SUBMITTED RESOLUTIONS

SENATE RESOLUTION 134—AUTHORIZING THAT THE SENATE OFFICE OF SENATOR JOHN D. ROCKEFELLER IV BE USED TO COLLECT DONATIONS OF CLOTHING FROM JULY 13, 2001, UNTIL JULY 20, 2001, FROM CONCERNED MEMBERS OF CONGRESS AND STAFF TO ASSIST THE WEST VIRGINIA FAMILIES SUFFERING FROM THE RECENT DISASTER OF FLOODING AND STORMS

Mr. ROCKEFELLER (for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. Res. 134

Whereas southern West Virginia has been devastated by recent flash flooding;

Whereas 2 West Virginians tragically lost their lives in the recent flooding;

Whereas thousands of West Virginians have been left homeless, and many more have severe damage to their homes and personal property, and many do not have safe drinking water or electric power because of the flooding;

Whereas on July 5, 2001, President Bush amended the Federal Disaster Declaration to cover 18 West Virginia counties, including Boone, Cabell, Calhoun, Clay, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Preston, Putnam, Raleigh, Roane, Summers, Wayne, and Wyoming; Now therefore,

Resolved, That the Senate office of Senator John D. Rockefeller IV is authorized to collect donations of clothing from July 13, 2001, until July 20, 2001, from concerned Senators and staff to assist the West Virginia families suffering from the recent disaster of flooding and storms.

AMENDMENTS SUBMITTED AND PROPOSED

SA 977. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 974 submitted by Mr. LEAHY and intended to be proposed to the bill (H.R. 333) to amend title 11, United States Code, and for other purposes; which was ordered to lie on the table; as follows:


(a) STUDY.—The General Accounting Office (in this section referred to as the "GAO") shall conduct a study to determine—

(1) the impact of this Act and the amendments made by this Act on—

(A) the number of filings under chapter 7 and chapter 13 of title 11, United States Code;

(B) the number of plan confirmations under chapter 13 of title 11, United States Code, and the number of such plans that are successfully completed; and

(C) the effect of filing for bankruptcy under chapter 7 and chapter 13 of title 11, United States Code, in each State;

(2) the extent to which this Act and the amendments made by this Act impact the ability of debtors below median income to obtain bankruptcy relief.

(b) REPORT TO CONGRESS.—Not later than 2 years after the effective date of this Act, the GAO shall submit a report to the Congress on the results of the study conducted under subsection (a).

(c) DATA COLLECTION BY UNITED STATES TRUSTEES.—

(1) IN GENERAL.—The Director of the Executive Office for United States Trustees shall collect data on the number of reaffirmations by debtors under title 11, United States Code, the identity of the creditors in such reaffirmations, and the type of debt that is reaffirmed.

(2) AVAILABILITY.—Periodically, but not less than annually, the Director shall make available to the public the data described in paragraph (1) in such manner as the Director may determine.

SA 978. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 974 submitted by Mr. LEAHY and intended to be proposed to the bill (H.R. 333) to amend title 11, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 313, relating to the definition of household goods and antiques.

SA 979. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 974 submitted by Mr. LEAHY and intended to be proposed to the bill (H.R. 333) to amend title 11, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

SA 980. Mr. REID (for Mr. BYRD (for himself and Mr. STEVENS)) proposed an amendment to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

TEXT OF AMENDMENTS

SA 977. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 974 submitted by Mr. LEAHY and intended to be proposed to the bill (H.R. 333) to amend title 11, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

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, $152,402,000, to remain available until expended.

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), $4,570,798,000, 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 and harbors, for the ecological rehabilitation costs 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, Kanawha River, West Virginia, projects; and of which funds are provided for the following projects in the amounts specified:

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

Indianapolis Central Waterfront, Indiana, $5,000,000;

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

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,
CONGRESSIONAL RECORD—SENATE

July 16, 2001

technical studies of individual ditch systems identified to the state of Hawaii, and to as-

ist the State in diversification by helping to de-

fine the cost of repairing and maintaining se-
lected ditch systems: Provided further, That the

Secretary, acting through the Chief of Engineers, is directed to use $1,300,000 of the funds pro-
dvided herein to continue construction of the navigation project at Kaimalipan Harbor, Hawaii: Pro-
dvided further, That with $400,000 of the funds
provided herein, the Secretary of the Army,
acting through the Chief of Engineers, is di-
rected to continue construction of the Brunswic
county Beaches, North Carolina—Oa

con (Ocean Isle Beach) portion in accordance with
the General Reevaluation Report approved by
the Chief of Engineers on May 13, 1969: Pro-
dvided further, That $2,500,000 of the funds appro-
vided herein, the Secretary of the Army,
acting through the Chief of Engineers, is di-
rected to use $600,000 to undertake the

Fork tributary streams within the county:
That the Secretary, acting through the Chief of Engineers, is directed to use $4,000,000 of the funds appro-
vided herein to continue construction of the navigation project at Kaslo, Idaho, Prov-
duced further, That with $900,000 of the funds
provided herein, the Secretary of the Army,
acting through the Chief of Engineers, is di-
rected to use $500,000 to undertake the

Stability Correction Program to continue

FOR FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBU-

TARIETIES OF KENTUCKY, LOUI-

SIANA, MISSISSIPPI, MISSOURI, AND TEN-

NESSEE

For expenses necessary for prosecuting
work of flood control, and rescue work, re-
lief, restoration or maintenance of flood
control projects threatened or destroyed by
flood, as authorized by law (33 U.S.C. 702a
and 702c–1), $328,011,000, to remain available
until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preserva-
tion, operation, maintenance, and care of ex-
isting river and harbor, flood control, and re-
lated 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
channels, including channel repair, general
commerce and navigation; surveys and
charting of northern and northwestern lakes
and connecting waters; clearing and stra-
tching; and removing of ob-
structions to navigation, $1,519,583,000, to
remain available until expended, of which such
sums as become available in the Harbor
Maintenance Trust Fund, pursuant to Public
Law 99–662, may be derived from that Fund,
and 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. 460l), may be derived
from that account for construction, oper-
ation, and maintenance of outdoor recre-

ative activities: Provided, That of funds ap-
provided herein, for the Intracoastal Wa-
terway, Delaware River to Chesapeake Bay,
Delaware and Maryland, the Secretary of the
Army, acting through the Chief of Engineers,
is directed to reimburse the State of Dela-
ware for normal operation and maintenance
of the Intracoastal Waterway, Delaware for
the SH1 Bridge from station 58 +00 to station
293+00 between May 12, 1997 and September
30, 2002. Reimbursement costs shall not ex-
ceed $4,463,000 and shall be paid in

FOREMAY UTILIZED SITES REMEDIAL ACTION

Program

For expenses necessary to clean up con-
tamination from sites throughout the United
States resulting from work performed as
part of the Nation’s early atomic energy pro-
gram, $2,000,000,000, to remain available until
expended.

REGULATORY PROGRAM

For expenses necessary for administration
of laws pertaining to regulation of navigable
waters and wetlands, $129,000,000, to
remain available until expended.

As the Act shall be available to fund the activities
of the Office of the Chief of Engineers or the
executive direction and management activi-
ties of the division offices.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be avail-
ble 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. Agreements proposed for execu-
tion by the Assistant Secretary of the Army
for Civil Works or the United States Army
Corps of Engineers after the date of the
enactment of this Act pursuant to section 4
of the Rivers and Harbor Act of 1915, Public
Law 64–291; section 11 of the River and Har-
bor Act of 1925, Public Law 68–585; the Civil
Functions Appropriations Act, 1936, Public
Law 75–208; section 215 of the Flood Control
Act of 1953, as amended (Public Law 88–483;
sections 104, 203, and 204 of the Water Re-
sources Development Act of 1986, as amended
(Public Law 99–662); section 206 of the Water
Resources Development Act of 1992, as
amended, Public Law 102–580; section 211 of
the Water Resources Development Act of
1996, Public Law 104–303, and any other spe-
cial project authority limited to credits and reim-
bursements per project not to exceed $10,000,000 in
each fiscal year, and total credits and reimbursements for all ap-
plicable projects not to exceed $50,000,000 in
each fiscal year.

SEC. 102. ST. GEORGES BRIDGE, DELAWARE.
None of the funds made available in this Act
may be used to carry out any activity relat-
ing to closure or removal of the St. Georges
Bridge across the Intracoastal Waterway,
Delaware River to Chesapeake Bay, Dela-
ware and Maryland or any other activity rel-
taining 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 revision of the
Missouri River Master Water Control Manual
and any associated changes to the Missouri
River Annual Operating Plan.

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 ex-

ended, of which $10,749,000 shall be deposited
into the Utah Reclamation Mitigation and
Conservation Account of the Central Utah
Project Completion Act and shall be avail-
able to carry out activities authorized under
that Act.

In addition, for necessary expenses in-
curred in carrying out related responsibil-
ities of the Secretary of the Interior,
$3,130,000, to remain available until

BUREAU OF RECLAMATION

The following appropriations shall be ex-

pended to execute authorized functions of the
Bureau of Reclamation:
WATER AND RELATED RESOURCES
(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participating Federal, State, and local government, and other entities, $3,422,000, to remain available until expended, of which $14,649,000 shall be available for transfer to the Upper Colorado River Basin Fund and $3,422,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of 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 25 percent of the amount provided for drought emergency assistance may be used for financial assistance for the preparation of cooperative drought contingency plans under title H of Public Law 102–256; and of which not more than $500,000 is for high priority projects which shall be carried out by the Yuba Conservation District under 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading; 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 funds available for expenditure for the Departmental Irrigation Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis; Provided further, That section 301 of Public Law 102–256, Reclamation States Emergency Drought Relief, is amended, in (e), by inserting “2000 and 2001” in lieu of “2000 and 2001”; Provided further, That the amount authorized for Indian municipal, rural, and industrial water features by section 10 of Public Law 98–198, as amended by section 8 of Public Law 99–294, section 1701(b) of Public Law 102–575, Public Law 108–245, and Public Law 106–60 is increased by $2,000,000 (October 1998 prices).

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $7,215,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): Provided, That such amount is not to exceed 17 passenger motor vehicles for replacement only, $736,139,000 to remain available until expended.

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, offices, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $52,969,000, to be derived from the Reclamation Fund and be non-reimbursable 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 provided in sections 307(a) and 307(b) of Public Law 102–575.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, offices, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $31,442,000, to be derived from the Reclamation Fund and be non-reimbursable 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 provided in sections 307(a) and 307(b) of Public Law 102–575.

DIRECT LOAN PROGRAM

For the cost of direct loans and/or grants, $280,000, 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 agreements, including purchase or lease, condemnation of any real property or for plant or facility acquisition, construction, or expansion, and the purchase of any real property or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 17 passenger motor vehicles for replacement only, $736,139,000 to remain available until expended.

Non-Defense Environmental Management

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility for or on behalf of the Nevada Division of Emergency Management, $76,190,000, to remain available until expended.

CONGRESSIONAL RECORD—SENATE July 16, 2001

DEPARTMENT OF ENERGY

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. 7101 et seq.), including the acquisition or condemnation of any real property or any facility for or on behalf of the Nevada Division of Emergency Management, $76,190,000, to remain available until expended.

Uranium Facilities Maintenance and Remediation

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, $308,725,000, of which $287,911,000 shall be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, all of which shall remain available until expended.

Science

For Department of Energy expenses 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 not to exceed 25 passenger motor vehicles for replacement only, $3,268,816,000, to remain available until expended.

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, $296,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: Provided, That $2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425 as amended: Provided further, That $6,000,000 shall be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada shall certify to the Department of Energy that all funds expended from
such payments have been expended for activities authorized by section 201 of Public Law 95–238, including the acquisition of any real property or any facility for or plant or facility acquisition, construction, or expansion, $880,500,000, to remain available until expended: Provided, That these funds may be used for official representation expenses for national security and nonproliferation activities (including trans- parency activities) for the fiscal year 2002.

NAVAL REACTORS

For Department of Energy expenses necessary for necessary expenses of the Office of the Administrator, including official reception and representation expenses (not to exceed $15,000), $15,000,000, to remain available until expended.

OTHER DEFENSE RELATED ACTIVITIES

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 defense environmental restoration and waste management activities in carrying out the purposes of the Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility for or plant or facility acquisition, construction, or expansion; and the purchase of 30 passenger motor vehicles, of which 27 shall be for replacement only, $5,389,868,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management activities authorized to the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, $1,080,338,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $157,537,000, 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 incidental expenses necessary for atomic energy defense, defense environmental nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of any real property or any facility for or plant or facility acquisition, construction, or expansion, $250,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, except those pursuant to Public Law 98–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. For the purposes 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 may retain and use for the permanent borrowing in fiscal year 2002.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancil- lary 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, $4,891,000, to remain available until expended.

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

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. 7125), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $5,200,000, to remain available until expended.

East and West for public service appropriations, in carrying out the purposes of the Act of August 4, 1977 (42 U.S.C. 7125), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $5,200,000, to remain available until expended.

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, $250,000,000, to remain available until expended.

CONGRESSIONAL RECORD—SENATE 13315

July 16, 2001
Reclamation Fund: Provided, That of the amounts appropriated in this Act, $6,091,000 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: Provided further, That up to $152,624,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Act of 1902 is to be used to cover purchase power and wheeling expenses. (19)

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,685,000, 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), $181,155,000, to remain available until expended: Provided, That any provisions of law, not to exceed $181,155,000 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 herein 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 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 may be used to award a management 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 Committees on Energy and Water Development 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. None of the funds appropriated by this Act may be used to— (1) develop or implement a workforce restructuring plan that covers employees of the Department; or (2) provide enhanced severance payments or other benefits for employees of the Department, 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).

S. 303. None of the funds appropriated by this Act may be used to construct the $20,000,000 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) unless the Department of Energy submits a request for approval to the appropriate Congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to— (1) issue or respond to initial Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. 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 approved.

SEC. 306. Of the funds in this Act or any other Act provided to government-owned, contractor-operated laboratories, not to exceed $6,150,000 in fiscal year 2002 may 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 aggregate of any material category on the date of enactment of this Act, or is generated after such date. For purposes of this section, 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 repackage residues; and (5) scrub alloy as referenced in the Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site.

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 at such plant: 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 review studies and proposals relating to the formation and operation of a regional power marketing area: Provided, That 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 evaluation capabilities necessary for operations and readiness of the Nevada Test Site: Provided further, That the Administrator of the Nevada Operations Office each fiscal year from amounts available to the Department of Energy for such 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: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $96,248,000 in fiscal year 2002 shall be retained and used for necessary salaries and expenses in this account, notwithstanding section 405 of said Act and section 1441, $15,000,000, 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, $15,600,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority for activities authorized by the Delta Regional Authority Act of 2000, $20,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

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, $56,900,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $96,248,000 in fiscal year 2002 shall be retained and used for necessary salaries and expenses in this account, notwithstanding section 31 U.S.C. 3302, and shall remain available until expended: Provided further, That, $700,000 of the amount appropriated herein, $23,650,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from these activities may be used for training of individuals for employment, any material category on the date of enactment of this Act, or is generated after such date.

SEC. 311. DEPLETED URANIUM HEXAFLUORIDE. Section 1 of Public Law 105–204 is amended in subsection (b)— (1) by inserting “after “1321–349.,””; and (2) by striking “fiscal year 2002” and inserting “fiscal year 2005”.

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 205(a) of said Act and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of 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.

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

SALARIES AND EXPENSES

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, $56,900,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $96,248,000 in fiscal year 2002 shall be retained and used for necessary salaries and expenses in this account, notwithstanding section 31 U.S.C. 3302, and shall remain available until expended: Provided further, That revenues from these activities may be used for training of individuals for employment, any material category on the date of enactment of this Act, or is generated after such date.
license fee revenues, notwithstanding 42 U.S.C. 2166a. Further, that the sum herein appropriated 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 $45,652,000: Provided further, That, notwithstanding any other provision of law, no funds made available under this or any other Act may be expended by the Commission to implement or enforce 10 C.F.R. Part 35, as adopted by the Commission on October 23, 2000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $5,500,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $5,432,000 in fiscal year 2002 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated 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 $68,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $1,500,000, to be derived from the Nuclear Waste Fund, and 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 subsection 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.—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 chapter 9 of title 48, Code of Federal Regulations.

This Act may be cited as the “Energy and Water Development Appropriations Act, 2002”.

NOTICE OF HEARING

Mr. BINGAMAN, Mr. President, I would like to announce for the information of the Senate and the public that the Committee has scheduled a hearing to consider the nomination of Dan R. Brouillette to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

The hearing will take place on Wednesday, July 18, at 9 a.m. in room 306 of the Dirksen Senate Office Building.

Those wishing to submit written statements on the nominations should address them to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510. For further information, please contact Sam Fowler at 202-224-7571.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space of the Committee of the Whole on the Senate, pursuant to the authority of the Committee on Appropriations, be empowered to meet on Monday, July 16, 2001, at 1 p.m. The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Roger Cockrell and James Crum, Appropriations Committee staff, be granted the privilege of the floor for the duration of the consideration of the bill now before the Senate.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

On July 12, 2001, the Senate amended and passed H.R. 2217, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2217) entitled “An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002; and for other purposes.”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LAND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other purposes, $28,000,000, to remain available until expended, from communication site rental funds made available under this or any other Act: Provided, That $28,000,000 is for the conservation activities described in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act; of which not to exceed $19,774,000 shall be for the renovation or rehabilitation of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $775,962,000, to remain available until expended, of which $700,000 is for riparian improvement, development, disposal, and restoration of public lands pursuant to Public Law 96–487 (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2002 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,298,000 for Mining Law Administration program operations, including the cost of administering the mining claim program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $775,962,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communications activities. Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the wild or under the care of the Bureau: Provided further, That of the amount provided, $28,000,000 is for the conservation activities defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided further, That balances in the Federal Infrastructure Improvement account shall be transferred to and merged with this appropriation, and shall remain available until expended.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $389,421,000, to remain available until expended: Provided, That not to exceed $19,774,000 shall be for the renovation or construction of fire facilities: Provided, That not less than $111,255,000 of the funds available for hazardous fuels reduction, and for wildland fire protection shall be for alleviating immediate emergency threats to urban wildland interface areas as defined by the Secretary of the Interior: Provided further, That such appropriation shall be available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That such funds appropriated to the “Fire Protection” and “Emergency Management of the Interior