

## HR 2311

Energy and Water Development Appropriations Act, 2002

**Congress:** 107 (2001–2003, Ended)

**Chamber:** House

**Policy Area:** Economics and Public Finance

**Introduced:** Jun 26, 2001

**Current Status:** Became Public Law No: 107-66.

**Latest Action:** Became Public Law No: 107-66. (Nov 12, 2001)

**Law:** 107-66 (Enacted Nov 12, 2001)

**Official Text:** <https://www.congress.gov/bill/107th-congress/house-bill/2311>

### Sponsor

**Name:** Rep. Callahan, Sonny [R-AL-1]

**Party:** Republican • **State:** AL • **Chamber:** House

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Appropriations Committee	House	Reported Original Measure	Jun 26, 2001
Appropriations Committee	Senate	Discharged From	Jul 12, 2001

### Subjects & Policy Tags

#### Policy Area:

Economics and Public Finance

### Related Bills

Bill	Relationship	Last Action
107 S 1171	Companion bill	<b>Nov 14, 2001:</b> Indefinitely postponed by Senate by Unanimous Consent. (consideration: CR S11867)
107 HRES 272	Procedurally related	<b>Nov 1, 2001:</b> Motion to reconsider laid on the table Agreed to without objection.
107 HRES 180	Procedurally related	<b>Jun 27, 2001:</b> Motion to reconsider laid on the table Agreed to without objection.

Energy and Water Development Appropriations Act, 2002 - **Title I: Department of Defense** - Civil - Makes FY 2002 appropriations to the Department of the Army and its Corps of Engineers for: (1) civil functions relating to rivers and harbors, flood control, beach erosion; (2) river and harbor, flood control, shore protection; (3) certain flood control projects on the Mississippi River and its tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee; (4) the navigable waters and wetlands regulatory program; and (5) formerly utilized sites remedial action program.

Rescinds \$25 million of the funds previously made available for flood control and coastal emergencies.

(Sec. 101) Directs the Secretary of the Army to convey to the Blue Township Fire District, Blue Township, Kansas, all Federal interest to a parcel of land located in Pottawatomie County, Tuttle Creek Lake, Kansas.

(Sec. 104) Bars the use of funds to: (1) implement any activity relating to closure or removal of the St. Georges Bridge, Delaware, across designated routes; or (2) accelerate the schedule to finalize the Record of Decision for the revision of the Missouri River Master Water Control Manual and associated changes to the Missouri River Annual Operating Plan.

(Sec. 105) Provides that the non-Federal interest shall receive credit towards certain lands, easements, relocations, rights-of-way, and disposal areas required for the Lava Hot Springs restoration project in Idaho, but only if the Secretary of the Army ( Secretary) determines such work is integral to the project.

(Sec. 106) Authorizes the Secretary to construct the flood control project for Guadalupe River, California, at specified Federal and non-Federal estimated costs in accordance with a certain report.

(Sec. 107) Requires the Secretary to designate as nonnavigable certain parcels of property in West Deptford Township, Gloucester County, New Jersey.

(Sec. 108) Amends the Water Resources Development Act of 1999 to increase authorizations for improvements to Nome Harbor (Alaska).

(Sec. 109) Amends the Water Resources Development Act of 2000 to exempt the Engineering Research and Development Center from requirements governing the performance of either specialized or technical services by the Corps of Engineers to a Federal, State, or a local governmental entity.

(Sec. 110) Amends the Water Resources Development Act of 1999 to extend through FY 2002 the authorization of the Missouri and Middle Mississippi Rivers Enhancement Project.

(Sec. 111) Instructs the Secretary to: (1) implement certain corrective actions to preclude ice from interfering with pump operations at the Fort Fairfield, Maine, flood control project; and (2) reassess the allocation of Federal and non-Federal construction costs of the Cerrillos Dam (Puerto Rico).

(Sec. 113) Amends the Water Resources Development Act of 1986 to modify the non-Federal cost share to include in-kind services and provision of shell stock material.

(Sec. 114) Modifies the flood control project for the Ramapo River at Oakland, New Jersey, to authorize the Secretary to construct it at a certain total cost, with specified estimated Federal and non-Federal costs.

(Sec. 115) Prohibits the use of funds appropriated in this Act to operate the dredge MCFARLAND for other than designated urgencies.

**Title II: Department of the Interior** - Makes FY 2002 appropriations to the Department of the Interior for: (1) the Central Utah Project; (2) the Bureau of Reclamation for water and related resources; (3) the Bureau of Reclamation Loan Program Account; and (4) the Central Valley Project Restoration Fund.

(Sec. 201) Authorizes the Secretary of the Interior to enter into grants and cooperative agreements with Indian entities in order to increase opportunities for Indian tribes to develop, manage and protect their water resources.

(Sec. 202) Amends the Miscellaneous Appropriations Act, 2001 to transfer administration of the San Gabriel Basin Restoration Fund from the Secretary of the Army to the Secretary of the Interior. Changes the purpose of the Fund from the design and construction of certain water quality projects to provision of grants to the San Gabriel Basin Water Quality Authority and the Central Basin Municipal Water District to reimburse them for the design, construction, and operation of such projects.

(Sec. 203) Authorizes the Secretary of the Interior to use up to \$1 million to refund specified payments (including the amount of associated interest) to the United States for pre-1994 charges assessed for failure to file certification or reporting forms before receipt of irrigation water under the Reclamation Reform Act of 1982.

(Sec. 204) Prohibits any payments from the Lower Colorado River Basin Development Fund into the general fund of the Treasury until each provision of a specified Stipulation for Ultimate Judgment filed in Federal district court has been met.

(Sec. 205) Prohibits the use of funds made available by this Act to determine the final point of discharge for the interceptor drain for the San Luis Unit until the Secretary of the Interior and the State of California develop a plan, conforming to California water quality standards, to minimize any detrimental effect of the San Luis drainage waters.

Directs the Secretary of the Interior to classify the costs of the Kesterson Reservoir Cleanup and the San Joaquin Valley Drainage Programs as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program--Alternative Repayment Plan" and the "SJVDP--Alternative Repayment Plan" described in a specified report. Makes San Luis Unit beneficiaries of drainage service or drainage studies responsible for reimbursing the United States for any future obligations of Federal funds relating to such service or studies.

(Sec. 206) Instructs the Secretary of the Interior to recover over a 15-year period up to a certain maximum amount of specified reimbursable expenses incurred for replacement, repair, and extraordinary maintenance regarding the Valve Rehabilitation Project at Arrowrock Dam on the Arrowrock Division of the Boise Project in Idaho.

(Sec. 207) Prohibits the use of appropriated funds to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless such purchase or lease is in compliance with specified statutory purchase requirements.

(Sec. 208) Bars the Bureau of Reclamation from using funds made available under this Act for the issuance of permits or any activity related to the management of commercial rafting activities within the Auburn State Recreation Area, California, until certain statutory environmental requirements have been met.

(Sec. 209) Amends the Water Resources Development Act of 1999, with respect to the makeup of water shortages caused by flood control operation at Folsom Dam and reservoir (California), to require payment: (1) on a non-reimbursable basis by the Secretary of the Interior of 75 percent of the costs of replacement water; and (2) of 25 percent by the Sacramento Area Flood Control Agency.

**Title III: Department of Energy** - Makes FY 2002 appropriations to the Department of Energy (DOE) for: (1) energy

supply programs; (2) non-defense environmental management; (3) uranium facilities maintenance and remediation; (4) general DOE science activities; (5) nuclear waste disposal; (6) DOE administration and its Office of the Inspector General; (7) atomic energy defense weapons activities; (8) defense nuclear nonproliferation activities; (9) naval reactors activities; (10) Office of the National Nuclear Security Administration (NNSA) Administrator; (11) defense environmental restoration and waste management; (12) defense facilities closure projects; (13) defense environmental management privatization projects; (14) defense nuclear waste disposal; (15) geographical power marketing administrations of DOE (including hydroelectric facilities at the Falcon and Amistad Dams); and (16) the Federal Energy Regulatory Commission.

(Sec. 301) Prohibits the use of appropriations under this Act to award a management and operating contract except using competitive procedures, unless the Secretary of Energy grants a waiver on a case-by-case basis.

Prohibits delegation of such waiver authority.

(Sec. 302) Prohibits the use of appropriations under this Act to: (1) develop or implement a workforce restructuring plan for DOE employees, or to provide them with enhanced severance payments or other benefits; or (2) prepare or initiate Requests for Proposals for a program that has not been funded by Congress.

(Sec. 306) Prohibits the use of funds designated under any 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, unless the Administrator certifies in advance that such services are not available from private sector business.

(Sec. 308) Prohibits the use of funds under this Act to dispose of transuranic waste containing concentrations of plutonium exceeding 20 percent by weight in the Waste Isolation Pilot Plant.

(Sec. 309) Permits the NNSA Administrator to authorize: (1) the plant manager of a covered nuclear weapons production plant to engage in research, development, and demonstration activities in order to maintain and enhance plant engineering and manufacturing capabilities; and (2) the manager of the Nevada Operations Office to engage in research, development, and demonstration activities regarding capabilities necessary for operations and readiness of the Nevada Test Site.

(Sec. 311) Amends Federal law to extend until one year after submission of the President's budget request for FY 2005 the moratorium upon the withdrawal from the United States Enrichment Corporation Fund of certain funds earmarked for construction and operation of an onsite facility at gaseous diffusion plants in Paducah, Kentucky, and Portsmouth, Ohio, for the treatment and recycling of depleted uranium hexafluoride.

(Sec. 312) Prohibits issuance of any Federal permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York.

**Title IV: Independent Agencies** - Makes FY 2002 appropriations to the: (1) Appalachian Regional Commission; (2) Defense Nuclear Facilities Safety Board; (3) Delta Regional Authority; (4) Denali Commission; (5) Nuclear Regulatory Commission and its Office of Inspector General; and (6) Nuclear Waste Technical Review Board.

**Title V: General Provisions** - Expresses the sense of Congress that all equipment and products bought with funds under this Act should be American-made. Requires each Federal agency to give notice of this policy to any entity to which it provides financial assistance or contracts. Bars contracts funded under this Act from being awarded to any person determined by a court or Federal agency to have falsely labeled products as made in America.

(Sec. 502) Instructs the Secretary of the Army to study and report to Congress on the known and potential environmental effects of oil and gas drilling activity in the Great Lakes, including effects of drilling upon the shorelines and water.

States that during FY 2002 and 2003 no Federal or State permit or lease shall be issued for new oil and gas slant, directional, or offshore drilling in or under any of the Great Lakes.

## Actions Timeline

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- **Nov 12, 2001:** Signed by President.
- **Nov 12, 2001:** Signed by President.
- **Nov 12, 2001:** Became Public Law No: 107-66.
- **Nov 12, 2001:** Became Public Law No: 107-66.
- **Nov 2, 2001:** Message on Senate action sent to the House.
- **Nov 2, 2001:** Presented to President.
- **Nov 2, 2001:** Presented to President.
- **Nov 1, 2001:** Mr. Callahan brought up conference report H. Rept. 107-258 for consideration under the provisions of H. Res. 272. (consideration: CR H7599-7609)
- **Nov 1, 2001:** DEBATE - The House proceeded with one hour of debate on the conference report.
- **Nov 1, 2001:** The previous question was ordered without objection.
- **Nov 1, 2001:** POSTPONED VOTE - At the conclusion of debate on the conference report and pursuant to the rule, the Yeas and Nays were ordered on the question of adoption of the conference report. The Chair subsequently postponed further proceedings on the question until later in the legislative day.
- **Nov 1, 2001:** Rule H. Res. 272 passed House.
- **Nov 1, 2001:** The House proceeded to consider the conference report H.Rept. 107-258 as unfinished business. (consideration: CR H7615-7616)
- **Nov 1, 2001:** Conference report agreed to in House: On agreeing to the conference report Agreed to by the Yeas and Nays: 399 - 29 (Roll no. 416).
- **Nov 1, 2001:** Motions to reconsider laid on the table Agreed to without objection.
- **Nov 1, 2001:** On agreeing to the conference report Agreed to by the Yeas and Nays: 399 - 29 (Roll no. 416).
- **Nov 1, 2001:** Conference papers: Senate report and manager's statement and message on House action held at the desk in Senate.
- **Nov 1, 2001:** Conference report considered in Senate. (consideration: CR S11333-11337, S11338-11340, S11344)
- **Nov 1, 2001:** Conference report agreed to in Senate: Senate agreed to conference report by Yea-Nay Vote. 96 - 2. Record Vote Number: 320.
- **Nov 1, 2001:** Senate agreed to conference report by Yea-Nay Vote. 96 - 2. Record Vote Number: 320.
- **Oct 31, 2001:** Rules Committee Resolution H. Res. 272 Reported to House. Rule provides for consideration of the conference report to H.R. 2311.
- **Oct 30, 2001:** Conference committee actions: Conferees agreed to file conference report.
- **Oct 30, 2001:** Conferees agreed to file conference report.
- **Oct 30, 2001:** Conference report filed: Conference report H. Rept. 107-258 filed.(text of conference report: CR H7418-7512)
- **Oct 30, 2001:** Conference report H. Rept. 107-258 filed. (text of conference report: CR H7418-7512)
- **Sep 20, 2001:** Mr. Walsh asked unanimous consent that the House disagree to the Senate amendment, and agree to a conference.
- **Sep 20, 2001:** On motion that the House disagree to the Senate amendment, and agree to a conference Agreed to without objection. (consideration: CR H5857)
- **Sep 20, 2001:** The Speaker appointed conferees: Callahan, Rogers (KY), Frelinghuysen, Latham, Wicker, Wamp, Emerson, Doolittle, Young (FL), Visclosky, Edwards, Pastor, Clyburn, Roybal-Allard, and Obey.
- **Jul 23, 2001:** Message on Senate action sent to the House.
- **Jul 19, 2001:** Considered by Senate. (consideration: CR S7895-7905)
- **Jul 19, 2001:** Passed/agreed to in Senate: Passed Senate with an amendment by Yea-Nay Vote. 97 - 2. Record Vote Number: 240.(text: CR 7/20/2001 S8024-8031)
- **Jul 19, 2001:** Passed Senate with an amendment by Yea-Nay Vote. 97 - 2. Record Vote Number: 240. (text: CR 7/20/2001 S8024-8031)
- **Jul 19, 2001:** Senate insists on its amendment, asks for a conference, appoints conferees Reid, Byrd, Hollings, Murray, Dorgan, Feinstein, Harkin, Inouye, Domenici, Cochran, McConnell, Bennett, Burns, Craig and Stevens.
- **Jul 18, 2001:** Considered by Senate. (consideration: CR S7839-7845, S7851-7871)
- **Jul 18, 2001:** Cloture motion on the bill presented in Senate.
- **Jul 18, 2001:** Second cloture motion on the bill presented in Senate.

- Jul 17, 2001:** Considered by Senate. (consideration: CR S7739-7741, S7789-7796)
- **Jul 16, 2001:** Measure laid before Senate by unanimous consent. (consideration: CR S7657, S7671-7678)
- **Jul 12, 2001:** Senate Committee on Appropriations discharged by Unanimous Consent.
- **Jul 12, 2001:** Senate Committee on Appropriations discharged by Unanimous Consent.
- **Jul 12, 2001:** Ordered placed on Senate Legislative Calendar under General Orders. Calendar No. 87.
- **Jun 28, 2001:** Considered as unfinished business. (consideration: CR H3717-3738; text of Title IV as reported in House: CR H3723; text of Title V as reported in House: CR H3723)
- **Jun 28, 2001:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Jun 28, 2001:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated on June 27 and on which further proceedings had been postponed.
- **Jun 28, 2001:** Mr. Largent raised a point of order against the content of the measure. Mr. Largent stated that section 308 constituted legislation on an appropriations bill because it sought to change existing law. The Chair sustained the point of order.
- **Jun 28, 2001:** DEBATE - Pursuant to a unanimous consent agreement, the Committee of the Whole proceeded with 20 minutes of debate on the Traficant amendment.
- **Jun 28, 2001:** DEBATE - Pursuant to a unanimous consent agreement, the Committee of the Whole proceeded with 20 minutes of debate on the Berkley amendment.
- **Jun 28, 2001:** VOTE POSTPONED - At the conclusion of debate on the Berkley amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mrs. Berkley demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jun 28, 2001:** DEBATE - Pursuant to a unanimous consent agreement, the Committee of the Whole proceeded with 10 minutes of debate on the Kelly amendment.
- **Jun 28, 2001:** DEBATE - Pursuant to a previous agreement, the Committee of the Whole proceeded with 60 minutes of debate on the Davis (FL) amendment.
- **Jun 28, 2001:** VOTE POSTPONED - At the conclusion of debate on the Berkley amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Davis of Florida demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jun 28, 2001:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 405 - 15 (Roll no. 206).
- **Jun 28, 2001:** On passage Passed by the Yeas and Nays: 405 - 15 (Roll no. 206).
- **Jun 28, 2001:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 28, 2001:** Received in the Senate and Read twice and referred to the Committee on Appropriations.
- **Jun 27, 2001:** Rule H. Res. 180 passed House.
- **Jun 27, 2001:** Considered under the provisions of rule H. Res. 180. (consideration: CR H3646-3684; text of Title I as reported in House: CR H3657, H3658-3659, H3668; Text of Title II as reported in House: CR H3668-3669; Text of Title III as reported in House: CR H3669, H3671-3672)
- **Jun 27, 2001:** Rule provides for consideration of H.R. 2311 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Measure will be read by paragraph. Bill is open to amendments.
- **Jun 27, 2001:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 180 and Rule XXIII.
- **Jun 27, 2001:** The Speaker designated the Honorable Michael K. Simpson to act as Chairman of the Committee.
- **Jun 27, 2001:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 2311.
- **Jun 27, 2001:** DEBATE - The Committee of the Whole proceeded with debate on the Tancredo amendment under the five-minute rule.
- **Jun 27, 2001:** PROCEEDINGS POSTPONED - At the conclusion of debate, the Chair put the question on agreeing to the amendment by voice vote and announced that the noes had prevailed. Mr. Tancredo objected to the voice vote and the Chair postponed further proceedings on the amendment.
- **Jun 27, 2001:** DEBATE - The Committee of the Whole proceeded with debate on the Tancredo amendment under the

five-minute rule.

- **Jun 27, 2001: DEBATE LIMITATION** - Mr. Callahan asked unanimous consent that all further debate on the Tancredo amendment and all amendments thereto, be limited to not to exceed 20 minutes, equally divided and controlled. Agreed to without objection.
- **Jun 27, 2001: VOTE POSTPONED** - At the conclusion of debate on the Tancredo amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Tancredo demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jun 27, 2001: DEBATE** - By unanimous consent, the Committee of the Whole proceeded with 20 minutes of debate on the Hinchey amendment, equally divided and controlled.
- **Jun 27, 2001: VOTE POSTPONED** - At the conclusion of debate on the Hinchey amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Hinchey demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jun 27, 2001: DEBATE** - The Committee of the Whole proceeded with debate on the Kucinich amendment under the five-minute rule.
- **Jun 27, 2001: DEBATE LIMITATION** - By unanimous consent, further debate on the Kucinich amendment was limited to 10 minutes, equally divided and controlled.
- **Jun 27, 2001: VOTE POSTPONED** - At the conclusion of debate on the Kucinich amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Kucinich demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jun 27, 2001: DEBATE** - By unanimous consent, the Committee of the Whole proceeded with debate on the Bonior amendment for not to exceed 60 minutes equally divided and controlled.
- **Jun 27, 2001: VOTE POSTPONED** - At the conclusion of debate on the Bonior amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Bonior demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jun 27, 2001: Committee of the Whole House on the state of the Union rises leaving H.R. 2311 as unfinished business.**
- **Jun 27, 2001: ORDER OF PROCEDURE** - Mr. Callahan asked unanimous consent that, during further consideration of H.R. 2311 in the Committee of the Whole pursuant to H. Res. 180, no further amendments to the bill shall be in order except: (1) An amendment offered by Mr. Traficant regarding drilling and an amendment offered by Ms. Berkeley regarding nuclear waste, each debatable for 20 minutes; (2) An amendment offered by Mr. Traficant regarding Buy American, an amendment offered by Mrs. Johnson of Texas regarding bio/environmental research and an amendment offered by Mrs. Kelly regarding the NRC Inspector salaries and expenses, each debatable for 10 minutes; and (3) An amendment offered by Mr. Davis of Florida regarding Gulfstream natural gas pipeline debatable for 60 minutes. Agreed to without objection.
- **Jun 26, 2001: Introduced in House**
- **Jun 26, 2001: The House Committee on Appropriations reported an original measure, H. Rept. 107-112, by Mr. Callahan.**
- **Jun 26, 2001: The House Committee on Appropriations reported an original measure, H. Rept. 107-112, by Mr. Callahan.**
- **Jun 26, 2001: Placed on the Union Calendar, Calendar No. 61.**
- **Jun 26, 2001: Rules Committee Resolution H. Res. 180 Reported to House.** Rule provides for consideration of H.R. 2311 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Measure will be read by paragraph. Bill is open to amendments.