

good friend and colleague, Senator MIKE DEWINE—to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act, which Congress passed last year. After the bill became law, the Department of Justice and the Office of Government Ethics expressed concerns about some of the bill's provisions, which we are here to correct today. I was pleased that members of the Ohio and North Carolina delegations worked together in a timely manner to address those concerns.

As 2003 quickly approaches, I look forward to participating in the commemorative events and celebrations coordinated by the Centennial of Flight Commission. The 2003 celebration will highlight one of history's most remarkable achievements and showcase the impressive growth of the Miami Valley's aerospace industry, which the Wright Brothers pioneered nearly a century ago.

The Wright Brothers of Ohio began this century in flight. The Miami Valley—and indeed the world—will honor their achievement at the dawn of the next century, and look beyond the horizon of history to ask “What if?”

Mr. MCGOVERN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the Senate bill, S. 1072.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate bill just passed, as well as on H.R. 717, the National Parks Air Tour Management Act of 1999, and H. Con. Res. 187, Expressing the Sense of Congress Regarding the European Council Noise Rule Affecting Hushkitted and Reengined Aircraft.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CONFERENCE REPORT ON H.R. 2605, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 2605) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes:

CONFERENCE REPORT (H. REPT. 106-336)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2605) “making appropriations for energy and

water development for the fiscal year ending September 30, 2000, and for other purposes”, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

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

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, \$161,994,000, to remain available until expended: Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use the remaining unobligated funds appropriated in Public Law 102-377 for the Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, project for the feasibility phase of the Red River Navigation, Southwest Arkansas, study.

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), \$1,400,722,000, 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 rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri; Lock and Dam 14, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota; London Locks and Dam; Kanawha River, West Virginia; and Lock and Dam 12, Mississippi River, Iowa, projects; and of which funds are provided for the following projects in the amounts specified:

Indianapolis Central Waterfront, Indiana, \$8,000,000;

Harlan/Clover Fork including grading and landscaping of the disposal site at the Harlan floodwall, Pike County, Middleboro, Martin County, Pike County Tug Forks Tributaries, Bell County, Harlan County, and Town of Martin elements of the Levisa and Tug Forks of the

Big Sandy River and Upper Cumberland River project in Kentucky, \$14,050,000;

Jackson County, Mississippi, \$800,000;

Natchez Bluff, Mississippi, \$2,000,000;

Passaic River Streambank Restoration, New Jersey, \$6,000,000; and

Upper Mingo County (including Mingo County Tributaries), Lower Mingo County (Kermit), Wayne County, and McDowell County, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in West Virginia, \$4,400,000:

Provided, That no part of any appropriation contained in this Act shall be expended or obligated to begin Phase II on the John Day Draw-down study or to initiate a study of the draw-down of McNary Dam unless authorized by law: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, may use \$1,500,000 of funding appropriated herein to initiate construction of shoreline protection measures at Assateague Island, Maryland, subject to execution of an agreement for reimbursement by the National Park Service: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, may use Construction, General funding as directed in Public Law 105-62 and Public Law 105-245 to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, except that the funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): Provided further, That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects, and that the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: Provided further, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission, that the project will not violate the requirements or intent of the Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the “Boundary Waters Treaty of 1909”): Provided further, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: Provided further, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102-377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake.

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

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g-1), \$309,416,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing

expended, of which \$30,000,000 shall be used for ecosystem restoration activities and \$30,000,000 shall be used for such other activities, and of which such amounts as may be necessary to conform with such plans shall be transferred to appropriate accounts of such Federal agencies: Provided, That no more than \$5,000,000 of the funds appropriated herein may be used for planning and management activities associated with developing the overall CALFED Bay-Delta Program and coordinating its staged implementation: Provided further, That funds for ecosystem restoration activities may be obligated only as non-Federal sources provide their share in accordance with the cost-sharing agreement required under section 1101(d) of such Act, and that funds for such other activities may be obligated only as non-Federal sources provide their share in a manner consistent with such cost-sharing agreement: Provided further, That such funds may be obligated prior to the completion of a final programmatic environmental impact statement only if: (1) consistent with 40 CFR 1506.1(c); and (2) used for purposes that the Secretary finds are of sufficiently high priority to warrant such an expenditure.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$47,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed six passenger motor vehicles for replacement only.

SEC. 202. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

(INCLUDING TRANSFER OF FUNDS)

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 and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed one passenger motor vehicle for replacement only, \$644,937,953, of which \$820,953 shall be derived by transfer from the Geothermal Resources Development Fund, and of which \$5,000,000 shall be derived by transfer from the United States Enrichment Corporation Fund.

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 or for plant or facility acquisition, construction or expansion, \$333,618,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, \$250,198,000, to be derived from the Fund, to remain available until expended: Provided, That \$30,000,000 of amounts derived from the Fund for such expenses shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For 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 six passenger motor vehicles for replacement only, \$2,799,851,000, 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, \$240,500,000 to be derived from the Nuclear Waste Fund: Provided, That not to exceed \$500,000 may 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 not to exceed \$5,432,000 may 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 funds shall be made available to the State and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the State and each local entity shall provide certification to the Department of Energy, that all funds expended from such payments have been expended for activities as defined in Public Law 97-425. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-state efforts or other coalition building activities inconsistent with the restrictions contained in this Act.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$206,365,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same

or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total \$106,887,000 in fiscal year 2000 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than \$99,478,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$29,500,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed three for replacement only), \$4,443,939,000, to remain available until expended: Provided, That funding for any ballistic missile defense program undertaken by the Department of Energy for the Department of Defense shall be provided by the Department of Defense according to procedures established for Work for Others by the Department of Energy.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of 35 passenger motor vehicles for replacement only, \$4,484,349,000, to remain available until expended: Provided, That any amounts appropriated under this heading that are used to provide economic assistance under section 15 of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102-579) shall be utilized to the extent necessary to reimburse costs of financial assurances required of a contractor by any permit or license of the Waste Isolation Pilot Plant issued by the State of New Mexico.

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, \$1,064,492,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), \$189,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses

necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,722,444,000, to remain available until expended: Provided, That not to exceed \$5,000 may be used for official reception and representation expenses for transparency, national security and nonproliferation activities.

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, \$112,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for the Northeast Oregon Hatchery Master Plan, and for official reception and representation expenses in an amount not to exceed \$1,500.

During fiscal year 2000, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, 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, \$11,594,000; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed \$28,000,000 in reimbursements for transmission wheeling and ancillary services and for power purchases, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$28,773,000, to remain available until expended, of which \$773,000 shall be derived by transfer from unobligated balances in "Operation and Maintenance, Southeastern Power Administration"; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed \$4,200,000 in reimbursements, to remain available until expended.

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

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500, \$193,357,000, to remain available until expended, of which \$182,172,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, \$5,036,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Fal-

con and Amistad Dams, \$1,309,000, 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), \$174,950,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed \$174,950,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2000 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 2000 so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than \$0.

GENERAL PROVISIONS

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

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

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

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

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

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

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

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

SEC. 304. None of the funds appropriated by this Act may be used to augment the \$24,500,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2644; 42 U.S.C. 7274h).

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

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 306. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 307. Notwithstanding 41 U.S.C. 254c(a), the Secretary of Energy may use funds appropriated by this Act to enter into or continue multi-year contracts for the acquisition of property or services under the head, "Energy Supply" without obligating the estimated costs associated with any necessary cancellation or termination of the contract. The Secretary of Energy may pay costs of termination or cancellation from—

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

(2) appropriations currently available for procurement of the type of property or services concerned, and not otherwise obligated; or

(3) funds appropriated for those payments.

SEC. 308. Of the funds in this Act provided to government-owned, contractor-operated laboratories, not to exceed four percent shall be available to be used for Laboratory Directed Research and Development: Provided, That none of the funds in the Environmental Management programs are available for Laboratory Directed Research and Development.

SEC. 309. (a) Of the funds appropriated by this title to the Department of Energy, not more than \$150,000,000 shall be available for reimbursement of management and operating contractor travel expenses.

(b) Funds appropriated by this title to the Department of Energy may be used to reimburse a Department of Energy management and operating contractor for travel costs of its employees under the contract only to the extent that the contractor applies to its employees the same rates and amounts as those that apply to Federal employees under subchapter I of chapter 57 of title 5, United States Code, or rates and amounts established by the Secretary of Energy. The Secretary of Energy may provide exceptions to the reimbursement requirements of this section to the Secretary considers appropriate.

SEC. 310. (a) None of the funds in this Act or any future Energy and Water Development Appropriations Act may be expended after December 31 of each year under a covered contract unless the funds are expended in accordance with a Laboratory Funding Plan that has been approved by the Secretary of Energy. At the beginning of each fiscal year, the Secretary shall issue directions to the laboratories for the programs, projects, and activities to be conducted in that fiscal year. The Secretary and the Laboratories shall devise a Laboratory Funding Plan that identifies the resources needed to carry out these programs, projects, and activities. Funds shall be released to the Laboratories only after the Secretary has approved the Laboratory Funding Plan. The Secretary of Energy may provide exceptions to this requirement as the Secretary considers appropriate.

(b) For purposes of this section, "covered contract" means a contract for the management and operation of the following laboratories: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering and Environmental Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, Oak Ridge National Laboratory, Pacific Northwest National Laboratory, and Sandia National Laboratories.

SEC. 311. As part of the Department of Energy's approval of laboratory funding for prime contractors responsible for management of Department of Energy sites and facilities, the Secretary shall review and approve the incentive structure for contractor fees, the amounts of

award fees to be made available for next year, the allowable salaries of first and second tier laboratory management, and the overhead expenditures. The Secretary of Energy may provide exceptions to this requirement as the Secretary considers appropriate.

SEC. 312. None of the funds provided in this Act may be used to establish or maintain independent centers at a Department of Energy laboratory or facility unless such funds have been specifically identified in the budget submission.

SEC. 313. None of the funds made available in this or any other Act may be used to restart the High Flux Beam Reactor.

SEC. 314. No funds are provided in this Act or any other Act for the Administrator of the Bonneville Power Administration to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies that such services are not available from private sector businesses.

SEC. 315. 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 the enactment of this Act, or is generated after such date.

SEC. 316. LIMITING THE INCLUSION OF COSTS OF PROTECTION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT OF FISH AND WILDLIFE, WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH THE COSTS ARE INCURRED. Section 7 of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e) is amended by adding at the end the following:

“(n) LIMITING THE INCLUSION OF COSTS OF PROTECTION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT OF FISH AND WILDLIFE, WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH THE COSTS ARE INCURRED.—Notwithstanding any other provision of this section, rates established by the Administrator, under this section shall recover costs for protection, mitigation and enhancement of fish and wildlife, whether under the Pacific Northwest Electric Power Planning and Conservation Act or any other Act, not to exceed such amounts the Administrator forecasts will be expended during the fiscal year 2002–2006 rate period, while preserving the Administrator’s ability to establish appropriate reserves and maintain a high Treasury payment probability for the subsequent rate period.”.

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, for necessary expenses for the Federal Co-Chairman and the alternate on 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, \$66,400,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, \$17,000,000, 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, \$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), \$465,000,000, to remain available until expended: Provided, That of the amount appropriated herein, \$19,150,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at \$442,000,000 in fiscal year 2000 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That \$3,850,000 of the funds herein appropriated for regulatory reviews and other assistance provided to the Department of Energy and other Federal agencies shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at not more than \$23,000,000.

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, \$5,000,000, to remain available until expended: Provided, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at not more than \$0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

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

TENNESSEE VALLEY AUTHORITY

The Tennessee Valley Authority is directed to use up to \$3,000,000 from previously appropriated funds to pay any necessary transition costs for Land Between the Lakes.

TITLE V—RESCISSIONS

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 105–245 and prior Energy and Water Development Acts, the following amounts are hereby rescinded in the amounts specified:

Calleguas Creek, California, \$271,100;
San Joaquin, Caliente Creek, California, \$155,400;

Buffalo Small Boat Harbor, New York, \$15,100;

City of Buffalo, New York, \$4,000;
Geneva State Park, Ohio Shoreline Protection, \$91,000;

Clinton River Spillway, Michigan, \$50,000;
Lackawanna River Basin Greenway Corridor, Pennsylvania, \$217,900; and

Red River Waterway, Index, Arkansas, to Denison Dam, Texas, \$125,000.

CONSTRUCTION, GENERAL

(RESCISSIONS)

Of the funds made available under this heading in Public Law 105–245, and prior Energy and Water Development Acts, the following amounts are hereby rescinded in the amounts specified:

Sacramento River Flood Control Project, California (Deficiency Correction), \$1,500,000;

Melaleuca Quarantine Facility, Florida, \$295,000;

Lake George, Hobart, Indiana, \$3,484,000;
Anacostia River (Section 1135), Maryland, \$1,534,000;

Sowashee Creek, Meridian, Mississippi, \$2,537,000;

Platte River Flood and Streambank Erosion Control, Nebraska, \$1,409,000;

Rochester Harbor, New York, \$1,842,000;

Columbia River, Seafarers Museum, Hammond, Oregon, \$98,000; and

Quonset Point, Davisville, Rhode Island, \$120,000.

DEPARTMENT OF ENERGY

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 105–245 and prior Energy and Water Development Acts, \$3,000,000, are rescinded.

NUCLEAR WASTE DISPOSAL

(RESCISSION)

Of the funds made available under the heading “Department of Energy—Energy Programs—Nuclear Waste Disposal Fund” in the Energy and Water Development Appropriations Act, 1998 (Public Law 105–62), \$4,000,000 is rescinded, to be derived from the amount specified under such heading for the Nuclear Regulatory Commission to license a multi-purpose canister design.

TITLE VI—GENERAL PROVISIONS

SEC. 601. 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. 602. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

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

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

SEC. 603. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program—Alternative Repayment Plan” and the

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

SEC. 604. Section 6101(a)(3) of the Omnibus Budget Reconciliation Act of 1990, as amended, (42 U.S.C. 2214(a)(3)) is amended by striking "September 30, 1999" and inserting "September 30, 2000".

SEC. 605. Title VI, division C, of Public Law 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999, is repealed.

SEC. 606. Section 211(e)(2)(A) of the Water Resources Development Act of 1996 (Public Law 104-303, 110 Stat. 3682) is amended by striking "in advance in appropriations Acts".

SEC. 607. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 608. UNITED STATES ENRICHMENT CORPORATION FUND. (a) WITHDRAWALS.—Subsections (b) and (c) of section 1 of Public Law 105-204 (112 Stat. 681) are amended by striking "fiscal year 2000" and inserting "fiscal year 2002".

(b) INVESTMENT OF AMOUNTS IN THE USEC FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the United States Enrichment Corporation Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or
(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

SEC. 609. LAKE CASCADE. (a) DESIGNATION.—The reservoir commonly known as the "Cascade Reservoir", created as a result of the building of the Cascade Dam authorized by the matter under the heading "BUREAU OF RECLAMATION" of the fifth section of the Interior Department Appropriation Act, 1942 (55 Stat. 334, chapter 259) for the Boise Project, Idaho, Payette division, is redesignated as "Lake Cascade".

(b) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to "Cascade Reservoir" shall be considered to be a reference to "Lake Cascade".

SEC. 610. Section 4(h)(10)(D) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839b(h)(10)(D)) is amended by striking clauses (vii) and (viii) and inserting the following:

"(vii) COST LIMITATION.—The annual cost of this provision shall not exceed \$500,000 in 1997 dollars."

SEC. 611. (a) The Secretary of the Army, acting through the Chief of Engineers, in carrying out the program known as the Formerly Utilized Sites Remedial Action Program, shall undertake the following functions and activities to be performed at eligible sites where remediation has not been completed:

(1) Sampling and assessment of contaminated areas.

(2) Characterization of site conditions.

(3) Determination of the nature and extent of contamination.

(4) Selection of the necessary and appropriate response actions as the lead Federal agency.

(5) Cleanup and closeout of sites.

(6) Any other functions and activities determined by the Secretary of the Army, acting through the Chief of Engineers, as necessary for carrying out that program, including the acquisition of real estate interests where necessary, which may be transferred upon completion of remediation to the administrative jurisdiction of the Secretary of Energy.

(b) Any response action under that program by the Secretary of the Army, acting through the Chief of Engineers, shall be subject to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (in this section referred to as "CERCLA"), and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300).

(c) Any sums recovered under CERCLA or other authority from a liable party, contractor, insurer, surety, or other person for any expenditures by the Army Corps of Engineers or the Department of Energy for response actions under that program shall be credited to the amounts made available to carry out that program and shall be available until expended for costs of response actions for any eligible site.

(d) The Secretary of Energy may exercise the authority under section 168 of the Atomic Energy Act of 1954 (42 U.S.C. 2208) to make payments in lieu of taxes for federally owned property at which activities under that program are carried out, regardless of which Federal agency has administrative jurisdiction over the property and notwithstanding any reference to "the activities of the Commission" in that section.

(e) This section does not alter, curtail, or limit the authorities, functions, or responsibilities of other agencies under CERCLA or, except as stated in this section, under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

(f) This section shall apply to fiscal year 2000 and each succeeding fiscal year.

This Act may be cited as the "Energy and Water Development Appropriations Act, 2000".

And the Senate agree to the same.

RON PACKARD,
HAROLD ROGERS,
JOE KNOLLENBERG,
RODNEY P.

FRELINGHUYSEN,
SONNY CALLAHAN,
TOM LATHAM,
ROY BLUNT,
BILL YOUNG,
PETER VISCLOSKY,
CHET EDWARDS,
ED PASTOR,
MIKE FORBES,
DAVE OBEY,

Managers on the Part of the House.

PETE DOMENICI,
THAD COCHRAN,
SLADE GORTON,
MITCH MCCONNELL,
ROBERT F. BENNETT,
CONRAD BURNS,
LARRY E. CRAIG,
TED STEVENS,
HARRY REID,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
PATTY MURRAY,

HERB KOHL,
BYRON L. DORGAN,
DANIEL INOUE,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2605) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

The language and allocations set forth in House Report 106-253 and Senate Report 106-58 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not contradicted by the report of the Senate or the conference, and Senate report language which is not contradicted by the report of the House or the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House report and Senate report address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House and Senate reports are not inconsistent and are to be interpreted accordingly. In cases in which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

Senate amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Corps of Engineers. Additional items of conference agreement are discussed below.

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL GENERAL INVESTIGATIONS

The conference agreement appropriates \$161,994,000 for General Investigations instead of \$158,993,000 as proposed by the House and \$125,459,000 as proposed by the Senate.

The conference agreement includes \$100,000 for the Pima County, Arizona, project. To the extent appropriate, the study is to proceed with particular reference to recommendations and findings included in the Sonoran Desert Conservation Plan, Pima County, Arizona, dated October 21, 1998.

The conference agreement includes \$780,000 for the Metro Atlanta Watershed, Georgia, project. The additional funds have been included for investigations of flood damage prevention along; Utoy, Sandy and Proctor Creeks; Long Island, Marsh and Johns Creek; and Indian, Sugar, Intrenchment and Federal Prison Creeks Watershed.

The conference agreement includes \$400,000 for an interim feasibility study of the LaQuinta Channel, Texas, to be accomplished separately from the Corpus Christi Ship Channel study. The study will investigate potential extension of the existing project.

TITLE III

DEPARTMENT OF ENERGY

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Department of Energy. Additional items of conference agreement are discussed below.

HOUSE AND SENATE VIEWS

The reports accompanying the House and Senate passed bills include strongly held views of each body regarding the Department of Energy. The conferees have resolved all differences between the two bodies related to funding and where specific direction or requirements are provided. However, the conferees have not attempted to reconcile those portions of the reports that express the opinion of either body.

For example, the House and Senate reports express differing views on the external regulation of the Department's facilities. The conferees have not addressed this difference of opinion. However, where funding is involved, as it is with regard to providing funding within the Office of Environment, Safety and Health for external regulation, the conferees have agreed not to eliminate such funds as proposed by the Senate.

In cases where both the House report and Senate report address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House and Senate reports are not inconsistent and are to be interpreted accordingly.

DEPARTMENT OF ENERGY ORGANIZATIONAL STRUCTURE

The conferees expect the Department to reduce field office staffing by five percent from the current fiscal year 1999 aggregate levels. These reductions are not to be prorated, but should be based on an analysis of staffing needs at each individual office.

EXTERNAL INDEPENDENT ASSESSMENTS OF CONSTRUCTION PROJECTS

The conferees agree that none of the funds provided for fiscal year 2000 construction projects may be obligated until an external, independent assessment of the baseline cost and schedule has been performed and provided to the House and Senate Committees on Appropriations for review. The Department is also directed to improve the corrective action plans prepared in response to these external reviews. The quality of the corrective action plans received by the Committees on Appropriations has been marginal at best.

CONTRACTOR TRAVEL

The conference agreement includes a statutory provision limiting reimbursement of Department of Energy management and operating contractors for travel expenses to not more than \$150,000,000 and requiring contractor travel to be consistent with the rules and regulations for Federal employees. This reduction is not to be prorated, but should be applied to those organizations which appear to have the most egregious travel practices. This is not meant to restrict trips between laboratories to coordinate on program issues. The conferees are particularly concerned with the number of trips by laboratory employees to Washington, D.C., and the expense and excessive number of laboratory employees who travel to Russia.

The Department is also directed to ensure that reimbursements for contractor travel shall not exceed those costs which would be allowed for travel by employees of the Federal government. The conferees are aware that there is a cost difference because contractors cannot receive government rates for certain travel expenses. However, the regula-

tions should ensure that contractors are not allowed to charge the government for business class or first class travel expenses, hotels which exceed the government per diem allowance, and other expenses and benefits such as the personal use of frequent flier miles which are not allowed if the traveler is a Federal employee. Guidelines that provide for deviations from Federal travel regulations may be approved by the Secretary.

AUGMENTING FEDERAL STAFF

The conferees agree that a reduction is required in the number of Department of Energy management and operating contractors who are assigned to the Washington metropolitan area. Funding for management and operating contractors has been reduced by \$15,000,000. The conference agreement endorses the Department's proposed management plan to address this problem and to limit the current assignments to not more than 270 positions in fiscal year 2000. Those positions must perform functions that are highly technical and directly related to laboratory missions. Additionally, the Washington contractor offices (currently 13 for 9 laboratories) should be consolidated into one or two workplaces unless the Department finds that all of the offices can be eliminated by locating them in Department of Energy office space.

The conference agreement adopts the report requirement proposed by the House. This report, which is due on January 31, 2000, is to be augmented to include the status of the Department's proposed management reforms.

REPROGRAMMING

The conference agreement does not provide the Department of Energy with any internal reprogramming flexibility in fiscal year 2000 unless specifically identified by the House, Senate, or conference agreement. Any reallocation of new or prior year budget authority or prior year deobligations must be submitted to the House and Senate Committees on Appropriations in advance, in writing, and may not be implemented prior to approval by the Committees.

LABORATORY DIRECTED RESEARCH AND DEVELOPMENT

The conference agreement modifies the current laboratory directed research and development (LDRD) program by reducing the allowable cost from six percent to four percent of the funds provided to the laboratories. None of the funds provided to laboratories for environmental cleanup activities may be taxed for LDRD purposes.

COMPUTER SECURITY

The conference agreement does not withhold funding for information management systems as proposed by the House.

ADDITIONAL DEPARTMENT OF ENERGY REQUIREMENTS

The conferees agree with the House report language on improving project management in the Department of Energy and overhead costs reviews, and the Senate report language on personnel security.

GENERAL REDUCTIONS NECESSARY TO ACCOMMODATE SPECIFIC PROGRAM DIRECTIONS

The Department is directed to provide a report to the House and Senate Committees on Appropriations by January 31, 2000, on the actual application of any general reductions of funding or use of prior year balances contained in the conference agreement. In general, such reductions should not be applied disproportionately against any program, project, or activity. However, the conferees are aware there may be instances where proportional reductions would adversely impact critical programs and other allocations may be necessary.

ENERGY SUPPLY

The conference agreement appropriates \$644,937,953 instead of \$615,317,304 as proposed by the House or \$721,233,000 as proposed by the Senate. The conference agreement does not include the Senate bill language providing \$15,000,000 for civilian research and development.

SOLAR AND RENEWABLE RESOURCES TECHNOLOGIES

The conference agreement provides \$362,240,000 instead of \$356,450,000 as proposed by the House or \$353,900,000 as proposed by the Senate.

Solar building technology research.—The conference agreement includes \$2,000,000, the amount provided by the Senate, instead of \$2,810,000 as proposed by the House. The conference agreement includes \$1,700,000 for technology development and \$300,000 for quality assurance.

Photovoltaic systems research and development.—The conference agreement includes \$69,847,000, instead of \$72,977,000 as proposed by the House or \$66,847,000 as proposed by the Senate. Within the \$67,000,000 provided to the Office of Energy Efficiency and Renewable Energy, the conferees have provided \$27,000,000 for advanced materials and devices, \$15,309,000 for fundamental research, and \$24,691,000 for collector research and systems development program of which up to \$1,500,000 may be used for "million solar roofs" activities. From the amount provided, the conferees have provided \$1,000,000 for the Materials Science Center in Tempe, Arizona.

Concentrating solar power systems.—The conference agreement includes \$15,410,000, the same amount as the House, instead of \$15,000,000 as proposed by the Senate. The conferees have provided \$5,000,000 for distributed power system development, \$5,000,000 for dispatchable power system development, and \$2,900,000 for advanced component and system research. No funds have been provided here for strategic alliances and market awareness activities. The conferees have included \$2,500,000 for research and development for the U.S.-manufactured 22kw dish sterling program.

Biomass/biofuels research and development.—The conference agreement includes \$98,740,000, instead of \$98,960,000 as proposed by the House or \$99,690,000 as proposed by the Senate. The conferees have provided \$26,740,000 for research to be managed by the Office of Science, the same as the amount in the budget request. The conference agreement includes \$32,500,000 for power systems and \$39,500,000 for the transportation program. The conferees have provided up to \$1,000,000 for the regional biomass program to be derived from the power program. The conferees have not included the House provision prohibiting further funding of the Vermont gasification project. The conference agreement includes up to \$5,000,000 for the final Federal contribution to this facility. The conferees have provided \$1,000,000 for the Consortium for Plant Biotechnology Research, to be derived from the power program. The conferees have included the House provision providing up to \$6,000,000 for the multi-agency biomass program. The Department is directed to include a competitive solicitation for projects that meet criteria for funding under the Department's unique role in this multi-agency effort.

The conference agreement does not include funds for the Vermont agriculture methane project or the Southern Illinois University project as provided in the Senate report. The conferees have included up to \$500,000 for the P-series fuel project at the University of Louisville. The conferees have not included any other new projects in the transportation program. The conferees note that the Department has funded several biomass energy

projects during recent years whose timelines have been delayed for various reasons. The conferees believe it is time for the Department to complete these projects and related activities before initiating new projects. Accordingly, funds are included for the completion and/or termination costs of previously funded biomass projects. The conferees have provided \$3,000,000 for the Michigan Biotechnology Institute (MBI), to be derived equally from the power and transportation programs. The conferees direct that the Department and MBI submit a spending plan to the Committees on Appropriations for approval no later than November 30, 1999.

Wind energy research and development.—The conference agreement includes \$33,283,000, instead of \$31,243,000 as proposed by the House or \$34,283,000 as proposed by the Senate. The conferees have provided \$283,000 for research to be managed by the Office of Science, the same as the budget request. Within the \$33,000,000 provided to the Office of Energy Efficiency and Renewable Energy, \$13,500,000 is for applied research, the same amount as the budget request. The conference agreement does not include prescriptive language specifying allocations as included in the Senate Report.

Renewable energy production incentive.—The conference agreement includes \$1,500,000, the amount of the budget request and the amount provided by the Senate, instead of \$2,610,000 as proposed by the House.

Solar program support.—The conference agreement includes \$5,000,000, a \$3,000,000 increase over the amount provided by the House and Senate. The conferees have included the House proposal to provide \$1,000,000 for electricity restructuring activities and \$1,000,000 for feasibility studies in preparation for a competitive solicitation. The conferees have provided an additional \$3,000,000 for the Department to conduct distributed power system integration research and development. This effort is to be part of the competitive solicitation program and shall include modeling, field testing and analyses to determine the best means of integrating distributed power resources, including renewable energy, combined heat and power, and hybrid systems into the electricity system in a manner that enhances reliability, safety and power quality.

International solar energy.—The conference agreement includes \$4,000,000 instead of \$4,950,000 as provided by the House or \$3,000,000 as provided by the Senate. Of this amount, \$3,000,000 is to be provided expeditiously to International Utility Efficiency Partnerships, Inc. (IUEP). IUEP shall competitively award all projects, continuing its leadership role in reducing carbon dioxide emissions using voluntary market-based mechanisms.

National Renewable Energy Laboratory (NREL).—The conference agreement includes \$1,100,000, the amount of the budget request, as proposed by the Senate instead of \$2,800,000 as proposed by the House.

Geothermal technology development.—The conference agreement includes \$24,000,000, the amount provided by the Senate, instead of \$24,310,000 as proposed by the House. The conference agreement includes \$6,000,000 for exploration research and development and \$5,500,000 for drilling technology research and development.

Hydrogen research and development.—The conference agreement includes \$27,970,000, instead of \$24,730,000 as proposed by the House and \$29,970,000 as proposed by the Senate. The conferees have provided \$2,970,000 for research to be managed by the Office of Science, the same as the amount in the budget request. The conference agreement does not include the specific funding items listed in the Senate report except for \$250,000

for the carbon dioxide/hydrogen production gas reforming facility in Nevada and \$350,000 for the Montana Trade Port Authority in Billings, Montana.

Hydropower.—The conference agreement includes \$5,000,000 as proposed by the Senate, instead of \$2,760,000 as proposed by the House. The amount provided is exclusively for cost-shared research and development of "fish-friendly" turbines.

Renewable Indian energy resources.—The conference agreement includes \$4,000,000, the same amount as proposed by the Senate, instead of no funds as proposed by the House. The conferees have provided funds in accordance with the Senate report, except that \$1,000,000 is provided for the Nome diesel upgrade instead of the Kotzebue wind project.

Electric energy systems and storage.—The conference agreement includes \$38,410,000, instead of \$38,910,000 as proposed by the House or \$33,500,000 as proposed by the Senate. The conferees have provided \$31,910,000 for high-temperature superconducting research and development, \$3,500,000 for energy storage systems and \$3,000,000 to support a national laboratory/utility industry partnership to conduct research on reliability of the nation's electricity infrastructure including the impact of electricity restructuring on safety and reliability. The conference agreement includes \$500,000 for the distributed power demonstration project at the Nevada Test Site instead of \$1,000,000 as provided in the Senate report.

Program direction.—The conference agreement includes \$17,720,000, the same amount provided by the House, instead of \$17,750,000 as proposed by the Senate.

NUCLEAR ENERGY

The conference agreement provides \$288,700,000, instead of \$265,700,000 as proposed by the House or \$297,700,000 as proposed by the Senate.

Advanced radioisotope power systems.—The conference agreement includes \$34,500,000, instead of \$32,000,000 as provided by the House or \$37,000,000 as provided by the Senate.

Test reactor area landlord.—The conference agreement includes \$9,000,000, the same amount as proposed by the House and the Senate.

University reactor fuel assistance and support.—The conference agreement includes \$12,000,000, the same amount provided by the House and the Senate.

Nuclear energy plant optimization.—The conference agreement includes \$5,000,000, the same amount provided by the House and the Senate. The conferees direct that the Department ensure that projects are funded jointly with non-Federal partners and that total non-Federal contributions are equal to or in excess of total Department contributions to projects funded in this program.

Nuclear energy research initiative.—The conferees have provided \$22,500,000 for the nuclear energy research initiative, instead of \$25,000,000 as recommended by the Senate or \$20,000,000 as recommended by the House.

Civilian research and development.—The conference agreement includes \$9,000,000, instead of no funding as recommended by the House and \$15,000,000 as provided by the Senate. The conferees direct that funding be provided in accordance with the Department's Roadmap for Developing ATW Technology and encourage international participation and cooperation in the program.

Fast Flux Test Facility.—The conference agreement provides \$28,000,000 as proposed by the Senate, instead of \$30,000,000 as proposed by the House.

Termination costs.—The conference agreement provides \$80,000,000 as provided by the Senate, instead of \$75,000,000 as provided by the House. The conference agreement pro-

vides the full amount of the budget request to complete draining and processing EBR-II primary sodium. The conferees direct the Department to notify the Committees immediately if any issues arise that would delay the Department's plan to complete these activities as stated in the budget justification documents. If additional funds are required, the Department should send a reprogramming request to the Committees as expeditiously as possible.

Uranium programs.—The conference agreement includes \$43,500,000, instead of \$40,000,000 as proposed by the House and \$39,000,000 as proposed by the Senate. The conferees have provided an additional \$3,987,000 to address worker and public health and safety concerns at the gaseous diffusion plant sites.

Isotope support.—The conference agreement includes \$20,500,000, instead of \$18,000,000 as proposed by the House or \$23,000,000 as proposed by the Senate. The conferees have included \$7,500,000 for the Isotope production facility, the same amount as provided by the Senate.

Program direction.—The conference agreement includes \$24,700,000, the same amount provided by the House and the Senate.

ENVIRONMENT, SAFETY AND HEALTH

The conference agreement includes \$38,998,000, instead of \$36,750,000 as recommended by the House or \$48,998,000 as recommended by the Senate. The conferees direct that the reduction from the budget request be directed to eliminate lower-priority activities currently funded in this program. The conference agreement does not preclude funding for external regulation-related activities.

ENERGY SUPPORT ACTIVITIES

Technical information management program.—The conference agreement includes \$8,600,000, the same amount provided by the House and the Senate.

Transfer of funds to the Occupational Safety And Health Administration.—The conference agreement includes \$1,000,000 for safety and health activities related to non-Federal workers at Federal facilities and regulatory responsibilities at non-nuclear facilities. This is the same amount as the House, instead of no funding as recommended by the Senate.

Field operations.—The conference agreement includes the House provision transferring funding of field offices to sponsoring programs in accordance with the Department's management reorganization plan. Funding for the Chicago, Oakland and Oak Ridge offices has been provided in the Science account. Funding for the Idaho office has been moved to the Environmental Management account.

Oak Ridge landlord.—The conference agreement includes the House provision transferring funding to the Science account.

FUNDING ADJUSTMENTS

The conferees have included the transfers totaling \$5,820,953 from the Geothermal Resources Development and United States Enrichment Corporation Funds as proposed in the budget request and included in the House and Senate bills. The conference agreement also includes \$47,100,000, the same amount as the budget request, for research performed by the Office of Science related to solar and renewable energy technologies.

The conference agreement does not include the Senate provision to use \$31,589,000 identified as prior year balances. The House did not include a prior year balance adjustment. The conference agreement includes a reduction of \$1,500,000 for contractor travel, a \$1,000,000 reduction for management and operating contractors in Washington, D.C., and a \$5,000,000 general reduction.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

The conference agreement appropriates \$333,618,000 instead of \$327,223,000 as proposed by the House and \$327,922,000 as proposed by the Senate.

The conference agreement includes \$595,000 for the National Low-Level Waste Program in fiscal year 2000. These funds are to be used to maintain Federal data bases for tracking and reporting on low-level waste disposal information.

The conference agreement includes an additional \$5,800,000 to complete cleanup at the Grand Junction site in Colorado in fiscal year 2000.

The conferees are aware of additional costs being incurred in the TMI Fuel Storage project related to compliance with Nuclear Regulatory Commission safety requirements. The Department should submit a reprogramming request as expeditiously as possible to remedy this shortfall.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

The conference agreement appropriates \$250,198,000 instead of \$240,198,000 as proposed by the House and \$200,000,000 as proposed by the Senate.

An additional \$10,000,000 has been provided to accelerate cleanup activities at the gaseous diffusion plants in Paducah, Kentucky, and Portsmouth, Ohio, in an effort to deal with radioactive contamination of groundwater, surface water, and on-site burial grounds, as well as decontamination and decommissioning of facilities. The conferees are aware of over \$30,000,000 in additional cleanup work at the Paducah site alone that was identified in the Phase I preliminary investigation completed by the Department on September 14, 1999. The conferees urge the Department to substantially increase the funding request in fiscal year 2001 for the Paducah and Portsmouth facilities to fully characterize waste in and around the DOE reservations and to eliminate the existing threats to the residents, workers, and the environment.

Funding of \$30,000,000, the same as the budget request, has been provided for the uranium and thorium reimbursement program. The conferees recognize there are eligible uranium and thorium licensee claims under Title X of the Energy Policy Act that have been approved for reimbursement, but not yet paid in full. The conferees direct the Department of Energy to submit with the fiscal year 2001 budget request a current list of the licensees approved for payment, amounts paid to date, and remaining balances requiring reimbursement for each of the claimants.

SCIENCE

The conference agreement appropriates \$2,799,851,000, instead of \$2,718,647,000 as provided by the House or \$2,725,069,000 as provided by the Senate. The conference agreement does not include the Senate bill language providing funding for Boston College, the University of Missouri or the Natural Energy Laboratory of Hawaii.

High energy physics.—The conference agreement provides \$707,890,000 for high energy physics, instead of \$715,525,000 as provided by the House or \$691,090,000 as provided by the Senate. The conference agreement does not include the Senate reduction for research and development of a TeV scale center of mass accelerator. The conferees do have concerns about the early cost projections of this planned facility and urge the Department to consider reasonable expectations of budgets and significant international participation during the early planning process for this proposed facility.

Nuclear physics.—The conference agreement provides \$352,000,000 for nuclear phys-

ics, instead of \$357,940,000 as provided by the House or \$330,000,000 as provided by the Senate. The conference agreement does not include the Senate provision eliminating funding for the Bates Linear Accelerator Laboratory.

Biological and environmental research.—The conference agreement includes \$441,500,000, instead of \$406,170,000 as provided by the House or \$429,700,000 as provided by the Senate. The conferees have included \$19,500,000 for the low-dose effects program including a review of the Hiroshima dosimetry system. The conferees have not provided \$2,000,000 in the Defense Environment, Safety and Health account as proposed by the Senate for this review. The conferees have provided \$100,000 to study the effects of radiation on avian populations at the Nevada Test Site.

The conference agreement includes \$5,000,000 for improvements and optimum utilization of the University of Missouri research reactor and \$1,500,000 for the Natural Energy Laboratory in Hawaii. The conferees have provided \$2,500,000 for the bone marrow transplantation/radioimmunotherapy program at the City of Hope National Medical Center and \$1,000,000 for the Gallo Institute of the Cancer Institute of New Jersey. The conference agreement also includes \$1,000,000 for cancer research at the Burbank Hospital Regional Center in Fitchburg, Massachusetts; \$2,000,000 for the Midwest Proton Radiation Institute; \$1,000,000 for the Center for Research on Aging at Rush-Presbyterian-St. Luke's Medical Center in Chicago, Illinois; and \$1,000,000 for the breast cancer program at the North Shore-Long Island Jewish Health System.

The conference agreement includes \$1,500,000 for the Medical University of South Carolina's Cancer Research Center, \$1,500,000 for the West Virginia National Education and Technology Center, \$1,500,000 for the University of Las Vegas Science Complex, \$1,000,000 for the Science Center at Creighton University, and \$1,500,000 for the Utton Transboundary Center. The conference agreement includes \$10,000,000 to further development of technologies using advanced functional brain imaging methodologies, including magnetoencephalography, for conduct of basic research in mental illness and neurological disorders. The conferees are aware of research into the molecular basis of disease and MicroPET at the University of California Los Angeles and encourage the Department to review this new technology and possible collaborations and report back to the Committees.

Basic energy sciences.—The conference agreement includes \$783,127,000 instead of \$735,989,000 as recommended by the House or \$854,545,000 as recommended by the Senate. The conferees have included \$7,000,000 for the Experimental Program to Stimulate Competitive Research, the same amount as provided by the House and the Senate. The conferees included very modest reductions to BES research programs and they strongly oppose any effort by the Department to target one laboratory when allocating this reduction.

Spallation Neutron Source.—The recommendation includes \$117,900,000, including \$100,000,000 for line-item construction costs and \$17,900,000 for related research and development. The amount provided is \$69,000,000 less than the amount provided by the Senate and \$50,000,000 more than the amount provided by the House. The conferees have provided the same amount authorized in the House-passed authorization bill.

Computational and technology research.—The conference agreement includes \$132,000,000, instead of \$143,000,000 as provided by the House or \$129,000,000 as provided by the Senate. The conferees strongly support

the Department's current supercomputer programs including ASCI, NERSC, and modeling programs. The conferees urge the Department to submit a comprehensive plan for a non-Defense supercomputing program that reflects a unique role for the Department in this multi-agency effort and a budget plan that indicates spending requirements over a five-year budget cycle.

Energy research analyses.—The conference agreement includes \$1,000,000, the same amount provided by the House and the Senate.

Multiprogram energy labs—facility support.—The conference agreement includes \$21,260,000, the same amount provided by the House and the Senate. The conference agreement includes the additional \$1,000,000 provided by the House to fully fund the Department's commitment to the payment-in-lieu of taxes program and does not include the additional \$1,000,000 provided by the Senate for roofing improvements at Oak Ridge National Laboratory.

Fusion energy sciences.—The conference agreement includes \$250,000,000, the same amount provided by the House instead of \$220,614,000 as provided by the Senate. The conferees are pleased with the highly supportive recent report on fusion energy science from the Secretary of Energy's Advisory Board and with the comprehensive scientific plan developed by the Fusion Energy Sciences Advisory Committee (FESAC). The FESAC plan should be used by the Department as guidance in the allocation of the resources provided for fusion energy sciences.

Oak Ridge landlord.—The conference agreement includes \$11,800,000 as proposed by the House.

Program Direction.—The recommendation is \$131,108,000, instead of \$126,963,000 as proposed by the House or \$52,360,000 as proposed by the Senate. The conferees have provided \$52,360,000 for headquarters program direction activities, the same amount provided by the House and Senate.

FUNDING ADJUSTMENTS

The conference agreement includes a reduction of \$10,834,000 for contractor travel, the same amount as the budget request. The conferees have also included a \$1,000,000 reduction for management and operating contractors in Washington, D.C.; a \$10,000,000 general reduction; and a \$10,000,000 reduction reflecting the House provision to include all funding for science education activities with program direction funding.

NUCLEAR WASTE DISPOSAL

The conference agreement appropriates \$240,500,000 for Nuclear Waste Disposal instead of \$242,500,000 as proposed by the Senate and \$169,000,000 as proposed by the House.

The conference agreement includes \$500,000 for the State of Nevada instead of \$4,727,000 as proposed by the Senate and no funds as proposed by the House. This funding will be provided to the Department of Energy which will reimburse the State for actual expenditures on appropriate scientific oversight responsibilities conducted pursuant to the Nuclear Waste Policy Act of 1982. These funds may not be used for salaries and expenses for State employees in the oversight office.

The conference agreement includes \$5,432,000 for affected units of local government as proposed by the Senate instead of no funds as proposed by the House. Funding for the affected local governments is to be allocated in the same proportion as was provided to each affected local government in fiscal year 1998.

The conference agreement includes \$1,000,000 for seismic evaluations instead of \$3,000,000 as proposed by the Senate. No funds are provided in this account for the development of accelerator transmutation of waste technology.

DEPARTMENTAL ADMINISTRATION

The conference agreement appropriates \$206,365,000 for Departmental Administration instead of \$193,769,000 as proposed by the House and \$219,415,000 as proposed by the Senate. Funding of \$10,000,000 is to be transferred to this account from Other Defense Activities. Revenues of \$106,887,000, \$10,000,000 less than the budget request, are estimated to be received in fiscal year 2000, resulting in a net appropriation of \$99,478,000.

The conference agreement provides \$26,000,000 for the Chief Financial Officer, an increase over the budget request of \$23,792,000. These additional funds are to support the new engineering and construction division.

The conference agreement provides \$1,000,000 as proposed by the House for severance payments for the office of field management.

Reprogramming Guidelines.—The conference agreement provides reprogramming authority of \$500,000 or 5 percent, whichever is less, within the Departmental Administration account without submission of a reprogramming to be approved by the House and Senate Committees on Appropriations. No individual program account may be increased or decreased by more than this amount during the fiscal year using this reprogramming authority. This should provide the needed flexibility to manage this account. Congressional notification within 30 days of the use of this reprogramming authority is required. Transfers which would result in increases or decreases in excess of \$500,000 or 5 percent to an individual program account during the fiscal year require prior notification and approval from the House and Senate Committees on Appropriations.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement appropriates \$29,500,000 for the Inspector General instead of \$30,000,000 as proposed by the House and \$29,000,000 as proposed by the Senate.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

The conference agreement appropriates \$4,443,939,000 instead of \$3,962,500,000 as proposed by the House and \$4,609,832,000 as proposed by the Senate.

The conference agreement includes language proposed by the Senate providing that funding for any ballistic missile defense program undertaken by the Department of Energy for the Department of Defense must be provided in accordance with procedures established for Work for Others by the Department of Energy.

The conference agreement deletes language proposed by the Senate allowing the use of stockpile stewardship funds for regional economic development and language proposed by the House deferring the obligation of \$1,000,000,000 until certain conditions are met.

Stockpile stewardship.—The conferees have postponed the integrated strategy proposed by the Senate. From within available funds, the conference agreement provides \$10,000,000 to enhance or provide new microsystems capability at the Sandia National Laboratory and \$5,000,000 to begin the process of moving the Atlas pulsed power experimental facility to the Nevada Test Site.

Funding of \$316,000,000 has been provided for the accelerated strategic computing initiative (ASCI) program, a reduction of \$25,000,000 from the request of \$341,000,000.

Inertial Fusion.—The agreement includes the additional \$10,000,000 proposed by the House for the inertial fusion program to further development of high average power lasers.

National Ignition Facility.—The conference agreement does not include the additional

funding proposed by the Senate for the National Ignition Facility.

The National Ignition Facility has been described as one of the cornerstones of the Stockpile Stewardship Program. The conferees understand that the most recent internal review of the project has concluded that the projected cost to complete the project has increased and the completion date will be delayed. The conferees are very disappointed by this. Additional reviews will be performed in coming months to establish the appropriate future actions for proceeding with this project.

The conferees direct that the Secretary of Energy complete and certify a new cost and schedule baseline for the National Ignition Facility and submit that certification to the Committees by June 1, 2000. If the Secretary is unable to provide such a certification, the Department should prepare an estimate of the costs necessary to terminate the project.

Technology transfer.—The conference agreement provides \$14,500,000 for the technology transfer program. This includes \$5,000,000 for the Amarillo Plutonium Research Center, the same as the budget request. The remaining funds support the projects identified in the budget request. The conferees recognize that the funds provided for technology transfer have been reduced substantially in recent years and recommend that the Department concentrate the remaining funds on technology partnerships with small business.

Education.—The conference agreement provides \$18,600,000 for education programs, including the budget request of \$6,000,000 for the Northern New Mexico Educational Enrichment Foundation and \$8,000,000 for the Los Alamos School District.

Stockpile management.—For core stockpile management activities, the conference agreement provides \$1,965,300,000, which includes the following adjustment to the budget request. Additional funding of \$25,000,000 is to be distributed among the Y-12 plant in Oak Ridge, Tennessee; the Kansas City plant in Missouri; the Pantex plant in Amarillo, Texas; and, if necessary, up to \$1,000,000 may be provided to plan modifications of the nuclear materials vault at the Los Alamos TA-55 facility.

Tritium.—A total of \$175,000,000 is provided for continued research and development on a new source of tritium. Funding of \$36,000,000, an increase of \$5,000,000 over the budget request, has been provided for design only activities in Project 98-D-126, Accelerator Production of Tritium.

Chemical and Metallurgical Research (CMR) Building Upgrades.—The conference agreement provides \$15,000,000 for upgrades to the CMR building. The conferees direct the Department to initiate the conceptual design of a replacement facility using existing operating funds.

Transportation Safeguards Division.—The conference agreement establishes a separate account for the Transportation Safeguards Division, as proposed by the House, and provides the budget request of \$91,812,000. The conferees are aware that funding adjustments may be required in fiscal year 2000 to accommodate additional program activities.

Program direction.—The conference agreement provides \$209,000,000, a reduction of \$5,688,000 from the budget request after transferring \$31,812,000 to the Transportation Safeguards Division account.

Funding adjustments.—The conference agreement includes the use of \$7,668,000 of prior year balances, \$30,000,000 for contractor travel savings, \$5,000,000 for management and operating contractor savings, and a general reduction of \$29,800,000.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conference agreement appropriates \$4,484,349,000 for Defense Environmental Res-

toration and Waste Management instead of \$4,157,758,000 as proposed by the House and \$4,551,676,000 as proposed by the Senate. Additional funding of \$1,064,492,000 is contained in the Defense Facilities Closure Projects account and \$189,000,000 in the Defense Environmental Management Privatization account for a total of \$5,737,841,000 provided for all defense environmental management activities.

In the event that the conference agreement requires a general reduction of available funding, such reductions shall be applied to the lowest priority projects and activities at each site in order to preserve critical program activities.

The conference agreement does not include statutory language proposed by the Senate earmarking funds for a project in Idaho.

Site/Project Completion.—The conference agreement provides an additional \$10,000,000 to address funding shortfalls at the Hanford site in Richland, Washington.

Post 2006 Completion.—The conference agreement includes an additional \$10,000,000 for spent fuel activities related to the Idaho Settlement Agreement; \$13,000,000 to maintain schedules required by revised compliance agreements with the State of Washington; and \$10,000,000 to support high level waste removal activities at the Savannah River Site in South Carolina.

Waste Isolation Pilot Plant (WIPP).—The conferees have included statutory language that would enable the Department to use funds otherwise available to the State of New Mexico to meet any bonding requirements that the State may impose on the operations of WIPP. The inclusion of such a provision should not be taken as a precedent. To the contrary, should such a requirement be imposed on the operation of WIPP, the conferees will recommend a statutory prohibition on such requirements.

The Department of Energy should review the role of the Environmental Evaluation Group to determine whether it is necessary to continue this oversight group now that WIPP has opened.

Health effects studies.—No funds are provided for health effects studies in the Environmental Management program. All funding for health effects studies is included in the Environment, Safety and Health (Defense) program.

Science and Technology Development.—The conference agreement provides \$230,500,000 for the technology development program, the same as the budget request. The Department is directed to provide \$5,000,000 from within available funds for the next round of new and innovative research grants in the environmental management science program in fiscal year 2000. The Department is urged to reallocate funds to the extent possible to provide up to \$10,000,000 for technology deployment activities.

The conference agreement provides \$4,500,000, an increase of \$500,000 over the budget request, for the Diagnostic Instrumentation and Analysis Laboratory.

Program direction.—The conferees have provided \$339,409,000 for the program direction account. The recommendation includes funding for the Federal employees at the Idaho Operations Office consistent with the Department's new organization structure.

Economic development.—The conference agreement maintains the current policy that no cleanup funds are to be used for economic development activities. The conferees have provided \$24,500,000 in the worker and community transition program which was established and authorized to fund such activities, and expect all economic development activities to be funded from that program.

Funding adjustments.—The conference agreement includes the use of \$40,000,000 of

prior year balances; \$6,000,000 for contractor travel savings; \$8,700,000 in offsetting collections; and \$2,000,000 for management and operating contractor savings.

DEFENSE FACILITIES CLOSURE PROJECTS

The conference agreement appropriates \$1,064,492,000 for the Defense Facilities Closure Projects account instead of \$1,054,492,000 as proposed by the House and \$1,069,492,000 as proposed by the Senate. The conferees expect the Department to request adequate funds to keep each of these projects on a schedule for closure by 2006 or earlier.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

The conference agreement provides \$189,000,000 for the environmental management privatization program instead of \$228,000,000 as proposed by the House and the Senate. The conferees are aware that funding requirements for the Disposal Cell at Oak Ridge, Tennessee, have been reduced by \$39,000,000.

OTHER DEFENSE ACTIVITIES

The conference agreement appropriates \$1,722,444,000 for Other Defense Activities instead of \$1,651,809,000 as proposed by the House and \$1,872,000,000 as proposed by the Senate. Details of the conference agreement are provided below.

NONPROLIFERATION AND NATIONAL SECURITY

The conference agreement provides \$744,850,000 for nonproliferation and national security programs instead of \$691,050,000 as proposed by the House and \$822,300,000 as proposed by the Senate.

Competitive research.—The conferees direct the Department to initiate a free and open competitive process for 25 percent of its research and development activities during fiscal year 2000. In addition, 25 percent of the Department's treaty monitoring program is to be awarded through an open competitive process. The competitive process should be open to all Federal and non-Federal entities.

The conference agreement provides funds for Project 00-D-192, the Nonproliferation and International Security Center at Los Alamos. However, none of the funds may be obligated until an external, independent project assessment has been completed and provided to the House and Senate Committees on Appropriations for review.

Federal employees.—The conferees are aware that the Department does not have enough qualified Federal employees available to manage the nonproliferation and national security programs, particularly the Russian programs. The conferees will favorably consider a reprogramming of funds from these program areas to the program direction account as Federal employees are hired to replace the contractor employees who currently oversee these programs contrary to proper role of contractor employees.

Arms Control.—The conference agreement includes \$41,152,000 for chemical and biological non-proliferation activities; \$150,000,000 for the materials protection, control and accounting program; \$22,500,000 for the Initiatives for Proliferation Program; and \$7,500,000 for the Nuclear Cities Initiative.

Emergency Management.—The conference agreement includes the budget request of \$21,000,000 for emergency management.

Nuclear Safeguards and Security.—The conference agreement provides \$69,100,000, an increase of \$10,000,000 over the budget request. This funding is recommended to enhance protection of critical facilities and infrastructure against physical and cyber attacks. From within available funds, \$1,000,000 is provided to address the vulnerabilities of security equipment; \$1,000,000 is provided to procure safety locks to meet Federal specifications; and \$1,000,000 is to be used for an enhanced information assurance program.

Security Investigations.—The conference agreement provides \$33,000,000 for security investigations, an increase of \$3,000,000 over the budget request.

HEU Transparency Implementation.—The conference agreement provides \$15,750,000, the same as the budget request.

International Nuclear Safety.—The conference agreement provides \$15,000,000 for the international nuclear safety program. This funding is to be used only for activities in support of completing the upgrades to Soviet-designed nuclear reactors. No funds are provided to initiate new programs in fiscal year 2000 or to expand new programs initiated in fiscal year 1999.

Program direction.—The conference agreement provides \$89,000,000 for the program direction account. The conferees are aware of and support the proposal to restructure the Moscow office by reducing the use of national laboratory employees.

INTELLIGENCE

The conference agreement includes \$36,059,000 as proposed by the House and the Senate to support the Department's intelligence program.

COUNTERINTELLIGENCE

The conference agreement includes \$39,200,000 as proposed by the House and the Senate to support the Department's counterintelligence program.

INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE

The conference agreement provides \$5,000,000 in support of the newly established office of independent oversight and performance assurance. This is in addition to the funds provided for this office in the budget for Environment, Safety and Health (Defense).

ENVIRONMENT, SAFETY AND HEALTH (DEFENSE)

The conference agreement provides \$98,000,000 for defense-related environment, safety and health activities instead of \$96,600,000 as proposed by the House and \$94,000,000 as proposed by the Senate. The conference agreement does not reduce funding for environmental evaluations and contractor support to the Defense Nuclear Facilities Safety Board liaison. The budget request of \$13,500,000 has been provided for the Radiation Effects Research Foundation.

Health Effects Studies.—The conferees have provided \$48,956,000 for health effects studies. This amount includes the budget request of \$40,956,000 in this account and \$8,000,000 from the Defense Environmental Management program.

From within available funds, the Department should reprioritize the funding for health effects studies to address the health concerns of current and former workers for the purpose of early identification of work-related diseases at the gaseous diffusion plants in Paducah, Portsmouth, and Oak Ridge. As part of this screening program, the Department is urged to make use of recent medical advances that detect lung cancers at an early stage. Medical screening results will be assessed by occupational medicine physicians, and the participants, where appropriate, will be provided referral assistance. The conferees also urge the Department to request sufficient funds for fiscal year 2001 to provide medical surveillance for those workers, both former and current, who were not screened under this accelerated program at the three gaseous diffusion plants.

WORKER AND COMMUNITY TRANSITION

The conference agreement provides \$24,500,000 for the worker and community transition program instead of \$20,000,000 as proposed by the House and \$30,000,000 as proposed by the Senate. Since there are no sig-

nificant program funding decreases in the Department of Energy in fiscal year 2000, the conferees have reduced the funding allocated for enhanced severance benefits and local assistance grants.

The conferees do not agree that this program should share the infrastructure burden that is necessary to maintain test readiness at the Nevada Test Site, but support efforts to diversify technical activities at the Nevada Test Site.

FISSILE MATERIALS DISPOSITION

The conference agreement provides \$173,235,000 for fissile materials disposition instead of \$190,000,000 as proposed by the House and \$205,000,000 as proposed by the Senate. The conference agreement does not include the budget request of \$21,765,000 for Project 00-D-142, Immobilization and Associated Processing Facility, which has been delayed. The conference agreement provides no long-lead procurement funds for Project 99-D-141, Pit Disassembly and Conversion Facility.

The conferees have included \$5,000,000 as proposed by the Senate to support the joint U.S.-Russian development program of advanced reactor technology to dispose of Russian excess weapons-derived plutonium. Of this funding, \$2,000,000 is available for work to be performed in the United States by the Department of Energy and other U.S. contractors, and \$3,000,000 is to be expended for work in Russia. The \$3,000,000 shall be made available for work in Russia on the gas reactor technology on the condition and only to the extent that the Russian Federation matches these contributions with either comparable funding or contributions-in-kind.

NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT

The conference agreement provides \$10,000,000 for national security programs administrative support instead of \$25,000,000 as proposed by the House and no funding as proposed by the Senate.

OFFICE OF HEARINGS AND APPEALS

The conference agreement provides \$3,000,000 as proposed by the House and the Senate.

NAVAL REACTORS

The conference agreement includes \$677,600,000 as provided by the House and the Senate.

FUNDING ADJUSTMENTS

The conference agreement includes the use of \$49,000,000 of prior year balances; \$13,000,000 for contractor travel savings; \$20,000,000 offset to user organizations; and \$7,000,000 for management and operating contractor savings. Reductions to prior year balances should be applied to those programs which have uncosted balances which are nearly equal to the program expenditures for the entire fiscal year.

DEFENSE NUCLEAR WASTE DISPOSAL

The conference agreement provides \$112,000,000 as proposed by the House instead of \$112,500,000 as proposed by the Senate. Funding proposed by the Senate for the accelerator transmutation of waste program has been included in the Energy Supply account.

POWER MARKETING ADMINISTRATIONS

The conference agreement does not include the Administration's proposal, included in the House bill, to eliminate the Department's purchase power programs. The conference agreement includes the Senate provision to fund these purchases in advance as in prior years.

The conference agreement does not include the House statutory provision prohibiting

the power marketing administrations (PMAs) from installing fiber optic cable in excess of operational needs. Under current law, the PMAs have authority to install fiber optic cable as part of the authority to operate transmission services. The conferees note that the same authority exists for all the PMAs. Installed and planned fiber optic cable costs for Western Area Power Authority (WAPA) amount to approximately \$6,000,000 and comparable costs of the Bonneville Power Administration (BPA) are approximately \$140,000,000. Because WAPA manages approximately 17,000 miles of transmission and BPA manages approximately 15,000 miles, there are concerns about this level of spending on fiber optic cable installations.

The conferees direct the PMAs to prepare a comprehensive fiber optic cable plan that includes all activities relating to installation, operation, marketing and leasing of fiber optic cables and related communications operations. The plan should provide details on current and future operational needs, summary information of current leases, planned leasing costs and revenues, criteria used to determine where and when to install fiber optic cable, and criteria used to determine leasing agreements. The plan should include summary tables so that comparisons can be made among the PMAs. For example, the plan should include cost-per-mile figures, outyear projections and expected revenues for each of the PMAs. The Administrators should include justification for all fiber optic cable installation activities including the PMAs' specific statutory authority for the activities included in the plan. The plan shall be submitted to the appropriate committees of the House and Senate within 180 days of enactment of this Act.

BONNEVILLE POWER ADMINISTRATION

The conferees have included the House provision providing \$1,500 for official reception and representation expenses, instead of \$3,000 as provided by the Senate.

SOUTHEASTERN POWER ADMINISTRATION

The conference agreement includes \$39,594,000 as provided by the Senate, instead of no funding as recommended in the budget request or the House bill. The conferees have included a 3,000,000 rescission instead of the \$5,500,000 rescission included in the Senate bill. The conference agreement includes the Administration's proposal, included in the House bill, to transfer \$773,000 from the Southeastern Power Administration to the Southwestern Power Administration.

SOUTHWESTERN POWER ADMINISTRATION

The conference agreement includes \$28,773,000, instead of \$28,000,000 and as proposed by the Senate and \$27,167,000 as proposed by the House. The conference agreement includes the Administration's proposal, included in the House bill, to transfer \$773,000 from the Southeastern Power Administration to the Southwestern Power Administration.

WESTERN AREA POWER ADMINISTRATION

The conference agreement includes \$193,357,000, instead of \$171,471,000 as provided by the House or \$223,555,000 as provided by the Senate. It is the conferees' intent to fully fund the Western Area Power Administration (WAPA) including any necessary purchase power and wheeling costs. However, as the conferees attempted to determine the appropriate level of funding in the absence of an Administration request for such funds, their efforts were frustrated by WAPA's inability to provide basic information such as WAPA's current level of unobligated previously appropriated purchase power and wheeling funds and by uncertainties regarding future requirements caused by potential

or ongoing contract renegotiations. If WAPA later determines that the amount provided is insufficient, the conferees direct the Department to expeditiously submit a reprogramming request.

FALCON AND AMISTAD FUND

The conference agreement includes \$1,309,000, the same amount provided by the House and Senate.

FEDERAL ENERGY REGULATORY COMMISSION

The conference agreement includes \$174,950,000, the same amount as provided by the House, instead of \$170,000,000 as provided by the Senate.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to award a management and operating contract unless such contract is awarded using competitive procedures, or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. Section 301 does not preclude extension of a contract awarded using competitive procedures.

SEC. 302. The conference agreement includes a provision proposed by the House that none of the funds may be used to award, amend, or modify a contract in a manner that deviates from the Federal Acquisition Regulation, unless the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation.

SEC. 303. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or implement workforce restructuring plans or provide enhanced severance payments and other benefits and community assistance grants for Federal employees of the Department of Energy under section 3161 of the National Defense Authorization Act for Fiscal Year 1993, Public Law 102-484.

SEC. 304. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to augment the \$24,500,000 made available for obligation for severance payments and other benefits and community assistance grants authorized under the provisions of section 3161 of the National Defense Authorization Act for Fiscal Year 1993, Public Law 102-484.

SEC. 305. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or initiate Requests for Proposals for a program if the program has not been funded by Congress in the current fiscal year. This provision precludes the Department from initiating activities for new programs which have been proposed in the budget request, but which have not yet been funded by Congress.

SEC. 306. The conference agreement includes a provision proposed by the House and Senate that permits the transfer and merger of unexpended balances of prior appropriations with appropriation accounts established in this bill.

SEC. 307. The conference agreement includes a provision proposed by the House allowing the Secretary of Energy to enter into multi-year contracts without obligating the estimated costs associated with any necessary cancellation or termination of the contract. This provides the Department of Energy with the same flexibility provided to the Department of Defense.

SEC. 308. The conference agreement modifies language proposed by the House pertaining to Laboratory Directed Research and Development (LDRD) funding. The provision caps funding for LDRD at four percent. Funds provided to the laboratories for programs such as environmental cleanup and

restoration may not be taxed for LDRD purposes.

SEC. 309. The conference agreement modifies language proposed by the House and Senate limiting to \$150,000,000 the funds available for reimbursement of management and operating contractor travel expenses. The language also requires the Department of Energy to reimburse contractors for travel consistent with regulations applicable to Federal employees.

SEC. 310. The conference agreement modifies language proposed by the House requiring the Department of Energy's laboratories to provide an annual funding plan to the Department for approval by the Secretary. This requirement has been expanded to all of the Department's multi-purpose national laboratories.

SEC. 311. The conference agreement modifies a provision proposed by the House requiring the Secretary of Energy to review and approve the contract terms of all prime contractors who manage Departmental sites and facilities.

SEC. 312. The conference agreement includes a provision proposed by the House prohibiting the expenditure of funds to establish or maintain independent centers at Department of Energy laboratories or facilities unless they are specifically identified in the budget submission. The Department should provide to the House and Senate Committees on Appropriations by November 30, 1999, a list of all such centers at each laboratory or facility, the annual cost, number of employees, and the source of funding.

SEC. 313. The conference agreement includes language proposed by the House and Senate prohibiting the expenditure of funds to restart the High Flux Beam Reactor.

SEC. 314. The conference agreement modifies language proposed by the House limiting the activities of the Federal power marketing administrations in several areas. The conferees have prohibited the use of funds by the Bonneville Power Administration to perform energy efficiency services outside Bonneville's service territory, with the exception of services provided internationally.

SEC. 315. The conference agreement includes a provision proposed by the Senate limiting the types of waste that can be disposed of in the Waste Isolation Pilot Plant in New Mexico. None of the funds may be used to dispose of transuranic waste in excess of 20 percent plutonium by weight for the aggregate of any material category. At the Rocky Flats site, this provision applies to the five material categories addressed in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues on Scrub Alloy Stored at the Rocky Flats Environmental Technology Site", Table S-2, Notice of Intent Categories.

SEC. 316. The conference agreement modifies language proposed by the Senate limiting the inclusion of costs of fish and wildlife protection within rates charged by the Bonneville Power Administration. The Administrator is directed to provide a report to the appropriate committees of the House and Senate which includes assumptions to be used in determining fish and wildlife costs during the 2002-2006 rate period. The report should be provided not later than December 31, 1999.

Provisions not adopted by the conferees.—The conference agreement deletes language proposed by the House limiting the waiving of overhead or added factor charges for work performed for other Federal agencies.

The conference agreement deletes language proposed by the House repealing section 505 of Public Law 102-377, the Fiscal Year 1993 Energy and Water Development Appropriations Act, and section 208 of Public Law 99-349, the Urgent Supplemental Appropriations Act, 1986.

The conference agreement deletes bill language proposed by the House limiting the use of funds by the Federal power marketing administrations in the area of fiber optic telecommunications.

CONFERENCE RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs in title III are contained in the following table.

	Budget Request	Conference

ENERGY SUPPLY		
SOLAR AND RENEWABLE RESOURCES TECHNOLOGIES		
Solar energy		
Solar building technology research.....	5,500	2,000
Photovoltaic energy systems.....	93,309	67,000
Photovoltaic energy research.....	2,847	2,847
Subtotal, Photovoltaic.....	96,156	69,847
Concentrating solar power.....	18,850	15,410
Biomass/biofuels energy systems		
Power systems.....	38,950	32,500
Transportation.....	53,441	39,500
Subtotal, Biomass/biofuels energy systems.....	92,391	72,000
Biomass/biofuels energy research.....	26,740	26,740
Subtotal, Biomass.....	119,131	98,740
Wind energy systems.....	45,600	33,000
Wind energy research.....	283	283
Subtotal, Wind.....	45,883	33,283
Renewable energy production incentive program.....	1,500	1,500
Solar program support.....	10,000	5,000
International solar energy program.....	6,000	4,000
National renewable energy laboratory.....	1,100	1,100
Solar photoconversion energy research.....	14,260	14,260
Total, Solar Energy.....	318,380	245,140
	=====	=====

	Budget Request	Conference

Geothermal		
Geothermal technology development.....	29,500	24,000
	-----	-----
Hydrogen research.....	28,000	25,000
Hydrogen energy research.....	2,970	2,970
	-----	-----
Total, Hydrogen.....	30,970	27,970
	-----	-----
Hydropower.....	7,000	5,000
Renewable Indian energy resources.....	---	4,000
	-----	-----
Electric energy systems and storage		
Transmission reliability.....	4,000	3,000
High temperature superconducting R&D.....	31,000	31,910
Energy storage systems.....	6,000	3,500
	-----	-----
Total, Electric energy systems and storage.....	41,000	38,410
	-----	-----
Program direction.....	19,171	17,720
	-----	-----
TOTAL, SOLAR AND RENEWABLE RESOURCES TECHNOLOGIES.	446,021	362,240
	-----	-----

	Budget Request	Conference

NUCLEAR ENERGY		
Nuclear energy R&D		
Advanced radioisotope power system.....	37,000	34,500
Test reactor area landlord.....	6,070	6,070
Construction		
99-E-200 Test reactor area electrical utility upgrade, Idaho National Engineering Laboratory, ID.....	1,430	1,430
95-E-201 Test reactor area fire and life safety improvements, Idaho National Engineering Laboratory, ID.....	1,500	1,500
Subtotal, Construction.....	2,930	2,930
Subtotal, Test reactor area landlord.....	9,000	9,000
University reactor fuel assistance and support.....	11,345	12,000
Nuclear energy plant optimization.....	5,000	5,000
Nuclear energy research initiative.....	25,000	22,500
Civilian research and development.....	---	9,000
Total, Nuclear energy R&D.....	87,345	92,000
Fast flux test facility (FFTF).....	30,000	28,000
Termination costs.....	65,000	80,000
Uranium programs.....	41,000	43,500
Isotope support.....	13,000	13,000
Construction		
99-E-201 Isotope production facility (LANL).....	8,000	7,500
Total, Isotope support.....	21,000	20,500
Program direction.....	24,960	24,700
TOTAL, NUCLEAR ENERGY.....	269,305	288,700

	Budget Request	Conference

ENVIRONMENT, SAFETY AND HEALTH		
Environment, safety and health.....	31,752	20,000
Program direction.....	18,998	18,998
	-----	-----
TOTAL, ENVIRONMENT, SAFETY AND HEALTH.....	50,750	38,998
	-----	-----
ENERGY SUPPORT ACTIVITIES		
Technical information management program.....	1,600	1,600
Program direction.....	7,500	7,000
	-----	-----
Total, Technical information management program...	9,100	8,600
	-----	-----
Transfer to OSHA.....	---	1,000
Field operations.....	102,000	---
Oak Ridge Landlord.....	11,812	---
	-----	-----
TOTAL, ENERGY SUPPORT ACTIVITIES.....	122,912	9,600
	-----	-----
Subtotal, Energy supply.....	888,988	699,538
	-----	-----
Renewable energy research program.....	-47,100	-47,100
General reduction.....	---	-6,000
Transfer from Geothermal and USEC.....	-5,821	-5,821
Contractor travel savings.....	-1,276	-1,500
	-----	-----
TOTAL, ENERGY SUPPLY.....	834,791	639,117
	-----	-----

	Budget Request	Conference

NON-DEFENSE ENVIRONMENTAL MANAGEMENT		
Site closure.....	211,146	216,946
Site/project completion.....	98,366	95,250
Construction		
93-E-900 Long-term storage of TMI-2 fuel, INEL....	2,500	2,500
Subtotal, Site/project completion.....	100,866	97,750
Post 2006 completion.....	18,922	18,922
	-----	-----
TOTAL, NON-DEFENSE ENVIRONMENTAL MANAGEMENT.....	330,934	333,618
	-----	-----
URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND		
Decontamination and decommissioning.....	210,198	220,198
Uranium/thorium reimbursement.....	30,000	30,000
	-----	-----
TOTAL, URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING.....	240,198	250,198
	-----	-----

	Budget Request	Conference

SCIENCE		
High energy physics		
Research and technology.....	227,190	229,190
Facility operations.....	441,200	450,000
Construction		
00-G-307 SLAC office building.....	2,000	2,000
99-G-306 Wilson hall safety improvements, Fermilab.....	4,700	4,700
98-G-304 Neutrinos at the main injector, Fermilab.....	22,000	22,000
Subtotal, Construction.....	28,700	28,700
Subtotal, Facility operations.....	469,900	478,700
Total, High energy physics.....	697,090	707,890
Nuclear physics.....	352,825	352,000
Biological and environmental research.....	411,170	441,500

Basic energy sciences		
Materials sciences.....	407,636	405,000
Chemical sciences.....	215,577	209,582
Engineering and geosciences.....	37,545	37,545
Energy biosciences.....	31,226	31,000
Construction		
99-E-334 Spallation neutron source (ORNL).....	196,100	100,000
Total, Basic energy sciences.....	888,084	783,127
=====		

	Budget Request	Conference
Other energy research		
Computational and technology research.....	196,875	132,000
Energy research analyses.....	1,000	1,000
Multiprogram energy labs - facility support		
Infrastructure support.....	1,160	2,160
Construction		
MEL-001 Multiprogram energy laboratory infrastructure projects, various locations.....	18,351	18,351
Multiprogram general purpose facilities		
Construction		
94-E-363 Roofing improvements (ORNL).....	749	749
Subtotal, Multiprogram energy labs - fac. suppor	20,260	21,260
Total, Other energy research.....	218,135	154,260
Fusion energy sciences program.....	222,614	250,000
Oak Ridge landlord.....	---	11,800
Program direction		
Headquarters.....	52,360	52,360
Field offices.....	---	78,748
Total, Program direction.....	52,360	131,108
Subtotal, Science.....	2,842,278	2,831,686
Contractor travel savings.....	-10,834	-10,834
General reduction.....	---	-21,000
TOTAL, SCIENCE.....	2,831,444	2,799,851

	Budget Request	Conference
DEPARTMENTAL ADMINISTRATION		
Administrative operations		
Salaries and expenses		
Office of the Secretary.....	4,940	4,940
Board of contract appeals.....	838	838
Chief financial officer.....	23,792	26,000
Contract reform.....	3,200	3,000
Congressional and intergovernmental affairs.....	4,910	4,910
Economic impact and diversity.....	5,046	4,700
Field management.....	8,080	1,000
General counsel.....	21,434	20,750
Management and administration.....	101,273	98,000
Policy office.....	17,430	14,000
Public affairs.....	3,963	3,700
Subtotal, Salaries and expenses.....	194,906	181,838
Program support		
Minority economic impact.....	1,700	1,700
Policy analysis and system studies.....	1,000	350
Environmental policy studies.....	2,432	1,000
Scientific and technical training.....	450	450
Corporate management information program.....	13,000	12,000
Subtotal, Program support.....	18,582	15,500
Total, Administrative operations.....	213,488	197,338
Cost of work for others.....	34,027	34,027
Subtotal, Departmental Administration.....	247,515	231,365
Use of prior year balances and other adjustments.....	-7,138	-15,000
Transfer from other defense activities.....	---	-10,000
Total, Departmental administration (gross).....	240,377	206,365
Miscellaneous revenues.....	-116,887	-106,887
TOTAL, DEPARTMENTAL ADMINISTRATION (net).....	123,490	99,478
OFFICE OF INSPECTOR GENERAL		
Office of Inspector General.....	30,000	29,500

	Budget Request	Conference

ATOMIC ENERGY DEFENSE ACTIVITIES		
WEAPONS ACTIVITIES		
Stockpile stewardship		
Core stockpile stewardship.....	1,635,355	1,610,355
Construction		
00-D-103, Terascale simulation facility, LLNL, Livermore, CA.....	8,000	8,000
00-D-105 Strategic computing complex, LANL Los Alamos, NM.....	26,000	26,000
00-D-107 Joint computational engineering laboratory, SNL, Albuquerque, NM.....	1,800	1,800
99-D-102 Rehabilitation of maintenance facility, LLNL, Livermore, CA.....	3,900	3,900
99-D-103 Isotope sciences facilities, LLNL, Livermore, CA.....	2,000	2,000
99-D-104 Protection of real property (roof reconstruction-Phase II), LLNL, Livermore, CA...	2,400	2,400
99-D-105 Central health physics calibration facility, LANL, Los Alamos, NM.....	1,000	1,000
99-D-106 Model validation & system certification center, SNL, Albuquerque, NM.....	6,500	6,500
99-D-108 Renovate existing roadways, Nevada Test Site, NV.....	7,005	5,000
97-D-102 Dual-axis radiographic hydrotest facility (LANL), Los Alamos, NM.....	61,000	61,000
96-D-102 Stockpile stewardship facilities revitalization (Phase VI), various locations....	2,640	2,640
96-D-104 Processing and environmental technology laboratory (SNL).....	10,900	10,900
Subtotal, Construction.....	133,145	131,140
Subtotal, Core stockpile stewardship.....	1,768,500	1,741,495

	Budget Request	Conference
Inertial fusion.....	217,600	227,600
Construction		
96-D-111 National ignition facility, LLNL.....	248,100	248,100
Subtotal, Inertial fusion.....	465,700	475,700
Technology transfer/education		
Technology transfer.....	22,200	14,500
Education.....	29,800	18,600
Subtotal, Technology transfer/education.....	52,000	33,100
Total, Stockpile stewardship.....	2,286,200	2,250,295
Stockpile management.....	1,839,621	1,804,621
Construction		
99-D-122 Rapid reactivation, various locations....	11,700	11,700
99-D-127 Stockpile management restructuring initiative, Kansas City plant, Kansas City, MO....	17,000	17,000
99-D-128 Stockpile management restructuring initiative, Pantex consolidation, Amarillo, TX....	3,429	3,429
99-D-132 SMRI nuclear material safeguards and security upgrade project (LANL), Los Alamos, NM...	11,300	11,300
98-D-123 Stockpile mgmt. restructuring initiative Tritium factory modernization and consolidation, Savannah River, SC.....	21,800	21,800
98-D-124 Stockpile mgmt. restructuring initiative Y-12 consolidation, Oak Ridge, TN.....	3,150	3,150
98-D-125 Tritium extraction facility, SR.....	33,000	33,000
98-D-126 Accelerator production of Tritium, various locations.....	31,000	36,000
97-D-123 Structural upgrades, Kansas City plant, Kansas City, KS.....	4,800	4,800
95-D-102 Chemistry and metallurgy research (CMR) upgrades project (LANL).....	18,000	15,000

	Budget Request	Conference
88-D-123 Security enhancements, Pantex plant, Amarillo, TX.....	3,500	3,500
Subtotal, Construction.....	158,679	160,679
Total, Stockpile management.....	1,998,300	1,965,300
Transportation safeguards division		
Operations and equipment.....	---	60,000
Program direction.....	---	31,812
Total, Transportation safeguards division.....	---	91,812
Program direction.....	246,500	209,000
Subtotal, Weapons activities.....	4,531,000	4,516,407
Use of prior year balances.....	---	-7,668
Contractor travel savings.....	-23,065	-30,000
Directed savings.....	---	-5,000
General reduction.....	---	-29,800
TOTAL, WEAPONS ACTIVITIES.....	4,507,935	4,443,939

	Budget Request	Conference

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MGMT.		
Site/project completion		
Operation and maintenance.....	892,629	902,002
Construction		
99-D-402 Tank farm support services, F&H area, Savannah River site, Aiken, SC.....	3,100	3,100
99-D-404 Health physics instrumentation laboratory (INEL), ID.....	7,200	5,000
98-D-401 H-tank farm storm water systems upgrade, Savannah River, SC.....	2,977	2,977
98-D-453 Plutonium stabilization and handling system for PFP, Richland, WA.....	16,860	16,860
98-D-700 Road rehabilitation (INEL), ID.....	2,590	2,590
97-D-450 Savannah River nuclear material storage, Savannah River Site, Aiken, SC.....	4,000	4,000
97-D-470 Regulatory monitoring and bioassay laboratory, Savannah River site, Aiken, SC.....	12,220	12,220
96-D-406 Spent nuclear fuels canister storage and stabilization facility, Richland, WA.....	24,441	20,941
96-D-464 Electrical & utility systems upgrade, Idaho chemical processing plant (INEL), ID.....	11,971	11,971
96-D-471 CFC HVAC/chiller retrofit, Savannah River site, Aiken, SC.....	931	931
86-D-103 Decontamination and waste treatment facility (LLNL), Livermore, CA.....	2,000	2,000
Subtotal, Construction.....	88,290	82,590
Total, Site/project completion.....	980,919	984,592
	-----	-----

	Budget Request	Conference

Post 2006 completion		
Operation and maintenance.....	2,478,997	2,511,997
Uranium enrichment D&D fund contribution.....	420,000	420,000
Construction		
00-D-401 Spent Nuclear Fuel treatment and storage facility Title I & II, Savannah River, SC.....	7,000	7,000
99-D-403 Privatization Phase I infrastructure support, Richland, WA.....	13,988	13,988
97-D-402 Tank farm restoration and safe operations, Richland, WA.....	20,516	20,516
94-D-407 Initial tank retrieval systems, Richland, WA.....	4,060	4,060
93-D-187 High-level waste removal from filled waste tanks, Savannah River, SC.....	8,987	8,987
Subtotal, Construction.....	54,551	54,551
Total, Post 2006 completion.....	2,953,548	2,986,548
Science and technology.....	230,500	230,500
Program direction.....	349,409	339,409
Subtotal, Defense environmental management.....	4,514,376	4,541,049
Use of prior year balances/general reduction.....	---	-40,000
Contractor travel savings.....	-7,725	-6,000
Offsetting collections.....	-8,700	-8,700
Directed savings.....	---	-2,000
TOTAL, DEFENSE ENVIRON. RESTORATION AND WASTE MGMT	4,497,951	4,484,349
DEFENSE FACILITIES CLOSURE PROJECTS		
Closure projects.....	1,054,492	1,064,492

	Budget Request	Conference

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION		
Privatization initiatives, various locations.....	253,000	233,000
Use of prior year balances.....	-25,000	-44,000
	-----	-----
TOTAL, DEFENSE ENVIRONMENTAL MGMT. PRIVATIZATION..	228,000	189,000
	-----	-----
TOTAL, DEFENSE ENVIRONMENTAL MANAGEMENT.....	5,780,443	5,737,841
	-----	-----
OTHER DEFENSE ACTIVITIES		
Other national security programs		
Nonproliferation and national security		
Verification and control technology		
Nonproliferation and verification, R&D.....	215,000	215,000
Construction		
00-D-192 Nonproliferation and international security center (NISC), LANL.....	6,000	6,000
	-----	-----
Subtotal, Nonproliferation & verification...	221,000	221,000
Arms control.....	296,000	281,000
	-----	-----
Subtotal, Verification and control technology.	517,000	502,000
Emergency management.....	21,000	21,000
Nuclear safeguards and security.....	59,100	69,100
Security investigations.....	30,000	33,000
HEU transparency implementation.....	15,750	15,750
International nuclear safety.....	34,000	15,000
Program direction - NN.....	90,450	89,000
	-----	-----
Subtotal, Nonproliferation and national security	767,300	744,850
Intelligence.....	36,059	36,059
Counterintelligence.....	39,791	39,200
Security and emergency operations.....	65,214	---
Independent oversight and performance assurance.....	6,800	5,000
Environment, safety and health (Defense).....	67,231	73,231
Program direction - EH.....	24,769	24,769
	-----	-----
Subtotal, Environment, safety & health (Defense)	92,000	98,000
Worker and community transition.....	26,500	21,000
Program direction - WT.....	3,500	3,500
	-----	-----
Subtotal, Worker and community transition.....	30,000	24,500

	Budget Request	Conference

Fissile materials disposition.....	129,766	134,766
Program direction - MD.....	7,343	7,343
Construction		
00-D-142 Immobilization and associated processing facility, various locations.....	21,765	---
99-D-141 Pit disassembly and conversion facility, various locations.....	28,751	18,751
99-D-143 Mixed oxide fuel fabrication facility, various locations.....	12,375	12,375
Subtotal, Construction.....	62,891	31,126
Subtotal, Fissile materials disposition.....	200,000	173,235
National Security programs administrative support...	---	10,000
Office of hearings and appeals.....	3,000	3,000
Subtotal, Other national security programs.....	1,240,164	1,133,844
Contractor travel savings.....	-5,790	-13,000
Total, Other national security programs.....	1,234,374	1,120,844
	=====	=====

	Budget Request	Conference

Naval reactors		
Naval reactors development.....	620,400	633,000
Construction		
GPN-101 General plant projects, various locations.....	9,000	9,000
98-D-200 Site laboratory/facility upgrade, various locations.....	3,000	3,000
90-N-102 Expeded core facility dry cell project, Naval Reactors Facility, ID.....	12,000	12,000
Subtotal, Construction.....	24,000	24,000
Subtotal, Naval reactors development.....	644,400	657,000
Program direction.....	20,600	20,600
Total, Naval reactors.....	665,000	677,600
	=====	=====
Subtotal, Other defense activities.....	1,899,374	1,798,444
	=====	=====
Use of prior year balances.....	---	-49,000
Offset to user organizations.....	-20,000	-20,000
Contribution from labs.....	-12,559	---
Directed savings.....	---	-7,000
Other reductions.....	-3,800	---
	=====	=====
TOTAL, OTHER DEFENSE ACTIVITIES.....	1,863,015	1,722,444
	=====	=====
DEFENSE NUCLEAR WASTE DISPOSAL		
Defense nuclear waste disposal.....	112,000	112,000
	=====	=====
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES.....	12,263,393	12,016,224
	=====	=====

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Department of Energy (in thousands)

12:02 9/26/99 PAGE 17

	Budget Request	Conference

POWER MARKETING ADMINISTRATIONS		
SOUTHEASTERN POWER ADMINISTRATION		
Operation and maintenance		
Operation and maintenance/program direction.....	---	11,594
Purchase power and wheeling.....	---	28,000
TOTAL, SOUTHEASTERN POWER ADMINISTRATION.....	---	39,594
	-----	-----
SOUTHWESTERN POWER ADMINISTRATION		
Operation and maintenance		
Operating expenses.....	3,625	3,625
Purchase power and wheeling.....	---	833
Program direction.....	17,631	17,631
Construction.....	6,684	6,684
Subtotal, Operation and maintenance.....	27,940	28,773
Transfer from Southeastern Power.....	-773	-773
TOTAL, SOUTHWESTERN POWER ADMINISTRATION.....	27,167	28,000
	-----	-----
WESTERN AREA POWER ADMINISTRATION		
Operation and maintenance		
Construction and rehabilitation.....	26,802	26,802
System operation and maintenance.....	35,096	35,096
Purchase power and wheeling.....	---	41,886
Program direction.....	104,537	104,537
Utah mitigation and conservation.....	5,036	5,036
Subtotal, Operation and maintenance.....	171,471	213,357
Use of prior year balances.....	---	-20,000
TOTAL, WESTERN AREA POWER ADMINISTRATION.....	171,471	193,357
	-----	-----
FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND		
Operation and maintenance.....	1,309	1,309
TOTAL, POWER MARKETING ADMINISTRATIONS.....	199,947	262,260
	-----	-----

	Budget Request	Conference

FEDERAL ENERGY REGULATORY COMMISSION		
Federal energy regulatory commission.....	179,900	174,950
FERC revenues.....	-179,900	-174,950
	-----	-----
TOTAL, FEDERAL ENERGY REGULATORY COMMISSION.....	---	---
	=====	=====
NUCLEAR WASTE DISPOSAL		
Repository program.....	198,189	180,689
Program direction.....	59,811	59,811
	-----	-----
Subtotal from Nuclear Waste Disposal Fund.....	258,000	240,500
Transfer from defense nuclear waste disposal.....	(39,000)	---
	-----	-----
TOTAL, NUCLEAR WASTE DISPOSAL.....	258,000	240,500
	=====	=====
GRAND TOTAL, DEPARTMENT OF ENERGY.....	17,112,197	16,670,746
	=====	=====

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

The conference agreement includes \$66,400,000 for the Appalachian Regional Commission instead of \$60,000,000 as proposed by the House and \$71,400,000 as proposed by the Senate. Of this amount, \$1,000,000 is for the Richie County Dam project in West Virginia.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

The conference agreement appropriates \$17,000,000 for the Defense Nuclear Facilities Safety Board instead of \$16,500,000 as proposed by the House or \$17,500,000 as proposed by the Senate.

DENALI COMMISSION

The conference agreement includes \$20,000,000 for the Denali Commission instead of \$25,000,000 as proposed by the Senate. The conference agreement deletes language proposed by the House rescinding \$18,000,000 previously appropriated to the Denali Commission.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes \$465,000,000, instead of \$455,400,000 as recommended by the House or \$465,400,000 as recommended by the Senate. The conferees have provided \$19,150,000, to be derived from the Nuclear Waste Fund, for the Commission's ongoing work to characterize Yucca Mountain as a potential site for a permanent nuclear waste repository. The conference agreement also includes \$3,850,000 for regulatory reviews and other assistance provided to the Department of Energy.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$5,000,000, the same amount provided by the Senate, instead of \$6,000,000 as provided by the House.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

The conference agreement appropriates \$2,600,000 as proposed by the House instead of \$3,150,000 as proposed by the Senate.

TENNESSEE VALLEY AUTHORITY

The conference agreement deletes language proposed by the Senate appropriating \$7,000,000 for the Tennessee Valley Authority. The conference agreement includes language providing authority for the Tennessee Valley Authority to use up to \$3,000,000 in previously appropriated funds to pay for transition costs of Land Between the Lakes.

TITLE V—RESCISSIONS

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The conference agreement includes language proposed by the Senate rescinding appropriations for specified projects within the General Investigations and Construction, General account, amended to delete language proposed by the Senate to rescind appropriations from: the Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, investigation; the Southern and Eastern Kentucky, Kentucky, construction project; and the South Central Pennsylvania, Environmental Improvements Program, Pennsylvania, construction project.

DEPARTMENT OF ENERGY

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

The conference agreement includes a rescission of \$3,000,000 instead of language proposed by the Senate rescinding \$5,500,000 from the Southeastern Power Administration.

NUCLEAR WASTE DISPOSAL

The conference agreement includes language to rescind \$4,000,000 from the multi-

purpose canister design program in the Nuclear Waste Disposal Fund. This funding was provided in Public Law 105-62, the FY 1998 Energy and Water Development Appropriations Act.

TITLE VI

GENERAL PROVISIONS

SEC. 601. The conference agreement includes language proposed by both the House and Senate directing that none of the funds in 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. 602. The conference agreement includes language proposed by both the House and Senate regarding the purchase of American-made equipment and products, and prohibiting contracts with persons falsely labeling products as made in America.

SEC. 603. The conference agreement includes language proposed by both the House and Senate providing that no funds may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit of the Central Valley Project until certain conditions are met. The language also provides that the costs of the Kesterson Reservoir Cleanup Program and the San Joaquin Valley Drainage Program shall be classified as reimbursable or non-reimbursable by the Secretary of the Interior as described in the Bureau of Reclamation report entitled, "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995" and that any future obligation of funds for drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries pursuant to Reclamation law.

SEC. 604. The conference agreement includes language proposed by both the House and Senate providing a one-year extension of the authority of the Nuclear Regulatory Commission to collect fees and charges to offset appropriated funds.

SEC. 605. The conference agreement includes language proposed by the House to repeal the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe and State of South Dakota Terrestrial Wildlife Habitat Restoration Act, as authorized under title VI of division C of Public Law 105-277. This Act was reauthorized in subsequent legislation.

SEC. 606. The conference agreement includes language proposed by the House making a technical change to a provision of the Water Resources Development Act of 1996 authorizing reimbursement for work by non-Federal interests on certain civil works projects of the Corps of Engineers.

SEC. 607. The conference agreement includes language proposed by the House limiting the use of funds to propose or issue rules, regulations, decrees, or orders for the purpose of implementing the Kyoto Protocol.

SEC. 608. The conference agreement includes language proposed by the Senate amending the United States Enrichment Corporation Fund.

SEC. 609. The conference agreement includes language proposed by the Senate changing the name of the Cascade Reservoir in Idaho to "Lake Cascade."

SEC. 610. The conference agreement includes language proposed by the Senate amending the Pacific Northwest Electric Power Planning and Conservation Act by changing an annual cost limitation.

SEC. 611. The conference agreement includes language providing permanent authority for the Corps of Engineers to expend funds for various activities in the Formerly

Utilized Sites Remedial Action Program (FUSRAP). The Committees on Appropriations have been providing annual authorization for these activities.

Other.—The Senate bill included section 604 prohibiting the restart of the High Flux Beam Reactor. The conference agreement includes this prohibition in Title III, Department of Energy, General Provisions.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

(In thousands of dollars)

New budget (Obligational) authority, fiscal year 1999	\$22,158,325
Budget estimates of new (obligational) authority, fiscal year 2000	22,021,026
House bill, fiscal year 2000	20,640,395
Senate bill, fiscal year 2000	21,717,325
Conference agreement, fiscal year 2000	21,729,969
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	-428,356
Budget estimates of new (obligational) authority, fiscal year 2000	-291,057
House bill, fiscal year 2000	+1,089,574
Senate bill, fiscal year 2000	+12,644

RON PACKARD,
HAROLD ROGERS,
JOE KNOLLENBERG,
RODNEY P.

FRELINGHUYSEN,
SONNY CALLAHAN,
TOM LATHAM,
ROY BLUNT,
BILL YOUNG,
PETER VISLOSKEY,
CHET EDWARDS,
ED PASTOR,
MIKE FORBES,
DAVE OBEY,

Managers on the Part of the House.

PETE DOMENICI,
THAD COCHRAN,
SLADE GORTON,
MITCH MCCONNELL,
ROBERT F. BENNETT,
CONRAD BURNS,
LARRY E. CRAIG,
TED STEVENS,
HARRY REID,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
PATTY MURRAY,
HERB KOHL,
BYRON L. DORGAN,
DANIEL INOUE,

Managers on the Part of the Senate.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM REAUTHORIZATION ACT OF 1999

Mrs. KELLY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2392) to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes, as amended.

The Clerk read as follows: