

ANIMAS-LA PLATA PROJECT

Mr. FEINGOLD. Mr. President, I wanted to make a statement on a matter of concern to me in the FY 99 Energy and Water Appropriations legislation. As my colleagues know, I have long been active in raising Senate awareness about the financial costs of moving forward with development and construction of the full-scale version of the Animas-La Plata project. I am concerned that Section 505 of the legislation before us may require the federal government to proceed with construction of the full-scale project, just at the time when the Congress is about to get additional information from the Bureau of Reclamation about alternatives to that project.

As my colleagues will recall from the debate on an amendment I offered to the FY 98 Energy and Water Appropriations legislation on this matter, the currently authorized Animas-La Plata project is a \$754 million dollar water development project planned for southwest Colorado and northwest New Mexico, of which federal taxpayers are slated to pay more than 65% of the costs.

As described in the Committee Report on the legislation now before this body on page 80, the total federal cost associated with this project is now more than \$512 million.

Section 505 of this bill starts out sounding like a prohibition on funds for the Animas-La Plata project. It states that none of the money in this bill is to be used "to pay the salary of any officer or employee of the Department of the Interior may be used for the Animas-La Plata Project."

However, the bill goes on to say that none of the money may be used for the Animas-La Plata project except in two cases: "(1) activities required to comply with the applicable provisions of current law; and (2) continuation of activities pursuant to the Colorado Ute Settlement Act of 1988."

Mr. President, let me be clear, the applicable provisions of current law require the construction of the full project. And though Section 505 of the bill before us is similar to language added by the other body to the FY 98 Energy and Water Appropriations legislation and retained by the Conferees, it was never considered by this body.

Subsequently, Mr. President, I do not believe, as I will discuss in greater detail, that Section 505 reflects either the position of this body or the current status of Animas-La Plata.

I am concerned with Section 505 for two reasons. First, it is not consistent with the activities proposed to be conducted by the Administration with the \$3 million in funds it requested for Animas La Plata, funds which are included in this bill.

As I described on the floor last year, in an attempt to resolve the disputes surrounding Animas La Plata, Colorado Governor Roy Roemer and Lieutenant Governor Gail Schoettler convened a discussion process in October of 1996 to resolve issues involving the

principal parties in a dialogue about the Animas project in order to reach consensus.

The Roemer-Schoettler process produced two major alternatives for consideration, one construction alternative and one non-construction alternative. As stated in the FY 99 Budget Justification issued by the Department of the Interior for the Animas La Plata project on page 223, "appropriate implementation activities" for these alternatives "will likely depend upon further direction from Congress."

This body knew that. At the time members voted on the amendment I offered last year to ensure a thorough evaluation, Roemer-Schoettler was concluding and the Interior Department was about to embark on an evaluation of the Roemer-Schoettler alternatives. That evaluation has not yet been completed and given to Congress.

In fact, Mr. President, the Interior Department's Budget Justification for FY 99 makes clear that these analyses are not yet finished. On page 226, it states that "work proposed for the Animas-La Plata project includes analysis of alternatives developed during the Roemer-Schoettler process and other subsequent activities." It continues, "depending on actions taken subsequent to the development of alternatives through the Roemer-Schoettler process, FY 1999 work could include finishing a study of alternatives, preparing cost share agreements, water rights settlement agreements, and repayment contracts and NEPA, Clean Water Act and other environmental compliance processes."

Mr. President, this justification specifically says that the Interior Department is not intending to proceed with the original full-scale Animas-La Plata Project in FY 99. The Interior Department, it says, instead wants \$3 million in FY 99 to finish a study of alternatives and, depending upon Congressional action and direction, it could undertake a number of activities related to the implementation of alternatives in FY 99.

Not only does Section 505 require the Interior Department to go back to planning and evaluating the old full-scale project, it also fails to recognize the strong message that the Congress, project proponents and project opponents all recognize the full-scale project is dead. After 30 years, and now more than \$70 million in appropriations to date, the project costs of full-scale Animas-La Plata are too great, and there are too many lingering substantive questions to proceed with the original design.

The other body has twice voted to terminate funds for the full-scale Animas La Plata project.

Last year, 42 members of this body supported my amendment to require the Interior Department to provide a report to Congress on a revised project plan for Animas-La Plata that would reduce the total cost of the program to the Federal Government, satisfy the

Ute water rights claims, and ensure that no funds were expended for construction until a revised project had been authorized by Congress.

The Senior Senator from Colorado (Mr. CAMPBELL) has legislation before this body (S. 1771) to modify the Colorado Ute Water Rights Settlement of 1988 so that the Ute's claims would be satisfied by the construction of only a portion of the facilities that are proposed to be built in the full-scale project. The Senate Indian Affairs Committee and the Senate Energy Committee are expected to hold a joint hearing on that legislation next week. I have concerns about whether that legislation will actually restrict the obligation the federal government to the construction of only a portion of the original project, but I was looking forward to having that discussion in the appropriate venue.

Mr. President, I too have legislatively supported the search for an alternative to Animas-La Plata. In fact, legislation that I introduced on March 13, 1997 cosponsored by the Senator from Kansas (Mr. BROWNBACK), the Senator from New Hampshire (Mr. GREGG), and the Senator from Oregon (Mr. WYDEN) and sponsored in the other body by my colleague from Wisconsin (Mr. PETRI) and the Congressman from New York (Mr. DEFAZIO), deauthorizes the current Animas-La Plata project and directs the Secretary of the Interior to work with the Southern Ute and Ute Mountain tribes to find an alternative to satisfy their water rights needs.

With all this focus on an alternative, the Senate should not be requiring the Interior Department to proceed with the current project.

So why is Section 505 in the bill, Mr. President? The legislative language seems to cast doubt on the Senate's intentions, and this Senator can only assume that we are appropriating money for the original project because there is some need to provide those who support a construction alternative with the ultimate insurance that it will be built. Should a construction alternative be infeasible, and from a policy perspective it may be so, continuing to sock money away for the original full-scale project provides a rationale for proceeding with the project.

Mr. President, I am not certain how Congress ultimately will decide to proceed on this matter, but we are now engaged in evaluation of alternatives to the full-scale Animas project. I am certain, moreover, that it is within the jurisdiction of this body's Energy Committee to determine the benefits of an alternative Reclamation project. Additionally, it is the responsibility of this body's Indian Affairs committee to make certain that the federal government's legal responsibilities to the Ute tribes under any sort of revised agreement are met. We should let these hearings move forward without legislatively trumping any potential for implementing an alternative through Section 505.

This Senate should not go backward and require the Interior Department to proceed with the full-scale Animas project. We have the potential, if we carry on with the activities the Interior Department proposes to conduct, to achieve significant savings and settle the Ute's claims. The Roemer-Schoettler process generated two alternatives, which the Interior Department is studying. What is clear is that these alternatives have the potential to save the taxpayers between \$500-\$600 million. These savings will certainly not be realized if we proceed with the full-scale Animas project as required by Section 505.

Mr. LEVIN. Mr. President, I am pleased the managers have accepted my amendment adding funds for two shoreline erosion projects along the Detroit River. The funds provided will allow reconnaissance surveys to go forward to help develop longer term plans for the important ongoing and comprehensive effort to revitalize the Detroit waterfront. I call to the attention of my colleagues that the Detroit River has been named by the Administration as an American Heritage River. Such recognition, combined with attention from the Army Corps and other Federal agencies, will assist in these redevelopment efforts.

The managers have also accepted my and Senator GLENN's proposal to clarify that aquatic ecosystem restoration funds (section 206) can be used for sea lamprey barrier construction. The language in the amendment does not place a limit on the Corps' use of section 206 funds for this purpose. As my colleagues may know, the sea lamprey is a devastating invasive species that has plagued the Great Lakes since it first appeared and these barriers play an important role in preventing this species spread and population growth. The Corps can and should work with the Great Lakes Fishery Commission to place these barriers in the most efficient spots.

In addition, the managers have agreed to accept two important changes affecting contaminated sediments. The first is my and Senator GLENN's recommendation to increase the funds available for development of technology to remediate contaminated sediments. This is a pressing problem in the Great Lakes and across the country as EPA's recently published inventory of sediment quality establishes. The amount provided should help us make some progress in identifying cost-effective means of addressing this difficult pollution issue. The second is making it clear that the Corps can and Congress desires the Corps to spend funds to support the National Contaminated Sediment Task Force. This body was first authorized in WRDA 1992, but no Administration has requested funds to make this Task Force operational. The lack of funding for this body to date and the resulting lack of attention to this important matter must be changed.

I would also note that the Committee has significantly increased the planning assistance to states, as I and my Great Lakes colleagues proposed, and that the Corps should use some of this increase to provide technical assistance, as authorized in section 401 of WRDA, to communities working on developing Remedial Action Plans in Areas of Concern.

Mr. President, the diversion of Great Lakes waters out of the Great Lakes Basin is a matter of great concern to those of us from the Great Lakes region. Earlier this year, a Canadian firm announced plans and received permission from the Ontario Provincial government, permission which has since been withdrawn, to export water from Lake Superior to Asia. Also, the Army Corps has been considering a permit from a company in Wisconsin that wants to use ground water that would otherwise discharge into Lake Michigan for an industrial process then send the wastewater out of the Basin into the Mississippi River watershed. These and other activities, including litigation on the latter action, highlight the need for Congress to reemphasize that existing law prohibits such interbasin transfers, unless the process under the Water Resources Development Act of 1986 is followed.

Last year, the managers accepted an amendment I offered to prohibit the Corps from using appropriated funds to permit a diversion, though it was subsequently dropped in conference. Senators GLENN and FEINGOLD and I had discussed offering a similar amendment to the FY99 bill clarifying that such permitting activities on the part of the Corps, and indeed, all Federal agencies, are prohibited under WRDA 1986 unless the Great Lakes States unanimously approve of any diversion. However, the Senator from Nevada, who also sits on the Environment and Public Works Committee, has offered his assistance on this matter, which needs attention and clarification when and if the Senate prepares and considers a new Water Resources Development Act for 1998. I thank him for that consideration and we will await our next opportunity.

The Committee bill includes some other important items for Michigan and the Great Lakes. They include:

\$1.5 million for Corps' public facility research and development to control zebra mussels and other invasive species.

\$1 million for solar thermal energy dish/engine field verification, which would support work that has been done by Stirling Thermal Motors in Ann Arbor.

\$3 million for accelerated demonstration of federally sponsored research for renewable energy production and environmental remediation project at the Michigan Biotechnology Institute in Okemos.

\$.5 million for Great Lakes sediment transport and modeling. The Corps can use these funds to develop models to

target Areas of Concern, such as the Saginaw River, for preventive measures to control future sediment loadings.

\$39.95 million for operation and maintenance (mainly dredging at 24 harbors, rivers and channels in Michigan), including \$1.9 million for Pentwater Harbor, which was not in the budget request.

\$.5 million to begin preparation of the general design memo for replacement lock at Sault Ste. Marie.

\$6 million for aquatic ecosystem restoration. These funds can now be used to construct sea lamprey barriers, per the accepted amendment mentioned previously.

\$70 million more than proposed by the Committee, per the Jeffords/Roth amendment, for solar and renewable energy research and development. This is the amount in the President's budget request.

Mr. President, this is a good bill, despite the budget constraints that the managers faced in putting it together. I look forward to working with the managers and other Committee members on these important matters as they proceed to Conference.

Mr. MCCONNELL. Mr. President, I come to the floor today to engage my distinguished colleague, the Chairman of the Energy and Water Appropriations Subcommittee, Senator DOMENICI, in a colloquy on an issue which could have a tremendous impact on the economies of Paducah, Kentucky and Portsmouth, Ohio.

Mr. President, I am deeply concerned about the magnitude of the job cuts that may occur as a result of the imminent privatization of the United States Enrichment Corporation (USEC). It is my understanding that upwards of 1,700 jobs might be lost once the Corporation is privatized. Further, I am told that 600 jobs could be lost even if USEC is not privatized and continues to operate as a federal corporation. In an effort to mitigate the loss of jobs at the Paducah and Portsmouth facilities, I have drafted an amendment to ensure that dollars currently earmarked for the cleanup of USEC generated uranium tails, which is an extremely toxic material, remain dedicated to cleaning up the Paducah and Portsmouth plants.

Mr. President, today USEC has accrued approximately \$400 million on its books for the purpose of cleaning up the uranium waste generated by the uranium enrichment process. It is my understanding, however, that this money only remains available until USEC is privatized. At that point, the funds will be transferred to the General Fund of the Treasury. I believe it would be a huge mistake if we allowed these funds to be dumped into the General Fund, while we have a tremendous need for this cleanup, and funds specifically dedicated for this cleanup. Ensuring that these funds will be spent to dispose of USEC's uranium waste at both of the Gaseous Diffusion plants, will also help to mitigate job losses

which occur as a result of privatization.

Although I will not offer my amendment today, I would like to discuss it with Senator DOMENICI.

Mr. Chairman, isn't it true that since its inception in 1993, the USEC has created over 9,300 canisters of depleted uranium hexafluoride, with over 6,000 located at Paducah? Also, hasn't USEC carried over \$400 million on its balance sheet for the clean up of this waste stream?

Mr. DOMENICI. The Senator is correct, USEC does maintain a fund specifically earmarked for the cleanup of this material.

Mr. McCONNELL. I would ask the Chairman of the Energy and Water Subcommittee what will happen to both the cleanup liability and the funds, upon the privatization of USEC. Won't the Department of Energy (DOE) accept full responsibility for the cleanup for this environmental liability, as provided under the 1996 USEC Privatization Act? Also, it is my understanding that the funds would be transferred to the General Fund, and no longer specifically dedicated to funding USEC's environmental cleanup? Is this accurate?

Mr. DOMENICI. The USEC privatization legislation sets a cut-off at the date of privatization. Environmental liabilities that occur after the date of privatization—when USEC is no longer government owned—are not the responsibility of the Federal government. Liabilities incurred prior to that date—when USEC is government owned—remain the responsibility of the government.

Mr. McCONNELL. Mr. President, I, for one, would like to see that DOE use the funds, which were collected from USEC customers and currently earmarked for cleaning up the uranium, continue to be dedicated to cleanups.

Would the Chairman of the Energy and Water Subcommittee assist me in finding a solution to ensure that the money earmarked, for the purpose of cleaning up the uranium tails produced by USEC, will continue to be dedicated for these purposes and help to mitigate the job losses at these plants?

Mr. DOMENICI. I agree that we need to make cleanup a priority and seek to apply these funds toward cleanup—they were collected for that purpose and should be used for such. I will work with the Senator to achieve this end.

AMENDMENT NO. 2726

Mr. DOMENICI. I send to the desk an amendment on behalf of Mr. DORGAN and Mr. CONRAD and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from New Mexico [Mr. DOMENICI] for Mr. DORGAN and Mr. CONRAD, proposes an amendment numbered 2726.

Mr. DOMENICI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 18, line 2 insert the following after the period:

“: Provided further, That the Secretary of the Interior shall waive the scheduled annual payments for fiscal years 1998 and 1999 under section 208 of Public Law 100-202 (101 Stat. 1329-118)”.

And on page 16, line 16 strike: “\$697,919,000” and insert: “\$697,669,000”.

Mr. DOMENICI. Mr. President, we have no objection to the amendment.

Mr. REID. No objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2726) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. REID. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2727

Mr. DOMENICI. Mr. President, I send an amendment to the desk on behalf of Senator MURRAY and Senator GORTON, the occupant of the Chair.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mrs. MURRAY and Mr. GORTON, proposes amendment numbered 2727.

Mr. DOMENICI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 21, line 19: strike “\$456,700,000, to remain available until expended.” and insert “\$424,600,000, to remain available until expended.”

ENERGY SUPPLY

On page 21, line 2 strike “motor vehicles for replacement only, \$699,836,000, to re-” and insert “motor vehicles for replacement only, 699,864,000, to re-”

Mr. DOMENICI. Mr. President, essentially this amendment moves the dollar amount for the flux reactor in your State and Senator MURRAY's State from one account to another. In the process, because of the outlays of one portion versus the other, the budget authority had to be reduced by \$4 million. It has been adjusted accordingly, and we have no objection.

Mr. REID. There is no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2727) was agreed to.

Mr. DOMENICI. I thank Senator MURRAY for her attention.

Mr. REID. I move to reconsider the vote.

Mr. DOMENICI. I move to lay it on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there are no further amendments, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SPECTER), is absent because of illness.

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—98

Abraham	Faircloth	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Gregg	Nickles
Brownback	Hagel	Reed
Bryan	Harkin	Reid
Bumpers	Hatch	Robb
Burns	Helms	Roberts
Byrd	Hollings	Rockefeller
Campbell	Hutchinson	Roth
Chafee	Hutchison	Santorum
Cleland	Inhofe	Sarbanes
Coats	Inouye	Sessions
Cochran	Jeffords	Shelby
Collins	Johnson	Smith (NH)
Conrad	Kempthorne	Smith (OR)
Coverdell	Kennedy	Snowe
Craig	Kerrey	Stevens
D'Amato	Kerry	Thomas
Daschle	Kohl	Thompson
DeWine	Kyl	Thurmond
Dodd	Landrieu	Torricelli
Domenici	Lautenberg	Warner
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Enzi	Lieberman	

NAYS—1

Feingold
NOT VOTING—1
Specter

The bill (S. 2138) as amended, was passed, as follows:

S. 2138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1999, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

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

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to

river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, \$165,390,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Rehoboth and Dewey Beaches, Delaware, \$150,000;

Fort Pierce Shore Protection, Florida, \$300,000;

Lido Key Beach, Florida, \$300,000;

Paducah, Kentucky, \$100,000; and

Lake Pontchartrain Basin Comprehensive Study, Louisiana, \$500,000:

Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$700,000 of the funds appropriated in Public Law 102-377 for the Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, project for the feasibility phase of the Red River Navigation, Southwest Arkansas, study: *Provided further*, That the Secretary of the Army may make available \$500,000 for the Atlanta Watershed, Atlanta, Georgia project.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$1,248,068,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredge Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104-303; and of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri; Lock and Dam 14, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota, projects, and of which funds are provided for the following projects in the amounts specified:

Norco Bluffs, California, \$4,000,000;

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

Indianapolis Central Waterfront, Indiana, \$4,000,000;

Harlan, Williamsburg, Pike County Middlesboro, Cumberland City/Harland County, and Martin County, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in Kentucky, \$28,500,000;

Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, \$10,000,000;

Lake Pontchartrain (Jefferson Parish) Stormwater Discharge, Louisiana, \$6,000,000;

Jackson County, Mississippi, \$4,500,000;

Pascagoula Harbor, Mississippi, \$10,000,000;

Wallisville Lake, Texas, \$8,000,000;

Virginia Beach, Virginia (Hurricane Protection), \$20,000,000;

Upper Mingo County (including Mingo County Tributaries), Lower Mingo County (Kermit), Wayne County, Hatfield Bottom, and McDowell County, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in West Virginia, \$12,300,000; and the Grundy, Virginia element of the Levisa and Tug Forks of

the Big Sandy River and Upper Cumberland River project, \$1,000,000:

Provided, That the navigation project for Cook Inlet Navigation, Alaska, authorized by Section 101(b)(2) of Public Law 104-303 is modified to authorize the Secretary of the Army, acting through the Chief of Engineers to construct the project at a total cost of \$12,600,000 with an estimated first Federal cost of \$9,450,000 and an estimated first non-Federal cost of \$3,150,000: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers is directed to use \$5,000,000 provided herein to construct bluff stabilization measures at authorized locations for the Natchez Bluff, Mississippi at a total estimated cost of \$26,065,000 with an estimated first Federal cost of \$19,549,000 and an estimated first non-Federal cost of \$6,516,000 and to award continuing contracts, which are not to be considered fully funded: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds previously appropriated for the LaFarge Lake, Kickapoo River, Wisconsin project to complete and transmit to the appropriate committees of Congress by January 15, 1999 a decision document on the advisability of undertaking activities authorized by Public Law 104-303: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use up to \$8,000,000 of the funding appropriated herein to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, and that this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (2 U.S.C. 901(b)(2)(D)(i)); except that funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects, and that the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: *Provided further*, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission, that the project will not violate the requirements or intent of the Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the "Boundary Waters Treaty of 1909"): *Provided further*, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: *Provided further*, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102-377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that

would permit the transfer of water from the Missouri River Basin into Devils Lake: *Provided further*, That the entire amount of \$8,000,000 shall be available only to the extent an official budget request, that includes the designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers is directed to use \$500,000 of funds appropriated herein to continue construction of the Joseph G. Minish Passaic River waterfront park and historic area, New Jersey project: *Provided further*, That of amounts made available by this Act for project modifications for improvement of the environment under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), \$500,000 may be made available for demonstration of sediment remediation technology under section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644): *Provided further*, That the Secretary of the Army may make available \$100,000 for the Belle Isle Shoreline Erosion Protection, Michigan project; \$100,000 for the Riverfront Towers to Renaissance Center Shoreline Protection, Michigan project; and \$200,000 for the Great Lakes Basin, Sea Lamprey Control, section 206, Michigan project.

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

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), \$313,234,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, \$1,667,572,000, to remain available until expended, of which \$460,000 may be made available for the Omaha District to pay pending takings claims for flooding of property adjacent to the Missouri River caused by actions taken by the Army Corps of Engineers, of which \$2,540,000 shall be available for the project on the Missouri River between Fort Peck Dam and Gavins Point in South Dakota and Montana, under section 9(f) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (102 Stat. 4031), of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601), may be derived from that Fund for construction, operation, and maintenance of outdoor recreation facilities, and of which funds are provided for the following projects in the amounts specified:

Ponce DeLeon Inlet, Florida, \$4,000,000;

Delaware River, Philadelphia to the Sea, Pea Patch Island, Delaware and New Jersey, \$1,500,000; and

Yuquina Bay and Harbor, North Marina Breakwater, Oregon, \$1,100,000:

Provided, That no funds, whether appropriated, contributed, or otherwise provided, shall be available to the United States Army Corps of Engineers for the purpose of acquiring land in Jasper County, South Carolina, in connection with the Savannah Harbor navigation project: *Provided further*, That notwithstanding section 103(c)(1) of Public Law 99-662, the Secretary of the Army is directed to use up to \$100,000 of the funds appropriated herein for the Bluestone Lake, West Virginia, project to reimburse the Tri-Cities Power Authority the total amount provided by the Authority to the Department of the Army after fiscal year 1997 for the reevaluation study for the project.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$106,000,000, to remain available until expended, of which \$250,000 may be made available to support the National Contaminated Sediment Task Force established by section 502 of the Water Resources Development Act of 1992 (33 U.S.C. 1271 note; Public Law 102-580).

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to clean up contaminated sites throughout the United States where work was performed as part of the Nation's early atomic energy program, \$140,000,000, to remain available until expended: *Provided*, That the remedial actions by the U.S. Army Corps of Engineers under this program shall consist of the following functions and activities to be performed at eligible sites where remediation has not been completed: sampling and assessment of contaminated areas, characterization of site conditions, determination of the nature and extent of contamination, preparation of designation reports, cleanup and closeout of sites, and any other functions determined by the Chief of Engineers as necessary of remediation: *Provided further*, That remedial actions by the U.S. Army Corps of Engineers under this program shall be subject to the administrative, procedural, and regulatory provisions of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq., and the Notional Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R., Chapter 1, Part 300: *Provided further*, That, except as stated herein, these provisions do not alter, curtail or limit the authorities, function or responsibilities of other agencies under the Atomic Energy Act, 42 U.S.C. 2011 et seq.: *Provided further*, That the unexpended balances of prior appropriations provided for these activities in this Act or any previous Energy and Water Development Appropriations Act may be transferred to and merged with this appropriation account, and thereafter, may be accounted for as one fund for the same time period as originally enacted.

GENERAL EXPENSES

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

REVOLVING FUND

Amounts in the Revolving Fund may be used to construct a 17,000 square foot addition to the United States Army Corps of Engineers Alaska District main office building on Elemendorf Air Force Base. The Revolving Fund shall be reimbursed for such funding from appropriations of the benefitting programs by collection each year of user fees sufficient to repay the capitalized cost of the asset and to operate and maintain the asset. Using amounts available in the Revolving Fund, the Secretary of the Army is authorized to renovate office space in the General Accounting Office headquarters building in Washington, DC, for use by the Corps and GAO. The Secretary is authorized to enter into a lease with GAO to occupy such renovated space as appropriate, for the Corps' headquarters. The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from appropriations of the Corps' benefitting programs by collection each year of amounts sufficient to repay the capitalized cost of such renovation and through rent reductions or rebates from GAO.

ADMINISTRATIVE PROVISION

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

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Notwithstanding any other provisions of law, no fully allocated funding policy shall be applied to projects for which funds are identified in the Committee reports accompanying the Act or a subsequent Energy and Water Development Appropriations Act under the Construction, General; Operation and Maintenance, General; and Flood Control, Mississippi River and Tributaries, appropriation accounts: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake these projects using continuing contracts, as authorized in section 10 of the Rivers and Harbors Act of September 22, 1922 (33 U.S.C. 621).

SEC. 102. In fiscal year 1999, the Secretary of the Army is authorized and directed to provide planning, design and construction assistance to non-Federal interests in carrying out water-related environmental infrastructure and environmental resources development projects in Alaska, including assistance for wastewater treatment and related facilities; water supply, storage, treatment and distribution facilities; development, restoration or improvement of wetlands and other aquatic areas for the purpose of protection or development of surface water resources; and bulk fuel storage, rural power, erosion control, and comprehensive utility planning: *Provided*, That the non-Federal interest shall enter into a binding agreement with the Secretary wherein the non-Federal interest will provide all lands, easements, rights-of-way, relocations, and dredge material disposal areas required for the project, and pay 50 per centum of the costs of required feasibility studies, 25 per centum of the costs of designing and constructing the project, and 100 per centum of the costs of operation, maintenance, repair, replacement or rehabilitation of the project: *Provided further*, That the value of lands, easements, rights-of-way, relocations and dredged material disposal areas provided by the non-Federal interest shall be credited toward the non-Federal share, not to exceed 25 per centum, of the costs of designing and constructing the project: *Provided further*, That

utilizing \$5,000,000 of the funds appropriated herein, the Secretary is directed to carry out this section.

SEC. 103. None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, and for activities related to the Uintah and Upalco Units authorized by 43 U.S.C. 620, \$43,665,000, to remain available until expended, of which \$15,476,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into that account, \$5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and \$10,476,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,283,000, to remain available until expended.

BUREAU OF RECLAMATION

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

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian Tribes, and others, \$697,669,000, to remain available until expended, of which \$1,873,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$46,218,000 shall be available for transfer to the Lower Colorado River Basin Development Fund, and of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That of the total appropriated, \$25,800,000 shall be derived by transfer of unexpended balances from the Bureau of Reclamation Working

Capital Fund: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That the amount authorized for Indian municipal, rural, and industrial water features by section 10 of Public Law 89-108, as amended by section 8 of Public Law 99-294 and section 1701(b) of Public Law 102-575, is increased by \$2,000,000 (October 1997 prices): *Provided further*, That the Secretary of the Interior is directed to use not to exceed \$3,600,000 of funds appropriated herein as the Bureau of Reclamation share for completion of the McCall Area Wastewater Reclamation and Reuse, Idaho, project authorized in Public Law 105-62 and described in PN-FONSI-96-05: *Provided further*, That the Secretary of the Interior is directed to use not to exceed \$200,000 of funds appropriated herein to provide technical assistance in a study of measures to increase the efficiency of existing water systems developed to serve sugar cane plantations and surrounding communities in the State of Hawaii: *Provided further*, That the Secretary of the Interior shall waive the scheduled annual payments for fiscal years 1998 and 1999 under section 208 of Public Law 100-202 (101 Stat. 1329-118).

BUREAU OF RECLAMATION LOAN PROGRAM
ACCOUNT

For the cost of direct loans and/or grants, \$12,000,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a-422i): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$38,000,000.

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

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$39,500,000 to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575.

CALIFORNIA BAY-DELTA ECOSYSTEM
RESTORATION
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of the Interior and other participating Federal agencies in carrying out the California Bay-Delta Environmental Enhancement and Water Security Act consistent with plans to be approved by the Secretary of the Interior, in consultation with such Federal agencies, \$65,000,000, to remain available until expended, of which such amounts as may be necessary to conform with such plans shall be transferred to appropriate accounts of such Federal agencies: *Provided*, That such funds may be obligated only as non-Federal sources provide their share in accordance with the cost-sharing agreement required

under section 102(d) of such Act: *Provided further*, That such funds may be obligated prior to the completion of a final programmatic environmental impact statement only if: (1) consistent with 40 CFR 1506.1(c); and (2) used for purposes that the Secretary finds are of sufficiently high priority to warrant such an expenditure.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$48,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

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

TITLE III
DEPARTMENT OF ENERGY
ENERGY PROGRAMS

ENERGY SUPPLY

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for energy supply, uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of 22 passenger motor vehicles for replacement only, \$786,854,000, to remain available until October 1, 2000, of which not less than \$3,860,000 shall be available for solar building technology research, not less than \$72,966,000 shall be available for photovoltaic energy systems, not less than \$21,617,500 shall be available for solar thermal energy systems (of which not less than \$3,000,000 shall be available for the dish/engine field verification initiative), not less than \$35,750,000 shall be available for power systems in biomass/biofuels energy systems, not less than \$41,083,500 shall be available for transportation in biomass/biofuels energy systems (of which not less than \$3,000,000 shall be available to fund the Consortium for Plant Biotechnology Research), not less than \$38,265,000 shall be available for wind energy systems, not less than \$4,000,000 shall be available for the renewable energy production incentive program, not less than \$7,000,000 shall be available for solar program support, not less than \$5,087,500 shall be available for the international solar energy program, not less than \$680,000 shall be available for solar technology transfer, not less than \$5,000,000 shall be available for the National Renewable Energy Laboratory, not less than \$31,250,000 shall be available for geothermal technology development, not less than \$5,000,000 shall be available for the Federal building/Remote power initiative, not less than \$16,325,500 shall be available for program direction, not to exceed \$25,000 may be used for official reception and representation expenses for transparency activities and of which not to exceed \$1,500,000 may be used to pay a portion of the expenses necessary to meet the United States' annual obligations of membership in the Nuclear Energy Agency.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and ac-

quisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, \$424,600,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND
DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, \$200,000,000, to be derived from the Fund, to remain available until expended: *Provided*, That \$30,000,000 of amounts derived from the Fund for such expenses shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of 15 passenger motor vehicles for replacement only, \$2,676,560,000, to remain available until expended: *Provided*, That \$7,600,000 of the unobligated balances originally available for Superconducting Super Collider termination activities shall be made available for other activities under this heading: *Provided further*, That \$500,000 of the unobligated balances may be applied to the identification of trace element isotopes in environmental samples at the University of Nevada Las Vegas.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$190,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund; of which not to exceed \$4,875,000 may be provided to the State of Nevada solely to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982; and of which not to exceed \$5,540,000 may be provided to affected local governments, as defined in Public Law 97-425, to conduct appropriate activities pursuant to the Act: *Provided*, That the distribution of the funds to the units of local government shall be determined by the Department of Energy: *Provided further*, That the funds shall be made available to the units of local government by direct payment: *Provided further*, That within ninety days of the completion of each Federal fiscal year, each local entity shall provide certification to the Department of Energy, that all funds expended from such payments have been expended for activities as defined in Public Law 97-425. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$238,539,000, to remain available until expended: *Provided*, That moneys received by the Department for miscellaneous revenues estimated to total \$136,530,000 in fiscal year 1999 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1999 so as to result in a final fiscal year 1999 appropriation from the General Fund estimated at not more than \$102,009,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$27,500,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES
WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; the purchase of one fixed wing aircraft; and the purchase of passenger motor vehicles (not to exceed 32 for replacement only, and one bus), \$4,445,700,000, to remain available until expended: *Provided*, That funding for any ballistic missile defense program undertaken by the Department of Energy for the Department of Defense shall be provided by the Department of Defense according to procedures established for Work for Others by the Department of Energy.

DEFENSE ENVIRONMENTAL RESTORATION AND
WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 3 new sedans and 6 for replacement only, of which 3 are sedans, 2 are buses, and one is an ambulance), \$4,293,403,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, \$1,048,240,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT
PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic

energy defense environmental restoration and waste management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), \$241,857,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,658,160,000, to remain available until expended: *Provided*, That of the amount appropriated herein \$5,000,000 shall be available for the joint U.S.-Russian development of a passively safe advanced reactor technology to dispose of Russian excess weapons derived plutonium: *Provided further*, That \$56,700,000 appropriated herein is to procure plutonium disposition services and to begin Title I design for a mixed-oxide fuel fabrication facility: *Provided further*, That such funds shall not be available except as necessary to implement a bilateral program with the Russian Federation to convert to non-weapons forms and dispose of excess weapons plutonium in accordance with which the United States will at no time convert to non-weapons forms quantities of excess weapons plutonium greater than those converted to non-weapons forms by the Russian Federation: *Provided further*, That of the amount appropriated herein \$30,000,000 is to be available for the Initiatives for Proliferation Prevention program: *Provided further*, That of the amount appropriated herein \$30,000,000 shall be available for the purpose of implementing the "nuclear cities" initiative pursuant to the discussions of March 1998 between the Vice President of the United States and the Prime Minister of the Russian Federation and between the United States Secretary of Energy and the Minister of Atomic Energy of the Russian Federation.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$185,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER
ADMINISTRATION

For capital assets acquisition, \$5,000,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed \$3,000.

During fiscal year 1999, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN
POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$8,500,000, to remain available until expended; in addition, notwithstanding 31 U.S.C. 3302, not to exceed \$28,000,000 in reimbursements of which \$20,000,000 is for transmission wheeling and ancillary services and \$8,000,000 is for power purchases at the Richard B. Russell Project, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN
POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$26,000,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed \$4,200,000 in reimbursements, to remain available until expended.

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

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500, \$215,435,000, to remain available until expended, of which \$206,222,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, \$5,036,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992.

FALCON AND AMISTAD OPERATING AND
MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$1,010,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed \$3,000), \$168,898,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$168,898,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1999 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 1999 so as to result in a final fiscal year 1999 appropriation from the General Fund estimated at not more than \$0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

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

(b) At least 60 days before a contract award, amendment, or modification for

which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

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

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

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

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

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

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

SEC. 304. None of the funds appropriated by this Act or any prior appropriations Act may be used to augment the \$40,000,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2644; 42 U.S.C. 7274h).

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

SEC. 306. None of the funds appropriated by this Act or any prior appropriations Act may be used to decrease the concentration of radioactive contamination in waste so that such waste complies with the waste acceptance criteria for the Waste Isolation Pilot Plant.

SEC. 307. CHANGE OF NAME OF THE OFFICE OF ENERGY RESEARCH. (a) IN GENERAL.—Section 209 of the Department of Energy Organization Act (42 U.S.C. 7139) is amended—

(1) in the section heading, by striking “ENERGY RESEARCH” and inserting “SCIENCE RESEARCH”; and

(2) in subsection (a), by striking “Energy Research” and inserting “Science Research”.

(b) CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents in the first section of the Department of Energy Organization Act (42 U.S.C. prec. 7101) is amended by striking the item relating to section 209 and inserting the following:

“Section 209. Office of Science Research.”

(2) REFERENCES IN OTHER LAW.—Each of the following is amended by striking “Energy Research” and inserting “Science Research”:

(A) The item relating to the Director, Office of Energy Research, Department of Energy in section 5315 of title 5, United States Code.

(B) Section 2902(b)(6) of title 10, United States Code.

(C) Section 406(h)(2)(A)(v) of the Public Health Service Act (42 U.S.C. 284a(h)(2)(A)(v)).

(D) Sections 3167(3) and 3168 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381d(3), 7381e).

(E) Paragraphs (1) and (2) of section 224(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10204(b)).

(F) Section 2203(b)(3)(A)(i) of the Energy Policy Act of 1992 (42 U.S.C. 13503(b)(3)(A)(i)).

SEC. 308. MAINTENANCE OF SECURITY AT DOE URANIUM ENRICHMENT PLANTS.—Section 3107(h) of the USEC Privatization Act (42 U.S.C. 2297h-5(h)) is amended in paragraph (1), by striking “an adequate number of” and inserting “all”; and by inserting the following paragraph:

“(2) FUNDING.—The Secretary of Energy shall reimburse a contractor or subcontractor for the costs of providing security to a gaseous diffusion plant as required to comply with the guidelines referred to in paragraph (1).”

SEC. 309. In order to facilitate administrative operations and promote sales of Federal power, upon request of a joint operating entity, the Administrator of the Bonneville Power Administration shall sell, pursuant to section 5(b)(1) of Public Law 96-501, as amended, 94 Stat. 2697, 16 U.S.C. 839c, at wholesale to such joint operating entity electric power for the purpose of meeting the firm power loads of regional public bodies and cooperatives that are members or participants of the joint operating entity: *Provided*, That the term “joint operating entity” means an entity that is lawfully organized under state law as a public body or cooperative by, and whose members or participants include only, two or more public bodies or cooperatives which are customers of the Administrator.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 310. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 311. OFFSETTING REDUCTIONS. Each amount made available under the headings “NON-DEFENSE ENVIRONMENTAL MANAGEMENT”, “URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND”, “SCIENCE”, and “DEPARTMENTAL ADMINISTRATION” under the heading “ENERGY PROGRAMS” and “CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION (INCLUDING TRANSFER OF FUNDS)” under the heading “POWER MARKETING ADMINISTRATIONS” is reduced by 1.586516988447 percent.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$67,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses as authorized

pursuant to this Act, \$20,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD SALARIES AND EXPENSES

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

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed \$20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$466,000,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$17,000,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to State governments, foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act may be retained and used for salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$416,000,000 in fiscal year 1999 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That of the amount appropriated herein, \$33,000,000 shall be available only for agreement State oversight, international activities, the generic decommissioning management program, regulatory support to agreement States, the small entity program, the nonprofit educational program, and other Federal agency programs, and shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1999 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to State governments, foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1999 appropriation estimated at not more than \$50,000,000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by 5 U.S.C. 3109, \$4,800,000, to remain available until expended; and in addition, an amount

not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1999 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1999 appropriation estimated at not more than \$0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD SALARIES AND EXPENSES

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

TENNESSEE VALLEY AUTHORITY

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, \$70,000,000, to remain available until expended.

TITLE V GENERAL PROVISIONS

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

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

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

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

SEC. 503. None of the funds made available in this Act may be provided by contract or by grant (including a grant of funds to be available for student aid) to any institution of higher education, or subelement thereof, that is currently ineligible for contracts and grants pursuant to section 514 of the Departments of Labor, Health and Human Services,

and Education, and Related Agencies Appropriations Act, 1997 (as contained in section 101(e) of division A of Public Law 104-208; 110 Stat. 3009-270).

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

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

SEC. 506. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

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

SEC. 507. Section 6101(a)(3) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214(a)(3)) is amended by striking "September 30, 1998" and inserting "September 30, 1999".

SEC. 508. None of the funds made available in this or any other Act may be used to restart the High Flux Beam Reactor.

TITLE VI DENALI COMMISSION

SEC. 601. SHORT TITLE. This title may be cited as the "Denali Commission Act of 1998".

SEC. 602. FINDINGS. The Congress finds that—

(1) vast regions of the State of Alaska, while abundant in natural resources and rich in potential, trail the rest of the Nation in economic growth;

(2) roughly two-thirds of the land and associated natural resources within Alaska are owned by the Federal Government;

(3) many Alaska communities do not have access to potable water which often results in disease, and in some cases death;

(4) the primary means of sewage disposal in some Alaska communities continues to open sewage lagoons, which can result in outbreaks of hepatitis, meningitis, particularly among young children;

(5) power costs are as much as ten times higher in some areas of Alaska than in the lower 48 states, which thwarts economic development;

(6) bulk fuel storage tanks built by the Federal Government in many Alaska com-

munities do not comply with the Oil Pollution Act of 1990, could, therefore, be required to be closed, are used to store heating oil critical to survival, and that Alaska communities presently have no way to upgrade or replace the tanks;

(7) the majority of Alaska communities have essential infrastructure needs which presently cannot be met;

(8) the lack of infrastructure and economic opportunities in Alaska communities has resulted in disproportionately high Federal costs for welfare assistance, unemployment assistance, food stamps, heating oil, and other Federal programs in Alaska; and

(9) by addressing infrastructure needs and promoting economic development, the reliance of Alaska communities on Federal assistance and the cost to the Federal Government of such assistance could be significantly reduced.

SEC. 603. PURPOSE. It is the purpose of this Act to assist Alaska in addressing its special problems, to develop its infrastructure and utilities, to promote its economic development in rural communities by utilizing the markets, technical support, and other resources of urban areas, and to establish a framework for joint Federal and State efforts toward providing basic facilities essential to its growth and attacking its common problems.

SEC. 604. DENALI COMMISSION. (a) ESTABLISHMENT.—There is hereby established the Denali Commission which shall be composed of one Federal member appointed by the President with the advice and consent of the Senate, one State member appointed by the Governor after consultation with the Alaska Federation of Natives, the President of the University of Alaska or a designee, the President of the Alaska Chamber of Commerce, and the Executive Director of the Alaska Municipal League. The Federal member shall be compensated by the Federal government at level III of the Executive Schedule of subchapter II of chapter 53 of title V, United States Code.

(b) CHAIRMAN; DECISIONS.—The Federal member shall be the Chairman of the Denali Commission. Decisions by the Denali Commission shall require the affirmative vote of the Chairman and at least two of the other members of the Commission. With respect to matters that come before the Commission, the Chairman may inform Federal departments and agencies having an interest in the subject matter as appropriate.

(c) FUNCTIONS.—The Denali Commission, in consultation with the Governor of Alaska, shall develop a statewide, comprehensive plan for economic and infrastructure development, establish priorities, approve project and grant proposals, and administer funds appropriated to the Commission. It shall solicit project proposals to modernize infrastructure from local governments and other organizations. The Commission is authorized to adopt rules and regulations governing its conduct, appoint and fix compensation of staff to assist the Commission, accept and use gifts or donations, and enter into and perform contracts, leases, or cooperative agreements. Administrative expenses of the Commission shall be paid by the Federal Government and may not exceed 5 percent of any funds appropriated under this Act. The Commission and its grantees shall maintain accurate and complete records which shall be available for audit and examination by the Comptroller General or his designee. The Commission shall submit an annual report six months after the conclusion of the fiscal year which shall be submitted to the President, the Chairmen of the House and Senate

Appropriations Committees, and the Governor of Alaska.

(d) SPECIAL FUNCTIONS.—

(1) RURAL UTILITIES.—In carrying out its other functions, the Denali Commission should provide assistance as appropriate and seek to avoid duplication and to complement the water and wastewater programs under section 306D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d) and under section 303 of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1263a).

(2) BULK FUEL TANKS.—The Denali Commission, in consultation with the Commandant of the United States Coast Guard, shall develop a program to provide for the repair or replacement of bulk fuel storage tanks in Alaska which are not in compliance with Federal law, including the Oil Pollution Act of 1990, or State law.

SEC. 605. INSPECTOR GENERAL. Section 8G of the Inspector General Act of 1978, as amended (5 U.S.C. appendix 3 section 8G) is amended in subsection (a)(2) thereof by adding after “the Corporation for Public Broadcasting”, “the Denali Commission.”.

SEC. 606. AUTHORIZATION OF APPROPRIATIONS. There are authorized to be appropriated to the Denali Commission to carry out this Act and for necessary expenses including staff, \$20,000,000 in fiscal year 1999 and such sums as may be necessary for each of fiscal years 2000 through 2003.

This Act may be cited as the “Energy and Water Development Appropriations Act, 1999”.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2727, AS MODIFIED

Mr. DOMENICI. Mr. President, I ask unanimous consent that amendment No. 2727 previously agreed to be modified with the changes now at the desk. We made an error in where we put a number and we are just correcting it to what it ought to be.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

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

The amendment (No. 2727), as modified, is as follows:

On page 21, line 19: strike “\$456,700,000, to remain available until expended.” and insert “\$424,600,000, to remain available until expended.”

ENERGY SUPPLY

On page 21, line 2 strike “motor vehicles for replacement only, \$699,836,000, to re-” and insert “motor vehicles for replacement only, \$727,836,000, to re-”.

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate receives from the House of Representatives the companion bill to S. 2138, the Senate immediately proceed to its consideration; that all after the enacting clause be stricken; that the text of S. 2138 as passed be inserted in lieu thereof; that the House bill, as amended, be read for a third time and passed; that the Senate insist on its amendments and request a conference with the House on the disagreeing votes of the two Houses thereon, and the Chair be authorized to appoint the following conferees on the part of the

Senate: Senators DOMENICI, COCHRAN, GORTON, MCCONNELL, BENNETT, BURNS, CRAIG, STEVENS, REID, BYRD, HOLLINGS, MURRAY, KOHL, DORGAN, and INOUE; and that the foregoing occur without any intervening action or debate.

I further ask unanimous consent that the bill, S. 2138, not be engrossed and it remain at the desk pending receipt of the House-passed companion bill; that upon passage of the House companion bill by the Senate, the passage of S. 2138 be vitiated, and the bill be indefinitely postponed.

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

Mr. DOMENICI. I thank the Chair.

Mr. REID. Mr. President, I want to take just a minute to express my appreciation for the work of the chairman of the subcommittee. We have worked hard to get the bill passed. It is now passed.

I also have expressed on the record on a number of occasions what a pleasant arrangement the senior Senator from New Mexico and I have on this legislation. I reiterate that. I also want to express my appreciation for the hard work done by Senator DOMENICI's staff, Alex Flint, the majority clerk, David Gwaltney, who handled the water project, which is very large and significant in this bill. They are very professional and work very hard. The taxpayers get more than their money's worth from these gentlemen.

I also express publicly my appreciation for Greg Daines, minority clerk, who worked very hard on this legislation for months, getting it to the point where we now are. I have a very important congressional fellow who has worked with me on this legislation and others, Bob Perret, who has done an outstanding job.

Also, I want to express my appreciation to Lashawnda Leftwich, who is the staff assistant to Mr. Flint, the majority clerk in this matter, and also Liz Blevins, the staff assistant to the minority clerk. We have, I think, a good team, a good group of people here who have worked very hard together. Again, I express my appreciation to the chairman of the subcommittee.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. This is a good bill we passed. It has a lot of interesting and needed policy decisions, projects and programs. We will have a very difficult conference with the House because they have some noticeably different priorities, especially when it comes to spending more money on water projects than we were able to spend. There will be less on research on DOE's nondefense research projects. But, overall, I am most particularly pleased with the nuclear part of this bill, for nuclear research, which we have five or six more new nuclear research projects, three that the President asked for, three that we asked for.

You know, the United States is very much behind the world on matters of nuclear power and nuclear science and

nuclear engineering. Frankly, the world is moving in that direction. We were the beginners. We were the ones who started it. We were heralded as the world's most knowledgeable and efficient, and we are going to play some catchup, but catch up we will do, in the next decade, because nuclear power and nuclear energy will come back in the world. Whether America makes policy decisions sufficiently to give it a chance or not, only time will tell. But some decisions of the past 20 years, with reference to nuclear activities, have been about as inconsistent with what is happening in the world as anything anyone could imagine, based on wrong premises, expecting action in the world that never occurred.

Those things are going to have to be debated. A few of them start to move here. But, over the long run, there will be very significant debate about what happens to nuclear power and nuclear activities in the United States.

Right alongside that, while all that is going on that I have described, be it negative or however one would categorize it, clearly the Science-Based Stockpile Stewardship, which we are using in lieu of any further underground testing to protect our nuclear arsenal and make sure it is safe and trustworthy, is generating some of the most exciting new physics and science of anything going on in the world. Indeed, our great scientists and engineers are producing instrumentation, computerization, and new methods of looking inside of nuclear bombs to see what is really going on so we can replace the right parts, since we do not make any new ones. This is all very exciting and is adding a great dimension of science activity while a very valuable thing is being done for our country. Expensive it may be, but the right thing, without question, it is.

With that, more will be said during the year on those issues. I thank, in conclusion, my ranking member, Senator REID. I believe between us we not only work well together but I think we have helped each other make this bill a better bill. For that, I am very grateful to the Senator from Nevada, and I thank him very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

AGRICULTURE RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now begin consideration of Calendar No. 409, S. 2159, the agriculture appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. ROBB. Mr. President, reserving the right to object, and I don't intend to object, but I just wanted my colleagues to be put on notice about my