002”.*

Attest:

*Secretary.*

107TH CONGRESS  
1ST SESSION

**H. R. 2311**

---

---

**AMENDMENT**