On page 66, line 9 strike “;” and “;” and insert in lieu thereof—“;”.
On page 66, beginning with line 10, strike all through page 70, line 14.

SA 1029. Mrs. MURRAY (for herself and Mr. SHELBY) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 350. INCREASED GOVERNMENT SHARE.
(a) In General.—Section 74109 of title 49, United States Code, is amended by adding at the end the following new subsection:

(d) Special Rule for Certain Airports.

(1) In general.—Notwithstanding subsection (b), in the case of a qualifying airport, the Government’s share of allowable project costs shall be increased by the greater of—

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

(B) on not more than 40 percent of the total area of that State.

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

(3) Qualifying Airport.—In this subsection, the term “qualifying airport” means an airport that—

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

(B) is located in a State in which more than 90 percent of the total area of the State is Federal lands.

(4) Federal lands.—In this subsection, the term “Federal lands” means nonfederal Indian lands (individual and tribal) and all lands owned by the Federal Government including, without limitation, appropriated lands and reserved and unreserved lands, that are—

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

(b) Effective Date.—The amendments made by this section apply to project grant agreements entered into pursuant to section 47106 of title 49, United States Code, on or after the date of enactment of this Act.

NOTICES OF HEARINGS
COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 24, 2001 in SR-322A at 9:00 a.m. The purpose of this hearing will be to discuss livestock issues for the next Federal farm bill.

AUTHORITY FOR COMMITTEES TO MEET
COMMITTEE ON FINANCE

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

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

SEC. 350. INCREASED GOVERNMENT SHARE.
(a) In General.—Section 74109 of title 49, United States Code, is amended by adding at the end the following new subsection:

(d) Special Rule for Certain Airports.

(1) In general.—Notwithstanding subsection (b), in the case of a qualifying airport, the Government’s share of allowable project costs shall be increased by the greater of—

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

(B) on not more than 40 percent of the total area of that State.

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

(3) Qualifying Airport.—In this subsection, the term “qualifying airport” means an airport that—

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

(B) is located in a State in which more than 90 percent of the total area of the State is Federal lands.

(4) Federal lands.—In this subsection, the term “Federal lands” means nonfederal Indian lands (individual and tribal) and all lands owned by the Federal Government including, without limitation, appropriated lands and reserved and unreserved lands, that are—

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

(b) Effective Date.—The amendments made by this section apply to project grant agreements entered into pursuant to section 47106 of title 49, United States Code, on or after the date of enactment of this Act.

NOTICES OF HEARINGS
COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

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AUTHORITY FOR COMMITTEES TO MEET
COMMITTEE ON FINANCE
CONGRESSIONAL RECORD—SENATE  July 20, 2001

That during the fiscal years 2002 and 2003, no Federal or private funds shall be used for oil and gas slant, directional, or offshore drilling in or under 1 or more of the Great Lakes (including in or under any river flowing into or out of those lakes) which will exceed $1,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a Chesapeake Bay shoreline erosion study, including an examination of management measures that could be undertaken to address and mitigate erosion and sedimentation on lower Susquehanna River: Provided further, That the Secretary of the Army, using $100,000 of the funds provided herein, is directed to conduct studies for flood damage reduction, environmental protection, environmental restoration, water supply, water quality and other purposes in Tuscaloosa County, Alabama, and shall provide a comprehensive plan for the development, conservation, disposal and utilization of water and related land resources, for flood damage reduction and allied purposes, including the determination of needs for a reasonable and efficient municipal and industrial water supply needs: Provided further, That within the funds provided herein, the Secretary may use $300,000 for the Water Planning District, Watershed Study, Georgia.

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), $1,370,798,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including regrading of the levee for the Lock and Dam 12, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; and London Locks and Dam, and Kanawha River, West Virginia, projects; and of which funds are provided for the following projects in the amounts specified:

Red River Emergency Bank Protection, AR. $4,500,000.

Indianapolis Central Waterfront, Indiana, $5,900,000.

Southern and Eastern Kentucky, Kentucky, $2,500,000.

Provided, That, using $200,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct, at full Federal expense, technical studies of individual ditch systems identified by the State of Hawaii, and to assist the State in diversification of the economy by defining the costs of the ditch systems and identifying selected ditch systems: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct continued studies of the Kauai Malaikaua Project, Hawaii: Provided further, That with $980,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Bruns-wick County Beaches, North Carolina-Ocean County, New Jersey, project cooperation agreement, if the Secretary determines that the work is integral to the project: Provided further, That within the funds provided herein, $250,000 may be used for the Horshoe Lake, Arkansas feasibility study.

FLOOD CONTROL, MISCELLANEOUS TRIBU-

ARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOU-

ISIANA, MISSISSIPPI, MISSOURI, AND TENNESSE

For expenses necessary for prosecuting work of the Secretary, as part of the General Reevaluation of the Apalachicola, Chattahoochee and Flint Rivers Navigation, authorized by section 2 of the Rivers and Harbor Act of March 2, 1945 (Public Law 78–463), and to continue the systematic surveys and charting of northern and northeastern lakes and connecting waters; and for the removal of obstructions to navigation, $1,833,265,000, to remain available until expended, of which not less than $300,000 shall be used to develop a study for dredging works under the Harahan Bridge is to be integrated into the long-term dredged material management plan being developed for
the Corley Slough reach as required by conditions of the Lower Delaware River dredging  
fee, for periodically removing sandy dredged material from the disposal area known as Site 40, located at mile 36.5 of the Apalachicola River, and from other disposal sites that the Secretary may determine to be needed, for the purpose of reuse of the disposal areas, by transporting and depositing the sand for envi-  
ronmentally acceptable beneficial uses in coastal  
areas of northwest Florida to be determined in coordination with the State of Florida:  
Provided further, that the Secretary is authorized to  
acquire all lands, easements, and rights-of-  
way that may be determined by the Secretary, in consultation with the affected State, to be required  
for dredged material disposal areas to im-  
plement a long-term dredge material manage-  
ment plan: Provided further, that the long-term  
information shall be developed in coordi-  
ination with the State of Florida no later than 2  
years from the date of enactment of this legisla-  
tion: Provided further, that, $5,000,000 shall be  
made available for these purposes and $8,173,000  
shall be made available for the Apalachicola,  
Chattahoochee, and Flint Rivers Navigation.  
REGULATORY PROGRAM  
For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $128,000,000, to remain available until expended.  
FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM  
For expenses necessary to clean up contami-  
nation from sites throughout the United States resulting from work performed as part of the Nation’s early atomic energy program, $140,000,000, to remain available until expended.  
GENERAL EXPENSES  
For expenses necessary for general adminis-  
tration and related functions in the Office of the Chief of Engineers and offices of the Divi-  
sion Engineers; activities of the Coastal Engi-  
eering Research Board, the Humphreys Engi-  
eering Center Support Activity, the Water Re-  
sources Support Center, and headquarters sup-  
port functions at the USACE Finance Center,  
$153,000,000, to remain available until expended:  
Provided, That no part of any other appropria-  
tion provided in title I of this Act shall be available to fund the activities of the Chief of Engineers or the executive direction and management activities of the division offices.  
ADMINISTRATIVE PROVISIONS  
Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and hiring of passenger motor vehicles.  
GENERAL PROVISIONS  
CORPS OF ENGINEERS—CIVIL  
SEC. 101. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engi-  
ers after the date of the enactment of this Act pursuant to section 2 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–  
585; the Secretary, at part of any other appropri-  
ation provided in title I of this Act shall be  
made available for the activities of the Chief of Engineers or the executive direction and management activities of the division offices.  
SEC. 102. ST. GEORGES BRIDGE, DELAWARE.  
None of the funds made available in this Act for the acquisition or exchange of the St. George’s Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Mary-  
land, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.  
SEC. 103. The Secretary may not expend funds to accelerate the schedule to finalize the Record of Decision for the review of the Missouri River Master Water Control Manual and any associ-  
ated changes to the Missouri River Annual Operating Plan. During consideration of revisions to the manual in fiscal year 2002, the Secretary may consider and propose alternatives for achieving species recovery other than the alter-  
 natives specifically prescribed by the United States Fish and Wildlife Service in the biological opinion that the Secretary shall con-  
sider the views of other Federal agencies, non-  
Federal agencies, and individuals to ensure that other congressionally authorized purposes are maintained.  
SEC. 104. The non-Federal interest shall re-  
cieve credit towards the lands, easements, rela-  
tions, rights-of-way, and disposal areas re-  
quired for the project by section 401 of the Fed-  
eral Water Pollution Control Act of 1972, as amended, and the Demonstration Erosion Control project, Mississippi.  
SEC. 105. Of the funds made available under title I, $155,400,000 is provided for the demonstra-  
tion Erosion Control project, Mississippi,  
SEC. 106. Of the funds made available under Operations and Maintenance, a total of  
$1,000,000 may be made available for Perry  
Lake, Kansas.  
SEC. 107. GUADALUPE RIVER, CALIFORNIA.  
The project for flood control, Guadalupe River, Cali-  
fornia, authorized by section 403 of the Water  
Resources Development Act of 1986, and the  
Energy and Water Development Appropriation  
 Acts of 1990 and 1992, is modified to authorize  
the Secretary to acquire all lands, easements, relo-  
cations, rights-of-way, and disposal areas re-  
quired for the project in accordance with the General Reevalua-  
tion and Environmental Report for Proposed  
Project Modifications, dated February 2001, at a total cost of $228,000,000, with an estimated Fed-  
eral cost of $128,700,000, and estimated non-Fed-  
eral cost of $98,300,000.  
SEC. 108. Of the funds provided under Oper-  
ations and Maintenance for McKlellan-Kerr,  
Arkansas River Navigation System dredging,  
$32,338,000 is provided: Provided, That of that amount, $1,000,000 shall be for dredging on the Arkansas River for maintenance dredging at the authorized depth.  
SEC. 109. DESIGNATION OF NONNAVIGABILITY FOR PORTIONS OF GLOUCESTER COUNTY, NEW JERSEY.  
(a) DESIGNATION.—  
(1) IN GENERAL.—The Secretary of the Army (referred to in section as the “Secretary”) shall designate as nonnavigable the areas described in clause (ii) of subsection (b) after con-  
sultation with local and regional public officials (including local and regional planning organi-  
sations), makes a determination that 1 or more areas described in paragraph (2) are not in the public interest.  
(2) DESCRIPTION OF AREAS.—The areas re-  
ferred to in paragraph (1) are certain parcels of property situated in the West Deptford Town-  
ship, Gloucester County, New Jersey, as de-  
picted on Tax Assessment Map #26, Block 8328,  
Lots #1, 1.03, 1.08, and 1.09, more fully described as a parcel of land:  
(A) Beginning at the point in the easterly line of Church Street (49.30 feet wide), said begin-  
nine point being the following 2 courses from the line of the boundary of Church Street to the curved northerly right-of-way line of Pennsylvania-Reading Seashore Lines Railroad (66.00 feet wide) at (i) along said centerline of Church Street N. 11°28′59″ E. 38.56 feet; thence  
(ii) along the same N. 62°23′35″ E. 32.31 feet to a point in the westerly line of Pennsylvania-Reading Seashore Lines Railroad (66.00 feet wide) at (B) Said beginning point also being the end of  
the thirteenth course and from said beginning point runs; thence, along the aforementioned Easterly line of Church Street—  
(i) N. 1°28′59″ E. 162.14; thence  
(ii) crossing Church Street, N. 3°19′15″ W. 1590.16; thence  
(iii) N. 27°56′37″ W. 3674.36; thence  
(iv) N. 35°37′54″ W. 975.59; thence  
(v) N. 57°04′39″ W. 481.04; thence  
(vi) N. 66°23′52″ W. 870.00 to a point in the westerly line of Pennsylvania-Reading Seashore Lines Railroad (66.00 feet wide) at (vii) along the same line N. 53°37′05″ E. 1256.19; thence  
(viii) along the same line N. 86°10′29″ E. 1692.61; thence, still along the same the following  


14061

104–303, and any other specific project author-  
gy, shall be limited to credits and reimburse-
CONGRESSIONAL RECORD—SENATE  July 20, 2001

WATER AND RELATED RESOURCES
(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related resources, and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $732,496,000, to remain available until expended: Provided, That of such funds, not more than $4,000,000 shall be available for the West River/Lyman-Jones Rual Water System to provide rural, municipal, and industrial drinking water for Phipp, South Dakota, in accordance with the Mni Wiconi Project Act of 1988 (102 Stat. 2566; 108 Stat. 4539), of which $14,649,000 shall be available for transfer to the Upper Colorado River Basin Fund and $21,442,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of such amounts as may be necessary may be advanced to the Colorado River Basin Fund for which $8,000,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106-163; of which not more than $460,000 may be used to provide assistance to the Bureau of Reclamation for activities that are not for authorized purposes of the Bureau of Reclamation.

SEC. 113. Section 514(g) of the Water Resources Development Act of 1999 is amended by striking "(3) ENGINEERING RESEARCH AND DEVELOPMENT CENTER.—The Engineering Research and Development Center is exempt from the requirements of this section." and inserting the following:

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

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

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

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

SEC. 115. The Corps of Engineers is urged to proceed with design of the Section 205 Mad Creek Flood control levees, the cost of which shall be 25 percent Federal expense.

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

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

(b) the buyout of not to exceed 10 single-family residences.

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

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

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

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

(2) by striking ``(b) The Secretary'' and inserting the following:

``(b) PROJECTS.—

(1) IN GENERAL.—The Secretary; and

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

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

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $34,918,000, to remain available until expended, of which $10,749,000 shall be deposited into the Central Utah Project Completion Fund; of which such funds, including that deposited from the Central Utah Project Completion Fund, shall be available until expended.
these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $320,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and for not to exceed $500,000, 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 $736,139,000, 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.

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $52,968,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3409(c)(9), 3465(f), and 3466(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

POLLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and services in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $52,968,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3409(c)(9), 3465(f), and 3466(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.

SEC. 201. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Project, except that purchases or leases, for which payment is not made, shall be available until compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 202. Funds under this title for Drought Emergency Operations, or functions budgeted as policy and administration, none of the funds herein appropriated may be: (a) used directly or indirectly to influence legislative actions on any matter pending before Congress; or (b) paid or otherwise made available by this Act to subsidize gross obligations for the principal amount of direct loans for (1) nuclear waste disposal activities to carry out the purposes of the Department of Energy Organization Act (42 U.S.C. 17301 et seq.), including the acquisition or condemnation of any real property or facility for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 17 passenger motor vehicles for replacement only, $3,268,816,000, to remain available until expended: Provided, That within the funds provided for nuclear waste disposal activities, no more than $6,300,000 of such funds shall be used for the salaried and expenses of the Chief, proposed for fiscal year 2001 funding level. (INCLUDING TRANSFER OF FUNDS)

TITLE III

DEPARTMENT OF ENERGY

NATIONAL LABORATORY, ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for energy supply, and uranium supply activities, including the acquisition and use of uranium for nuclear energy projects and facilities, including research and development for nuclear energy projects and facilities, and nuclear research and development activities prescribed by the Energy and Water Development Appropriations Act, 1999, of which not less than $3,000,000 shall be used for the Advanced test reactor research and development upgrade initiative, and of which $1,000,000,000 is for the Consortium for Plant Biotechnology Research.

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 17301 et seq.), including the acquisition or condemnation of any real property or facility for plant or facility acquisition, construction, or expansion, $228,533,000, to remain available until expended.

Uranium Facilities Maintenance and Remediation

For necessary expenses to maintain, decommission, and otherwise remediate nuclear facilities, including the acquisition or condemnation of any real property or facility for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 17 passenger motor vehicles for replacement only, $3,268,816,000, to remain available until expended: Provided, That within the funds provided for nuclear waste disposal activities, no more than $6,300,000 of such funds shall be used for the salaried and expenses of the Chief, proposed for fiscal year 2001 funding level.
litigation expenses; or (3) used to support multi-state efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds received by the Authority shall be offset by revenue increases of the same amount.

DEFENSE NUCLEAR NONPROLIFERATION
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 for or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 11 for replacement only), $6,062,891,000, to remain available until expended: Provided, That, $39,000,000 shall be utilized for technology partnerships supportive of the National Nuclear Security Administration missions and $3,000,000 shall be utilized at the NNSA laboratories for support of small business innovative research and development programs: Provided further, That, $1,000,000 shall be available for community re-use organizations within the Office of Worker and Community Transition.

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 property or facility construction or expansion, $280,645,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS
ENELLA POWER ADMINISTRATION FUND
Expenditure from the El Nella Power Administration Fund, established pursuant to Public Law 94–454, are approved for official reception and representation expenses in an amount not to exceed $7,000,000. For the purpose of appropriating funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration up to $2,000,000,000 in borrowing authority is authorized to be appropriated, subject to subsequent annual appropriations, to remain available at any given time: Provided, That the obligation of such borrowing authority shall not exceed $0 in fiscal year 2002 and that the Bonneville Power Administration shall not obligate more than $574,500,000 of its permanent power sales in any fiscal year.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION
For necessary expenses of operation and maintenance of power transmission facilities for privatization and marketing activities, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $1,330,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, up to $8,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses, shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION
For necessary expenses of operation and maintenance of power transmission facilities for privatization and marketing activities, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $688,045,000, to remain available until expended.

DEFENSE ENVIRONMENTAL RESTORATION AND 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, 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 for or for plant or facility acquisition, construction, or expansion; and the purchase of 30 passenger motor vehicles, of which 27 shall be for replacement only, $7,000,000, 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, $1,468,538,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION
For Department of Energy expenses for privatization projects 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 for or for plant or facility acquisition, construction, or expansion, $564,168,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL
For nuclear waste disposal activities to carry out the purposes of Public Law 94–454, as amended, including the acquisition of real property or property or facility construction or expansion, $250,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS
ENELLA POWER ADMINISTRATION FUND
Expenditure from the El Nella Power Administration Fund, established pursuant to Public Law 94–454, are approved for official reception and representation expenses in an amount not to exceed $7,000,000. For the purpose of appropriating funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration up to $2,000,000,000 in borrowing authority is authorized to be appropriated, subject to subsequent annual appropriations, to remain outstanding at any given time: Provided, That the obligation of such borrowing authority shall not exceed $0 in fiscal year 2002 and that the Bonneville Power Administration shall not obligate more than $574,500,000 of its permanent power sales in any fiscal year.
For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,663,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

**FEDERAL ENERGY REGULATORY COMMISSION**

**SALARIES AND EXPENSES**

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $187,155,000, to remain available until expended:

Provided, That notwithstanding any other provision of law, not to exceed $187,155,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2002 shall be retained and used for necessary expenses in this account, and shall remain available until expended:

Provided further, That the sum hereinafter appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation for the General Fund of not less than $187,000,000.

**GENERAL PROVISIONS**

**DEPARTMENT OF ENERGY**

SEC. 301. None of the funds appropriated by this Act may be used to award a management contract that is not awarded using competitive procedures or to 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.

SEC. 302. Sixty days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committees on Energy and Water Development of the House of Representatives and the Senate a report notifying the Committees of the waiver and setting forth the reasons for the waiver.

SEC. 303. None of the funds appropriated by this Act may be used to award a contract that is not awarded under the Department of Energy Organization 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 may be used to purchase or sell electricity produced by the Paducah Gaseous Diffusion Plant, Kentucky, and the Oak Ridge National Laboratory, Tennessee.

SEC. 305. None of the funds in this Act may be used to award any contract that provides for the purchase of uranium enrichment capacity under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2644; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

SEC. 306. None of the funds in this Act or any other Act provided to government-owned, contractor-operated laboratories, not to exceed 6 percent shall be available to be used for Laboratory Directed Research and Development.

SEC. 307. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregates of any material category on the date of enactment of this Act, or is generated after such date. For the purposes of this provision, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residues; (3) wet residues; (4) direct repackaged residues; (5) scrubber residue; and (6) secondary effluent residues.

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

(1) The Kansas City Plant, Kansas City, Missouri.

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

(3) The Pantex Plant, Amarillo, Texas.

(4) The Savannah River Plant, South Carolina.

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

SEC. 310. The Administrator of the National Nuclear Security Administration may authorize the manager of the Nevada Operations Office to engage in research, development, and demonstration activities with respect to the development, test, and operation of small reactors for power and heat, and to retain services necessary for the operation and readiness of the Nevada Test Site: Provided, That the amount of funds allocated to the Nevada Operations Office each fiscal year for national security programs at the Nevada Test Site, not more than an amount equal to 2 percent of such amount may be used for these activities.

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

(1) by inserting "except as provided in subsection (c)," after "1321-349,":"; and

(2) by striking "fiscal year 2002" and inserting "fiscal year 2003".

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

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

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

(b) PARTICULAR REQUIREMENTS.—(1) In meeting the requirement in subsection (a), the Secretary shall provide for direct communication between the Assistant Secretary of Energy for Environmental Management and the head of the Paducah Gaseous Diffusion Plant on the matters covered by that subsection.

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

SEC. 314. (a) The Senate finds that—

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

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

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

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

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

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

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

SEC. 316. PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST,
For necessary expenses for the Operation of 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 Executive Director of the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $66,290,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out its activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $18,500,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

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

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $40,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $316,900,000, to remain available until expended: Provided, That the amount appropriated herein shall be reduced by the amount of revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at not more than $220,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

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.—No funds shall be made available in this Act, pursuant to any contract or subcontract made with any person that intentionally affixed a label bearing a ‘‘Made in America’’ inscription, or any inscription with the same meaning, to any product sold 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 any contract or subcontract made with funds made available in any Act, or under the Atomic Energy Act of 1954, as amended, to purchase American-made equipment and products, or under the Nuclear Waste Policy Act of 1982, or under any other law, if the person has been previously found 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 or shipped to the United States that is not made in the United States.

EXECUTIVE CALENDAR

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

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

The nominations are as follows:

DEPARTMENT OF AGRICULTURE

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

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

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

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

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

SENATE WORK

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

While I wish we could have gone further with regard to our work on the Transportation bill, that as a result of a bipartisan effort to achieve this success at the end of the week I think we have accomplished a good deal.

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

As my colleague just noted, so much work went into the supplemental appropriations bill. I pleased that Senator Byrd and Senator Stevens once again were able to complete their work as expeditiously as they did.

I was contacted earlier today by the Vice President who asked if we could move this bill today. It was originally my intention to hold the bill over the weekend in order to give Senators more of a chance to examine the results. The bill was just presented to us this morning. But in order to accommodate a request by the administration, we chose to take up the bill given the fact that no one had made a request for a roll call vote. I thank my colleagues for their cooperation in not asking for a roll call on this particular bill so we could move it ahead to accommodate the administration’s request.

I am also very pleased with the success we have had in confirming 23 additional nominations; as I said, including 3 judicial nominees. That means that in the last 2 weeks we have now confirmed 77 nominations. I don’t know what kind of a record that is, but it has to be one of the largest numbers of appointments confirmed in the shortest