

103^D CONGRESS
1ST SESSION

H. R. 2445

AMENDMENTS

In the Senate of the United States,

September 30 (legislative day, September 27), 1993.

Resolved, That the bill from the House of Representatives (H.R. 2445) entitled “An Act making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes”, do pass with the following

AMENDMENTS:

1 **(1)**Page 2, line 18, strike out **[\$207,540,000]** and in-
2 sert: *\$208,544,000*

3 **(2)**Page 2, strike out all after line 20 over to and includ-
4 ing “\$500,000” in line 6 on page 4 and insert:

5 *Central Basin Groundwater Project, California,*
6 *\$750,000;*

7 *McCook and Thornton Reservoirs, Illinois,*
8 *\$5,500,000;*

9 *Indianapolis, White River, Central Waterfront,*
10 *Indiana, \$900,000;*

11 *Little Calumet River Basin (Cady Marsh Ditch),*
12 *Indiana, \$310,000;*

13 *Ohio River Shoreline Flood Protection, Indiana,*
14 *\$400,000;*

15 *Hazard, Kentucky, \$250,000;*

1 *Brockton, Massachusetts, \$350,000;*

2 *Passaic River Mainstem, New Jersey,*
3 *\$10,000,000;*

4 *Pocotaligo River and Swamp, South Carolina,*
5 *\$400,000;*

6 *Jennings Randolph Lake, West Virginia,*
7 *\$400,000;*

8 *Monongahela River Comprehensive, West Vir-*
9 *ginia, \$600,000; and*

10 *West Virginia Comprehensive, West Virginia,*
11 *\$500,000:*

12 *Provided, That notwithstanding ongoing studies using pre-*
13 *viously appropriated funds, and using \$2,500,000 of the*
14 *funds appropriated herein, the Secretary of the Army, act-*
15 *ing through the Chief of Engineers, is directed to conduct*
16 *hydraulic modeling, foundations analysis and related de-*
17 *sign, and mapping efforts in continuing preconstruction en-*
18 *gineering and design for the additional lock at Kentucky*
19 *Dam, Kentucky project, in accordance with the Kentucky*
20 *Lock Addition Feasibility Report approved by Report of the*
21 *Chief of Engineers, dated June 1, 1992: Provided further,*
22 *That the Secretary of the Army, acting through the Chief*
23 *of Engineers, is directed to use \$250,000 of available funds*
24 *to complete a detailed project report, and plans and speci-*
25 *fications for a permanent shore erosion protection project*

1 *at Geneva State Park, Ashtabula County, Ohio: Provided*
2 *further, That the Secretary of the Army, acting through the*
3 *Chief of Engineers, is directed to use \$400,000 appropriated*
4 *herein to continue preconstruction engineering and design,*
5 *including preparation of the special design report, initi-*
6 *ation of National Environmental Policy Act document*
7 *preparation, and initiation of hydraulic model studies for*
8 *the Kaumalapau Harbor navigation study, Lanai, Hawaii:*
9 *Provided further, That the Secretary of the Army is directed*
10 *to limit the Columbia River Navigation Channel, Oregon*
11 *and Washington feasibility study to investigation of the fea-*
12 *sibility of constructing a navigation channel not to exceed*
13 *43-feet in depth from the Columbia River entrance to Port*
14 *of Portland/Port of Vancouver and to modify the Initial*
15 *Project Management Plan accordingly: Provided further,*
16 *That the Secretary of the Army, acting through the Chief*
17 *of Engineers, is directed to use \$400,000 of funds appro-*
18 *priated herein to initiate a reconnaissance study, including*
19 *economic and environmental studies, for the Pocatigo*
20 *River and Swamp, South Carolina: Provided further, That*
21 *the Secretary of the Army, acting through the Chief of Engi-*
22 *neers, is directed to use \$90,000 of funds appropriated here-*
23 *in to complete the reconnaissance study of the Black Fox*
24 *and Oakland Spring wetland area in Murfreesboro, Ten-*
25 *nessee: Provided further, That the Secretary of the Army,*

1 *acting through the Chief of Engineers, is directed to utilize*
2 *\$200,000 of available funds to initiate the planning and*
3 *design of remedial measures to restore the environmental*
4 *integrity and recreational boating facilities at Old Hickory*
5 *Lake, in the vicinity of Drakes Creek Park, in accordance*
6 *with the reconnaissance study findings dated September,*
7 *1993: Provided further, That the Secretary of the Army,*
8 *acting through the Chief of Engineers, is directed to utilize*
9 *\$4,460,000 of available funds to complete preconstruction,*
10 *engineering and design for the Ste. Genevieve, Missouri*
11 *flood control project authorized by section 401(a) of the*
12 *Water Resources Development Act of 1986 (100 stat. 4118)*
13 *so that the project will be ready for construction by October*
14 *1, 1994: Provided further, That all plans, specifications and*
15 *design documents shall be concurrently reviewed in order*
16 *to expedite the project: Provided further, That the Secretary*
17 *of the Army, acting through the Chief of Engineers, is di-*
18 *rected to utilize \$2,000,000 of funds appropriated herein*
19 *to engineer and design the Virginia Beach Erosion Control*
20 *and Hurricane Protection, Virginia project, including*
21 *storm water collection and discharge, as authorized by sec-*
22 *tion 102(cc) of Public Law 102-580*

23 **(3)**Page 4, line 16, strike out **【\$1,389,138,000】** and in-
24 sert: *\$1,296,167,000*

1 **(4)**Page 4, strike out all after line 24 over to and includ-
2 ing “\$1,467,000” in line 24 on page 7, and insert:

3 *Rillito River, Arizona, \$4,200,000;*

4 *Coyote and Berryessa Creeks, California,*
5 *\$4,000,000;*

6 *Sacramento River Flood Control Project (Glenn-*
7 *Colusa Irrigation District), California, \$400,000;*

8 *San Timoteo Creek (Santa Ana River*
9 *Mainstem), California, \$12,000,000;*

10 *Sonoma Baylands Wetland Demonstration*
11 *Project, California, \$4,000,000;*

12 *Central and Southern Florida, Florida,*
13 *\$9,500,000;*

14 *Kissimmee River, Florida, \$5,000,000;*

15 *Casino Beach, Illinois, \$300,000;*

16 *O’Hare Reservoir, Illinois, \$5,000,000;*

17 *Des Moines Recreational River and Greenbelt,*
18 *Iowa, \$1,700,000;*

19 *Pike County (Levisa and Tug Forks of the Big*
20 *Sandy River and Upper Cumberland River), Ken-*
21 *tucky, \$5,000,000;*

22 *Salyersville, Kentucky, \$1,000,000;*

23 *Williamsburg (Levisa and Tug Forks of the Big*
24 *Sandy River and Upper Cumberland River), Ken-*
25 *tucky, \$700,000;*

1 *Lake Pontchartrain and Vicinity (Jefferson Par-*
2 *ish), Louisiana, \$200,000;*
3 *Anacostia River, Maryland and District of Co-*
4 *lumbia, \$700,000;*
5 *Stillwater, Minnesota, \$2,400,000;*
6 *Sowashee Creek, Mississippi, \$3,240,000;*
7 *Molly Ann's Brook, New Jersey, \$1,000,000;*
8 *New York Harbor Collection and Removal of*
9 *Drift, New York and New Jersey, \$2,900,000;*
10 *Lake O' The Pines-Big Cypress Bayou, Texas,*
11 *\$300,000;*
12 *Red River Basin Chloride Control, Texas and*
13 *Oklahoma, \$4,000,000;*
14 *Wallisville Lake, Texas, \$1,000,000;*
15 *Quonset Point-Davisville, Rhode Island (for 2*
16 *elevated water storage towers and the relocation of*
17 *sewer lines), \$1,875,000; and*
18 *Southern West Virginia Environmental Restora-*
19 *tion Infrastructure and Resource Protection Develop-*
20 *ment Pilot Program, West Virginia, \$3,500,000:*
21 *Provided, That the Secretary of the Army, acting through*
22 *the Chief of Engineers, is directed to use \$3,500,000 of*
23 *available funds to initiate and complete construction of the*
24 *Finn Revetment portion of the Red River Emergency Bank*
25 *Protection, Arkansas and Louisiana project: Provided fur-*

1 *ther, That the Chief of Engineers is directed to use a fully*
2 *funded contract for the construction of the Finn Revetment:*
3 *Provided further, That the Secretary of the Army is directed*
4 *to use \$3,500,000 of funds appropriated herein to continue*
5 *the Red River Levees and Bank Stabilization below Denison*
6 *Dam, Arkansas project, including completion of studies to*
7 *improve the stability of the levee system from Index, Arkan-*
8 *sas to the Louisiana State line and continuation of reha-*
9 *bilitation work underway: Provided further, That the Sec-*
10 *retary of the Army, acting through the Chief of Engineers*
11 *of the Army Corps of Engineers, shall (1) use \$2,000,000*
12 *of funds appropriated herein to carry out engineering de-*
13 *sign for the relocation of the comfort and lifeguard stations*
14 *on the Atlantic coast of New York City, from Rockaway*
15 *Inlet to Norton Point, as authorized by section 1076 of the*
16 *Intermodal Surface Transportation Efficiency Act of 1991*
17 *(Public Law 102–240; 105 Stat. 2015), and (2) not later*
18 *than 1 year after the date of enactment of this Act, report*
19 *to Congress on the results of the expenditure of funds re-*
20 *quired under paragraph (1): Provided further, That with*
21 *\$2,000,000 appropriated herein, the Secretary of the Army,*
22 *acting through the Chief of Engineers, is directed to con-*
23 *tinue construction of the Bethel, Alaska project authorized*
24 *by Public Law 99–662, including but not limited to initiat-*
25 *ing lands and damages, erosion control construction, and*

1 *continued related engineering and construction manage-*
2 *ment: Provided further, That no fully funded allocation pol-*
3 *icy shall apply to the construction of the Bethel, Alaska*
4 *project: Provided further, That the Secretary of the Army,*
5 *acting through the Chief of Engineers, is directed to use*
6 *\$24,119,000 of the funds appropriated herein to continue*
7 *the Lake Pontchartrain and Vicinity, Louisiana, Hurri-*
8 *cane Protection project, including continued construction of*
9 *parallel protection along Orleans and London Avenue*
10 *Outfall Canals and the award of continuing contracts for*
11 *construction of this parallel protection under the same*
12 *terms and conditions specified for such work under this*
13 *heading in Public Law 102–377: Provided further, That the*
14 *Secretary of the Army, acting through the Chief of Engi-*
15 *neers, is directed to use \$450,000 of funds appropriated*
16 *herein to complete the repair and restoration to a safe con-*
17 *dition of the existing Tulsa and West Tulsa local protection*
18 *project, Oklahoma, authorized by the Flood Control Act of*
19 *1941, Public Law 73–228: Provided further, That with*
20 *\$19,300,000 of the funds appropriated herein, to remain*
21 *available until expended, the Secretary of the Army, acting*
22 *through the Chief of Engineers, is directed to continue to*
23 *undertake structural and nonstructural work associated*
24 *with the Barbourville, Kentucky, and the Harlan, Ken-*
25 *tucky, elements of the Levisa and Tug Forks of the Big*

1 *Sandy River and Upper Cumberland River project author-*
2 *ized by section 202 of Public Law 96–367: Provided further,*
3 *That with \$5,365,000 of the funds appropriated herein, to*
4 *remain available until expended, the Secretary of the Army,*
5 *acting through the Chief of Engineers, is directed to con-*
6 *tinue to undertake structural and nonstructural work asso-*
7 *ciated with Matewan, West Virginia, element of the Levisa*
8 *and Tug Forks of the Big Sandy and Upper Cumberland*
9 *River project authorized by section 202 of Public Law 96–*
10 *367: Provided further, That with \$3,500,000 of the funds*
11 *appropriated herein, to remain available until expended,*
12 *the Secretary of the Army, acting through the Chief of Engi-*
13 *neers, is directed to continue construction of the Hatfield*
14 *Bottom, West Virginia, element of the Levisa and Tug Forks*
15 *of the Big Sandy and Upper Cumberland River project au-*
16 *thorized by section 202 of Public Law 96–367 using con-*
17 *tinuing contracts: Provided further, That no fully allocated*
18 *funding policy shall apply to construction of the Matewan,*
19 *West Virginia, Hatfield Bottom, West Virginia,*
20 *Barbourville, Kentucky, and Harlan, Kentucky, elements of*
21 *the Levisa and Tug Forks of the Big Sandy and Upper*
22 *Cumberland river project: Provided further, That the Sec-*
23 *retary of the Army, acting through the Chief of Engineers,*
24 *is directed to initiate and complete construction of offshore*
25 *breakwaters at Grand Isle, Louisiana, as an integral part*

1 *of the repair of features of the Grand Isle and Vicinity,*
2 *Louisiana, project damaged by Hurricane Andrew using*
3 *funds previously appropriated for the purpose in the fiscal*
4 *year 1992 Dire Emergency Supplemental Appropriations*
5 *Act, Public Law 102-368, which are available for this work:*
6 *Provided further, That the Secretary of the Army, acting*
7 *through the Chief of Engineers, is directed to continue con-*
8 *struction of the section 14 bank stabilization program at*
9 *McGregor Park in Clarksville, Tennessee utilizing heretofore*
10 *appropriated funds until the Federal funds limit of*
11 *\$550,000 is reached or bank protection for the entire park*
12 *is completed: Provided further, That using \$6,300,000 of the*
13 *funds appropriated herein, the Secretary of the Army, act-*
14 *ing through the Chief of Engineers, is directed to continue*
15 *with the authorized Ouachita River Levees, Louisiana*
16 *project in an orderly but expeditious manner and within*
17 *this amount, \$3,800,000 shall be used to continue rehabili-*
18 *tation or replacement of all deteriorated drainage structures*
19 *which threaten the security of this critical protection, and*
20 *\$2,500,000 shall be used to repair the river bank at Colum-*
21 *bia, Louisiana, which is eroding and placing the project*
22 *levee protecting the city in imminent danger of failure: Pro-*
23 *vided further, That the Secretary of the Army, acting*
24 *through the Chief of Engineers, is directed to utilize*
25 *\$3,000,000 appropriated herein to provide design and con-*

1 *struction assistance for a water transmission line from the*
2 *northern part of Beaver Lake, Arkansas, into Benton and*
3 *Washington Counties, Arkansas as authorized by section*
4 *220 of Public Law 102–580; and in addition, \$145,000,000,*
5 *to remain available until expended, is hereby appropriated*
6 *for construction of the Red River Waterway, Mississippi*
7 *River to Shreveport, Louisiana, project, as authorized by*
8 *laws, and the Secretary is directed to continue the second*
9 *phase of construction of Locks and Dams 4 and 5; complete*
10 *construction of Howard Capout, McDade, Elm Grove,*
11 *Cecile, Curtis, Sunny Point, and Eagle Bend Phase I and*
12 *Phase II revetments in Pools 4 and 5, and levee modifica-*
13 *tions in Pool 5, all of which were previously directed to*
14 *be initiated; and award continuing contracts in fiscal year*
15 *1994 for construction of the following features of the Red*
16 *River Waterway which are not to be considered fully fund-*
17 *ed: recreation facilities in Pools 4 and 5, Piermont/Nicholas*
18 *and Sunny Point Capouts, Lock and Dam 4 Upstream*
19 *Dikes, Lock and Dam 5 Downstream Additional Control*
20 *Structure, Wells Island Road Revetment, and construction*
21 *dredging in Pool 4; all as authorized by laws, and the Sec-*
22 *retary is further directed to provide annual reimbursement*
23 *to the projects local sponsor for the Federal share of man-*
24 *agement costs for the Bayou Bodcau Mitigation Area as au-*

1 *thorized by Public Law 101–640, the Water Resources De-*
2 *velopment Act of 1990*

3 **(5)**Page 8, line 8, strike out **【\$352,475,000】** and insert:
4 *\$348,875,000*

5 **(6)**Page 8, line 21, strike out **【\$1,691,350,000】** and in-
6 *sert: \$1,673,704,000*

7 **(7)**Page 9, strike out lines 7 and 8

8 **(8)**Page 9, line 12, after “\$2,790,000;” insert: *and*

9 **(9)**Page 9, strike out lines 13 and 14

10 **(10)**Page 9, line 15, strike out **【; and】**

11 **(11)**Page 9, strike out lines 16 and 17

12 **(12)**Page 9, line 20, after “programs” insert: *: Provided*
13 *further, That the Secretary of the Army, acting through the*
14 *Chief of Engineers, is directed to use \$5,000,000 of available*
15 *funds to undertake and complete critical maintenance items*
16 *for water supply of the Kentucky River Locks and Dams*
17 *5–14 and to transfer such facilities to the Commonwealth*
18 *of Kentucky: Provided further, That the Secretary of the*
19 *Army is directed during fiscal year 1994 to maintain a*
20 *minimum conservation pool level of 475.5 at Wister Lake*
21 *in Oklahoma: Provided further, That the Secretary of the*
22 *Army, acting through the Chief of Engineers, is directed*

1 *to use Operation and Maintenance funds and complete, in*
2 *coordination with the schedule for feasibility phase, studies*
3 *to deepen the Columbia River navigation channel, long-*
4 *term dredge disposal plans for the existing authorized Co-*
5 *lumbia River Navigation Channel project, including associ-*
6 *ated fish and wildlife studies*

7 **(13)**Page 10, line 19, strike out all after “expended”
8 down to and including “Engineers” in line 22 and insert:
9 : *Provided, That not to exceed \$58,255,000 of the funds pro-*
10 *vided in this Act shall be available for general administra-*
11 *tion and related functions in the Office of the Chief of Engi-*
12 *neers, unless the Secretary of the Army determines that ad-*
13 *ditional obligations are necessary for such purposes and no-*
14 *tifies the Committees on Appropriations of both Houses of*
15 *Congress of the Secretary’s determination and the reasons*
16 *therefore*

17 **(14)**Page 12, after line 5, insert:

18 *SEC. 106. In fiscal year 1994, the Secretary shall ad-*
19 *vertise for competitive bid at least 7,500,000 cubic yards*
20 *of the hopper dredge volume accomplished with Govern-*
21 *ment-owned dredges in fiscal year 1992.*

22 *Notwithstanding the provisions of this section, the Sec-*
23 *retary is authorized to use the dredge fleet of the Corps of*
24 *Engineers to undertake projects when industry does not per-*
25 *form as required by the contract specifications or when the*

1 *bids are more than 25 percent in excess of what the Sec-*
2 *retary determines to be a fair and reasonable estimated cost*
3 *of a well equipped contractor doing the work or to respond*
4 *to emergency requirements.*

5 **(15)**Page 12, after line 5, insert:

6 *SEC. 107. Notwithstanding any other provision of law,*
7 *the Secretary of the Army, acting through the Chief of Engi-*
8 *neers, is authorized to reprogram, obligate and expend such*
9 *additional sums as necessary to continue construction and*
10 *cover anticipated contract earnings of any water resources*
11 *project which received an appropriation or allowance for*
12 *construction in or through an appropriations Act or resolu-*
13 *tion of a current or last preceding fiscal year, in order to*
14 *prevent the termination of a contract or the delay of sched-*
15 *uled work.*

16 **(16)**Page 12, after line 5, insert:

17 **SEC. 108. PROHIBITION ON REMOVAL.**

18 *(a) PROHIBITION.—Subject to subsection (b), no funds*
19 *made available pursuant to this Act may be used to carry*
20 *out a policy to remove or demolish any residential structure*
21 *that is subject to an easement or right-of-way in favor of*
22 *the United States for the containment or impoundment of*
23 *waters in the Muskingum River Basin, Ohio, until such*
24 *time as the Committee on Environment and Public Works*
25 *of the Senate and the Committee on Public Works and*

1 *Tranportation of the House of Representatives have re-*
2 *viewed and approved the policy.*

3 *(b) AGREEMENT TO HOLD HARMLESS.—*

4 *(1) IN GENERAL.—The Secretary of the Army*
5 *shall offer to enter into a written agreement with the*
6 *owner of each residential structure that is covered by*
7 *the prohibition referred to in subsection (a). Under*
8 *the agreement, the owner shall hold the United States*
9 *harmless for any loss of personal property, real prop-*
10 *erty, injury, or death that is the result of any flooding*
11 *of the structure.*

12 *(2) FAILURE TO ENTER INTO AN AGREEMENT.—*
13 *If an owner fails to enter into an agreement pursuant*
14 *to paragraph (1), the Secretary of the Army may, in*
15 *accordance with the applicable easement or right-of-*
16 *way, remove or demolish the structure.*

17 **(17)**Page 12, after line 5, insert:

18 *SEC. 109. (1) IN GENERAL.—The Secretary of the*
19 *Army is authorized to convey to the City of Galveston,*
20 *Texas, fee simple absolute title to a parcel of land contain-*
21 *ing approximately 605 acres known as the San Jacinto*
22 *Disposal Area located on the east end of Galveston Island,*
23 *Texas, in the W.A.A. Wallace Survey, A-647 and A-648,*
24 *City of Galveston, Galveston County, Texas, being part of*
25 *the old Fort Jacinto site, at the fair market value of such*

1 *parcel to be determined in accordance with the provisions*
2 *of paragraph (4). Such conveyance shall be made at the*
3 *discretion of the Secretary of the Army upon the agreement*
4 *of all interested parties.*

5 (2) *COMPENSATION FOR CONVEYANCE.*—*Upon receipt*
6 *of compensation from the City of Galveston, the Secretary*
7 *shall convey the parcel as described in paragraph (1). Such*
8 *compensation shall include—*

9 (A) *conveyance to the Department of the Army*
10 *of fee simple absolute title to a parcel of land contain-*
11 *ing approximately 564 acres on Pelican Island,*
12 *Texas, in the Eneas Smith Survey, A-190, Pelican*
13 *Island, City of Galveston, Galveston County, Texas,*
14 *adjacent to property currently owned by the United*
15 *States. The fair market value of such parcel will be*
16 *determined in accordance with the provisions of para-*
17 *graph (4); and*

18 (B) *payment to the United States of an amount*
19 *equal to the difference in the fair market value of the*
20 *parcel to be conveyed pursuant to paragraph (1) and*
21 *the fair market value of the parcel to be conveyed pur-*
22 *suant to paragraph (2)(A).*

23 (3) *DISPOSITION OF SPOIL.*—*Costs of maintaining the*
24 *Galveston Harbor and Channel will continue to be governed*
25 *by the Local Cooperation Agreement between the United*

1 *States of America and the City of Galveston dated October*
2 *18, 1973. Upon conveyance of the parcel described in para-*
3 *graph (1), the Department of the Army shall be com-*
4 *pensated directly for any anticipated costs which may be*
5 *incurred in site preparation and in the disposition of spoil*
6 *in excess of the present value of current costs of spoil dis-*
7 *position.*

8 (4) *DETERMINATION OF FAIR MARKET VALUE.*—*The*
9 *fair market value of the land to be conveyed pursuant to*
10 *paragraphs (1) and (2) shall be determined by independent*
11 *appraisers using the market value method.*

12 (5) *NAVIGATIONAL SERVITUDE.*—*Those portions of a*
13 *605-acre parcel of land known as the San Jacinto Disposal*
14 *Area and more fully described in paragraph 1, supra, are*
15 *declared to be nonnavigable waters of the United States.*

16 (6) *SURVEYS AND STUDIES.*—*The 605-acre parcel and*
17 *the 564-acre parcel shall be surveyed and further legally de-*
18 *scribed prior to conveyance. Not later than 60 days follow-*
19 *ing enactment of this Act, if he deems it necessary, the Sec-*
20 *retary of the Army shall complete a review of the applicabil-*
21 *ity of section 404 of the Clean Water Act to the said parcels.*

22 **(18)**Page 12, line 11, strike out **【\$25,770,000】** and in-
23 sert: *\$24,770,000*

24 **(19)**Page 12, line 12, strike out **【\$15,920,000】** and in-
25 sert: *\$14,920,000*

1 **(20)**Page 12, line 13, after “Act” insert: *and for feasibility*
2 *studies of alternatives to the Uintah and Upalco Units*

3 **(21)**Page 12, line 21, strike out all after “Act” over to
4 and including “Act” in line 2 on page 13

5 **(22)**Page 13, after line 2, insert:

6 *In addition, for necessary expenses incurred in carry-*
7 *ing out responsibilities of the Secretary of the Interior*
8 *under the Act, \$1,000,000, to remain available until ex-*
9 *pendent.*

10 **(23)**Page 13, line 15, strike out **[\$13,109,000]** and in-
11 sert: *\$14,409,000*

12 **(24)**Page 14, line 7, strike out **[\$464,423,000]** and in-
13 sert: *\$460,898,000*

14 **(25)**Page 17, line 4, strike out **[\$11,563,000]** and in-
15 sert: *\$12,900,000*

16 **(26)**Page 17, line 12, strike out **[\$18,726,000]** and in-
17 sert: *\$21,000,000*

18 **(27)**Page 19, after line 20, insert:

19 *GENERAL PROVISION*

20 *SEC. 201. (a) Section 7(e) of the Northern Cheyenne*
21 *Indian Reserved Water Rights Settlement Act of 1992 is*
22 *amended by adding at the end thereof the following new*

1 sentences: “All costs of environmental compliance and miti-
2 gation associated with the Compact, including mitigation
3 measures adopted by the Secretary, are the responsibility
4 of the United States. All moneys appropriated pursuant to
5 the authorization under this subsection are in addition to
6 amounts appropriated pursuant to the authorization under
7 section 7(b)(1) of this Act, and shall be immediately avail-
8 able.”.

9 (b) Except for authorizations contained in subsections
10 7(b)(1), 7(b)(2) and 7(e), the authorization of appropria-
11 tions contained in this Act shall not be effective until such
12 time as the Montana water court enters and approves a
13 decree as provided in subsection (d) of this section.

14 (c) The amendments made by this section shall be con-
15 sidered to have taken effect on September 30, 1992.

16 **(28)**Page 20, strike out lines 9 to 11 and insert: *which*
17 *are for replacement only*), \$3,249,286,000, to remain
18 available until expended: *Provided, That no funds made*
19 *available by this Act shall be used for the gas turbine-modu-*
20 *lar helium reactor (GT-MHR) (formerly known as the high*
21 *temperature gas reactor)*

22 **(29)**Page 20, line 11, after “development” insert: *, of*
23 *which, \$4,500,000 shall be derived by transfer from the Geo-*
24 *thermal Resources Development Fund.*

1 **(30)**Page 20, strike out lines 13 to 17 and insert:

2 *For expenses of the Department of Energy in connec-*
3 *tion with operating expenses; the purchase, construction,*
4 *and acquisition of plant and capital equipment and other*
5 *expenses incidental thereto necessary for residual uranium*
6 *supply and enrichment activities in carrying out the pur-*
7 *poses of the Department of Energy Organization Act (42*
8 *U.S.C. 7101, et seq.) and the Energy Policy Act (Public*
9 *Law 102-486, section 901), including the acquisition or*
10 *condemnation of any real property or any facility or for*
11 *plant or facility acquisition, construction, or expansion;*
12 *purchase of electricity as necessary and payment to the*
13 *Tennessee Valley Authority under the settlement agreement*
14 *filed with the United States Claims Court on December 18,*
15 *1987; purchase of passenger motor vehicles (not to exceed*
16 *5, of which 5 are for replacement only), \$247,092,000, to*
17 *remain available until expended: Provided, That revenues*
18 *received by the Department for residual uranium enrich-*
19 *ment activities authorized by section 201 of Public Law 95-*
20 *238, and estimated to total \$70,000,000 in fiscal year 1994,*
21 *shall be retained and used for the specific purpose of offset-*
22 *ting costs incurred by the Department for such activities,*
23 *notwithstanding section 3302(b) of title 31, United States*
24 *Code: Provided further, That the sum herein appropriated*
25 *shall be reduced as revenues are received during fiscal year*

1 1994 so as to result in a final fiscal year 1994 appropria-
2 tion estimated at not more than \$177,092,000.

3 **(31)**Page 21, strike out all after line 1 down to and in-
4 cluding “obligated” in line 4 and insert: *and in addition,*
5 *an estimated \$49,679,000 in unexpended balances, consist-*
6 *ing of an estimated \$6,267,000 of unobligated balances and*
7 *an estimated \$43,412,000 of obligated*

8 **(32)**Page 21, line 6, after “expenses” insert: *: Provided,*
9 *That at least \$40,600,000 of amounts derived from the fund*
10 *for such expenses shall be expended in accordance with title*
11 *X, Subtitle A of the Energy Policy Act of 1992*

12 **(33)**Page 21, line 17, strike out **[\$1,194,114,000]** and
13 insert: *\$1,615,114,000*

14 **(34)**Page 21, line 18, strike out all after “*Provided,*”
15 down to and including “*further,*” in line 23

16 **(35)**Page 22, line 2, after “contract” insert: *: Provided*
17 *further, That none of the funds made available under this*
18 *section for Department of Energy facilities may be spent*
19 *90 days after the beginning of the fiscal year to permit the*
20 *continued construction of the superconducting super collider*
21 *unless the Secretary delivers to the Committee an imple-*
22 *mentation plan for the specific recommendations of the Re-*
23 *port of the DOE Review Committee on the Baseline Valida-*

1 *tion of the Superconducting Super Collider and the Sec-*
2 *retary certifies that the management issues raised by Gen-*
3 *eral Accounting Office in its report dated February 1993,*
4 *number GAO/RCED-93-87 have been adequately addressed*
5 *and will not reoccur*

6 **(36)**Page 22, strike out lines 4 to 22, and insert:

7 *For the nuclear waste disposal activities to carry out*
8 *the purposes of Public Law 97-425, as amended, including*
9 *the acquisition of real property or facility construction or*
10 *expansion, \$260,000,000 to remain available until ex-*
11 *pended, to be derived from the Nuclear Waste Fund. To the*
12 *extent that balances in the fund are not sufficient to cover*
13 *amounts available for obligation in the account, the Sec-*
14 *retary shall exercise her authority pursuant to section*
15 *302(e)(5) of said Act to issue obligations to the Secretary*
16 *of the Treasury: Provided, That of the amount herein ap-*
17 *propriated, within available funds, not to exceed \$5,500,000*
18 *may be provided to the State of Nevada, for the sole purpose*
19 *of conduct of its scientific oversight responsibilities pursu-*
20 *ant to the Nuclear Waste Policy Act of 1982, Public Law*
21 *97-425, as amended: Provided further, That of the amount*
22 *herein appropriated, not more than \$7,000,000 may be pro-*
23 *vided to affected local governments, as defined in the Act,*
24 *to conduct appropriate activities pursuant to the Act: Pro-*
25 *vided further, That within ninety days of the completion*

1 *of each Federal fiscal year, each State or local entity shall*
2 *provide certification to the Department of Energy, that all*
3 *funds expended from such payments have been expended for*
4 *activities as defined in Public Law 97-425, as amended.*
5 *Failure to provide such certification shall cause such entity*
6 *to be prohibited from any further funding provided for*
7 *similar activities: Provided further, That none of the funds*
8 *herein appropriated may be used directly or indirectly to*
9 *influence legislative action on any matter pending before*
10 *Congress or a State legislature or for any lobbying activity*
11 *as provided in 18 U.S.C. 1913: Provided further, That none*
12 *of the funds herein appropriated may be used for litigation*
13 *expenses: Provided further, That none of the funds herein*
14 *appropriated may be used to support multistate efforts or*
15 *other coalition building activities inconsistent with the re-*
16 *strictions contained in this Act: Provided further, That*
17 *none of the funds provided under this Act shall be made*
18 *available for Phase II-B grants to study the feasibility of*
19 *siting a Monitored Retrievable Storage Facility unless the*
20 *Nuclear Waste Negotiator has first certified to the Secretary*
21 *of Energy that there is a reasonable likelihood that agree-*
22 *ment can be reached among all of the relevant governmental*
23 *officials in the vicinity of any proposed site.*

24 **(37)**Page 23, line 19, strike out **[\$3,572,198,000]** and
25 insert: *\$3,597,482,000*

1 **(38)**Page 24, line 7, strike out **【\$5,185,877,000】** and
2 insert: *\$5,106,855,000*

3 **(39)**Page 24, line 7, after “expended” insert: *: Provided,*
4 *That a total of \$8,000,000 shall be transferred from this*
5 *account to the Environmental Protection Agency for the im-*
6 *plementation of the Waste Isolation Pilot Plan Land With-*
7 *drawal Act of 1992 and the development of cleanup stand-*
8 *ards to guide the Department of Energy’s environmental*
9 *restoration efforts*

10 **(40)**Page 24, line 20, strike out **【\$2,046,592,000】** and
11 insert: *\$1,963,755,000*

12 **(41)**Page 26, line 10, strike out **【\$31,757,000】** and in-
13 sert: *\$30,362,000*

14 **(42)**Page 28, line 12, strike out **【\$287,956,000】** and
15 insert: *\$272,956,000*

16 **(43)**Page 28, line 13, strike out **【\$275,400,000】** and
17 insert: *\$260,400,000*

18 **(44)**Page 30, line 7, strike out **【\$189,000,000】** and in-
19 sert: *\$249,000,000*

20 **(45)**Page 30, line 14, strike out **【\$15,060,000】** and in-
21 sert: *\$18,060,000*

1 (46)Page 36, line 1, strike out **【\$138,973,000】** and in-
2 sert: *\$140,473,000*

3 (47)Page 40, after line 3, insert:

4 **SEC. 505. BONNEVILLE POWER ADMINISTRATION REPAY-**
5 **MENT PROPOSAL**

6 *Utilizing funds made available in this Act, the Sec-*
7 *retary of Energy is urged to submit to the Congress by Feb-*
8 *ruary 1, 1994, a legislative proposal to satisfy the Bonne-*
9 *ville Power Administration's entire repayment obligation*
10 *to the United States Treasury for appropriated investment*
11 *in the Federal Columbia River Power System: Provided,*
12 *That such a proposal shall result in maximum deficit re-*
13 *duction for the Federal Government in fiscal year 1995*
14 *through fiscal year 1999, and shall not increase Bonneville*
15 *Power Administration rates beyond those rates which would*
16 *result under existing debt repayment policy and practices.*

Attest:

Secretary.

HR 2445 EAS—2

HR 2445 EAS—3

HR 2445 EAS—4

HR 2445 EAS—5

HR 2445 EAS—6

HR 2445 EAS—7

HR 2445 EAS—8