

104TH CONGRESS
1ST SESSION

H. R. 1905

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 1995

Ordered to be printed with the amendments of the Senate numbered

AN ACT

Making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 That the following sums are appropriated, out of any

4 money in the Treasury not otherwise appropriated, for the

5 fiscal year ending September 30, 1996, for energy and

6 water development, and for other purposes, namely:

7 TITLE I

8 DEPARTMENT OF DEFENSE—CIVIL

9 DEPARTMENT OF THE ARMY

10 CORPS OF ENGINEERS—CIVIL

11 The following appropriations shall be expended under

12 the direction of the Secretary of the Army and the super-

1 vision of the Chief of Engineers for authorized civil func-
 2 tions of the Department of the Army pertaining to rivers
 3 and harbors, flood control, beach erosion, and related pur-
 4 poses.

5 GENERAL INVESTIGATIONS

6 For expenses necessary for the collection and study
 7 of basic information pertaining to river and harbor, flood
 8 control, shore protection, and related projects, restudy of
 9 authorized projects, miscellaneous investigations, and,
 10 when authorized by laws, surveys and detailed studies and
 11 plans and specifications of projects prior to construction,
 12 ~~(1)~~\$129,906,000 *\$126,323,000*, to remain available until
 13 expended, of which funds are provided for the following
 14 projects in the amounts specified:

15 ~~(2)~~Norco Bluffs, California, \$375,000;
 16 Indianapolis Central Waterfront, Indiana,
 17 \$2,000,000;
 18 Ohio River Greenway, Indiana, \$1,000,000; and
 19 Mussers Dam, Middle Creek, Snyder County,
 20 Pennsylvania, \$300,000
 21 *Norco Bluffs, California, \$375,000;*
 22 *Indianapolis Central Waterfront, Indiana,*
 23 *\$1,000,000;*
 24 *Kentucky Lock and Dam, Kentucky, \$2,500,000;*
 25 *and*

1 Sacramento River Flood Control Project
2 (Glenn-Colusa Irrigation District), California,
3 \$300,000;

4 San Timoteo Creek (Santa Ana River
5 Mainstem), California, \$5,000,000;

6 Indiana Shoreline Erosion, Indiana,
7 \$1,500,000;

8 Harlan (Levisa and Tug Forks of the Big
9 Sandy River and Upper Cumberland River), Ken-
10 tucky, \$12,000,000;

11 Williamsburg (Levisa and Tug Forks of the Big
12 Sandy River and Upper Cumberland River), Ken-
13 tucky, \$4,100,000;

14 Middlesboro (Levisa and Tug Forks of the Big
15 Sandy River and Upper Cumberland River), Ken-
16 tucky, \$1,600,000;

17 Salyersville, Kentucky, \$500,000;

18 Lake Pontchartrain and Vicinity (Hurricane
19 Protection), Louisiana, \$11,848,000;

20 Red River below Denison Dam Levee and Bank
21 Stabilization, Louisiana, Arkansas, and Texas,
22 \$3,800,000;

23 Broad Top Region, Pennsylvania, \$4,100,000;

24 Glen Foerd, Pennsylvania, \$200,000; and

25 Wallisville Lake, Texas, \$5,000,000

1 *Homer Spit, Alaska, repair and extend project,*
2 *\$3,800,000;*

3 *McClellan-Kerr Arkansas River Navigation Sys-*
4 *tem, Arkansas, \$6,000,000: Provided, That \$4,900,000*
5 *of such amount shall be used for activities relating to*
6 *Montgomery Point Lock and Dam, Arkansas;*

7 *Red River Emergency Bank Protection, Arkan-*
8 *sas and Louisiana, \$6,600,000;*

9 *Sacramento River Flood Control Project (Glenn-*
10 *Colusa Irrigation District), California, \$300,000;*

11 *Arkansas City flood control project, Kansas,*
12 *\$700,000, except that for the purposes of the project,*
13 *section 902 of Public Law 99–662 is waived;*

14 *Winfield, Kansas, \$670,000;*

15 *Harlan (Levisa and Tug Forks of the Big Sandy*
16 *River and Upper Cumberland River), Kentucky,*
17 *\$12,000,000;*

18 *Williamsburg (Levisa and Tug Forks of the Big*
19 *Sandy River and Upper Cumberland River), Ken-*
20 *tucky, \$4,100,000;*

21 *Middlesboro (Lesiva and Tug Forks of the Big*
22 *Sandy River and Upper Cumberland River), Ken-*
23 *tucky, \$1,600,000;*

24 *Salyersville, Kentucky, \$500,000;*

1 *Lake Pontchartrain and Vicinity (Hurricane*
2 *Protection), Louisiana, \$11,838,000;*
3 *Ouachita River Levees, Louisiana, \$2,300,000;*
4 *Red River below Denison Dam Levee and Bank*
5 *Stabilization, Louisiana, Arkansas, and Texas,*
6 *\$2,000,000;*
7 *Roughans Point, Massachusetts, \$710,000;*
8 *Marshall, Minnesota, \$850,000;*
9 *Ste. Genevieve, Missouri, \$1,000,000;*
10 *Broad Top Region, Pennsylvania, \$2,000,000;*
11 *Glen Foerd, Pennsylvania, \$200,000;*
12 *Wallisville Lake, Texas, \$5,000,000;*
13 *Virginia Beach Erosion Control and Hurricane*
14 *Protection, Virginia, \$1,100,000;*
15 *Hatfield Bottom (Levisa and Tug Forks of the*
16 *Big Sandy River and Upper Cumberland River),*
17 *West Virginia, \$200,000; and*
18 *Upper Mingo (Levisa and Tug Forks of the Big*
19 *Sandy River and Upper Cumberland River, West*
20 *Virginia, \$2,000,000: Provided, That the Secretary of*
21 *the Army, acting through the Chief of Engineers, shall*
22 *transfer \$1,120,000 of the Construction, General funds*
23 *appropriated in this Act to the Secretary of the Inte-*
24 *rior and the Secretary of the Interior shall accept and*
25 *expend such funds for performing operation and*

1 *maintenance activities at the Columbia River Fishing*
2 *Access Sites to be constructed by the Department of*
3 *the Army at Cascade Locks, Oregon; Lone Pine, Or-*
4 *egon; Underwood, Washington; and the Bonneville*
5 *Treaty Fishing Access Site, Washington.*

6 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBU-
7 TARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISI-
8 ANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

9 For expenses necessary for prosecuting work of flood
10 control, and rescue work, repair, restoration, or mainte-
11 nance of flood control projects threatened or destroyed by
12 flood, as authorized by law (33 U.S.C. 702a, 702g-1),
13 \$307,885,000, to remain available until expended.

14 OPERATION AND MAINTENANCE, GENERAL

15 For expenses necessary for the preservation, oper-
16 ation, maintenance, and care of existing river and harbor,
17 flood control, and related works, including such sums as
18 may be necessary for the maintenance of harbor channels
19 provided by a State, municipality or other public agency,
20 outside of harbor lines, and serving essential needs of gen-
21 eral commerce and navigation; surveys and charting of
22 northern and northwestern lakes and connecting waters;
23 clearing and straightening channels; and removal of ob-
24 structions to navigation, ~~(5)~~\$1,712,123,000
25 \$1,696,998,000, to remain available until expended, of
26 which such sums as become available in the Harbor Main-

1 tenance Trust Fund, pursuant to Public Law 99-662,
 2 may be derived from that fund, and of which such sums
 3 as become available from the special account established
 4 by the Land and Water Conservation Act of 1965, as
 5 amended (16 U.S.C. 460l), may be derived from that fund
 6 for construction, operation, and maintenance of outdoor
 7 recreation facilities: *Provided*, That not to exceed
 8 \$5,000,000 shall be available for obligation for national
 9 emergency preparedness programs: *Provided further*, That
 10 ~~(6)\$5,926,000~~ \$3,426,000 of the funds appropriated here-
 11 in are provided for the Raystown Lake, Pennsylvania,
 12 project~~(7)~~: *Provided further*, That the Secretary of the
 13 Army is directed during fiscal year 1996 to maintain a
 14 minimum conservation pool level of 475.5 at Wister Lake
 15 in Oklahoma.

16 REGULATORY PROGRAM

17 For expenses necessary for administration of laws
 18 pertaining to regulation of navigable waters and wetlands,
 19 \$101,000,000, to remain available until expended.

20 FLOOD CONTROL AND COASTAL EMERGENCIES

21 For expenses necessary for emergency flood control,
 22 hurricane, and shore protection activities, as authorized
 23 by section 5 of the Flood Control Act approved August
 24 18, 1941, as amended, \$10,000,000, to remain available
 25 until expended.

1 OIL SPILL RESEARCH

2 For expenses necessary to carry out the purposes of
3 the Oil Spill Liability Trust Fund, pursuant to Title VII
4 of the Oil Pollution Act of 1990, \$850,000, to be derived
5 from the Fund and to remain available until expended.

6 GENERAL EXPENSES

7 For expenses necessary for general administration
8 and related functions in the Office of the Chief of Engi-
9 neers and offices of the Division Engineers; activities of
10 the Coastal Engineering Research Board, the Humphreys
11 Engineer Center Support Activity, the Engineering Stra-
12 tegic Studies Center, and the Water Resources Support
13 Center, ~~(8)\$150,000,000~~ \$153,000,000, to remain avail-
14 able until expended: *Provided, (9)That not to exceed*
15 ~~\$60,000,000~~ of the funds provided in this Act shall be
16 available for general administration and related functions
17 in the Office of the Chief of Engineers: *Provided further,*
18 That no part of any other appropriation provided in title
19 I of this Act shall be available to fund the activities of
20 the Office of the Chief of Engineers or the executive direc-
21 tion and management activities of the Division Offices:
22 *Provided further,* That with funds provided herein and not-
23 withstanding any other provision of law, the Secretary of
24 the Army shall develop and submit to the Congress
25 ~~(10)~~ *(including the Committee on Environment and Public*
26 *Works of the Senate and the Committee on Transportation*

1 *and Infrastructure of the House of Representatives*) within
2 60 days of enactment of this Act, a plan which reduces
3 the number of division offices within the United States
4 Army Corps of Engineers to no less than 6 and no more
5 than 8, with each division responsible for at least 4 district
6 offices, but does not close or change the function of any
7 district office: *Provided further*, That notwithstanding any
8 other provision of law, the Secretary of the Army is di-
9 rected to begin implementing the division office plan on
10 August 15, 1996, and such plan shall be implemented
11 prior to October 1, 1997.

12 ADMINISTRATIVE PROVISIONS

13 Appropriations in this title shall be available for offi-
14 cial reception and representation expenses (not to exceed
15 \$5,000); and during the current fiscal year the revolving
16 fund, Corps of Engineers, shall be available for purchase
17 (not to exceed 100 for replacement only) and hire of pas-
18 senger motor vehicles.

19 GENERAL PROVISION

20 CORPS OF ENGINEERS—CIVIL

21 ~~(11)SEC. 101. (a) In fiscal year 1996, the Secretary~~
22 ~~of the Army shall advertise for competitive bid at least~~
23 ~~7,500,000 cubic yards of the hopper dredge volume accom-~~
24 ~~plished with government-owned dredges in fiscal year~~
25 ~~1992.~~

1 ~~(b) Notwithstanding the provisions of this section, the~~
2 Secretary is authorized to use the dredge fleet of the Corps
3 of Engineers to undertake projects when industry does not
4 perform as required by the contract specifications or when
5 the bids are more than 25 percent in excess of what the
6 Secretary determines to be a fair and reasonable estimated
7 cost of a well equipped contractor doing the work or to
8 respond to emergency requirements.

9 ~~(c) None of the funds appropriated herein or other-~~
10 wise made available to the Army Corps of Engineers, in-
11 cluding amounts contained in the Revolving Fund of the
12 Army Corps of Engineers, may be used to study, design
13 or undertake improvement or major repair of the Federal
14 vessel, McFARLAND.

15 *SEC. 101. (a) In fiscal year 1996, the Secretary of the*
16 *Army shall advertise for competitive bid at least 7,500,000*
17 *cubic yards of the hopper dredge volume accomplished with*
18 *government owned dredges in fiscal year 1992.*

19 *(b) Notwithstanding the provisions of this section, the*
20 *Secretary is authorized to use the dredge fleet of the Corps*
21 *of Engineers to undertake projects when industry does not*
22 *perform as required by the contract specifications or when*
23 *the bids are more than 25 percent in excess of what the*
24 *Secretary determines to be a fair and reasonable estimated*

1 *cost of a well equipped contractor doing the work or to re-*
2 *spond to emergency requirements.*

3 *(c) None of the funds appropriated herein or otherwise*
4 *made available to the Army Corps of Engineers, including*
5 *amounts contained in the Revolving Fund of the Army*
6 *Corps of Engineers, may be used to study, design or under-*
7 *take improvements or major repair of the Federal vessel,*
8 *McFARLAND, except for normal maintenance and repair*
9 *necessary to maintain the vessel McFARLAND's current*
10 *operational condition.*

11 *(d) If any of the four Corps of Engineers hopper*
12 *dredges is removed from normal service for repair or reha-*
13 *bilitation and such repair prevents the dredge from accom-*
14 *plishing its volume of work regularly carried out in each*
15 *of the past three years, the Corps of Engineers shall reduce*
16 *the 7,500,000 cubic yards of hopper dredge volume con-*
17 *tained in subsection (a) of this section by the proportional*
18 *amount of work which had been allocated to such dredge*
19 *over the past three fiscal years in calculating the reduction*
20 *in Corps dredging work required to implement subsection*
21 *(a).*

22 **SEC. 102. (a) SAND AND STONE CAP IN NAVIGATION**
23 **PROJECT AT MANISTIQUE HARBOR, MICHIGAN.—The**
24 **project for navigation, Manistique Harbor, Schoolcraft**
25 **County, Michigan, authorized by the first section of the**

1 Act entitled “An Act making appropriations for the con-
2 struction, repair, and preservation of certain public works
3 on rivers and harbors, and for other purposes”, approved
4 March 3, 1905 (33 Stat. 1136), is modified to permit in-
5 stallation of a sand and stone cap over sediments affected
6 by polychlorinated biphenyls in accordance with an admin-
7 istrative order of the Environmental Protection Agency.

8 (b) PROJECT DEPTH.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), the project described in subsection (a) is
11 modified to provide for an authorized depth of 18
12 feet.

13 (2) EXCEPTION.—The authorized depth shall be
14 12.5 feet in the areas where the sand and stone cap
15 described in subsection (a) will be placed within the
16 following coordinates: 4220N–2800E to 4220N–
17 3110E to 3980N–3260E to 3190N–3040E to
18 2960N–2560E to 3150N–2300E to 3680N–2510E
19 to 3820N–2690E and back to 4220N–2800E.

20 (c) HARBOR OF REFUGE.—The project described in
21 subsection (a), including the breakwalls, pier, and author-
22 ized depth of the project (as modified by subsection (b)),
23 shall continue to be maintained as a harbor of refuge.

24 **(12)** *SEC. 103. None of the funds appropriated herein*
25 *or otherwise available to the Army Corps of Engineers, may*

1 *be used to assist, guide, coordinate, administer; prepare for*
2 *occupancy of; or acquire furnishings for or in preparation*
3 *of a movement to the Southeast Federal Center.*

4 **(13)***SEC. 104. The project for flood control for Peters-*
5 *burg, West Virginia, authorized by section 101(a)(26) of the*
6 *Water Resources Development Act of 1990 (P.L. 101-640,*
7 *104 Stat. 4611) is modified to authorize the Secretary of*
8 *the Army to construct the project at a total cost not to ex-*
9 *ceed \$26,600,000, with an estimated first Federal cost of*
10 *\$19,195,000 and an estimated first non-Federal cost of*
11 *\$7,405,000.*

12 **(14)***SEC. 105. (a) The Secretary of the Army is au-*
13 *thorized to accept from a non-Federal sponsor an amount*
14 *of additional lands not to exceed 300 acres which are contig-*
15 *uous to the Cooper Lake and Channels Project, Texas, au-*
16 *thorized by the River and Harbor Act of 1965 and the*
17 *Water Resources Development Act of 1986, and which pro-*
18 *vide habitat value at least equal to that provided by the*
19 *lands authorized to be redesignated in subsection (b).*

20 *(b) Upon the completion of subsection (a), the Sec-*
21 *retary is further authorized to redesignate an amount of*
22 *mitigation land not to exceed 300 acres to recreation pur-*
23 *poses.*

24 *(c) The cost of all work to be undertaken pursuant to*
25 *this section, including but not limited to real estate ap-*

1 *praisals, cultural and environmental surveys, and all devel-*
2 *opment necessary to avoid net mitigation losses, to the ex-*
3 *tent such actions are required, shall be borne by the donat-*
4 *ing sponsor.*

5 **(15)SEC. 106. WATER LEVEL IN LAKE TRA-**
6 **VERSE, SOUTH DAKOTA AND MINNESOTA.**

7 *(a) IN GENERAL.—Subject to subsection (b), notwith-*
8 *standing any other law, the Secretary of the Army, acting*
9 *through the Chief of Engineers of the Army Corps of Engi-*
10 *neers and using funds made available under this Act, shall,*
11 *to the greatest extent practicable, take such actions as are*
12 *necessary to obtain and maintain an elevation of 977 feet*
13 *above sea level in Lake Traverse, South Dakota and Min-*
14 *nesota.*

15 *(b) LIMITATION.—No action taken under subsection*
16 *(a) shall result in flooding at Mud Lake, South Dakota and*
17 *Minnesota.*

18 **(16)SEC. 107.** *Using funds appropriated herein the*
19 *Secretary of the Army, acting through the Chief of Engi-*
20 *neers, is authorized to undertake the Coos Bay, Oregon*
21 *project in accordance with the Report of the Chief of Engi-*
22 *neers, dated June 30, 1994, at a total cost of \$14,541,000,*
23 *with an estimated Federal cost of \$10,777,000 and an esti-*
24 *mated non-Federal cost of \$3,764,000.*

1 TITLE II
2 DEPARTMENT OF THE INTERIOR
3 CENTRAL UTAH PROJECT
4 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

5 For the purpose of carrying out provisions of the
6 Central Utah Project Completion Act, Public Law 102-
7 575 (106 Stat. 4605), and for feasibility studies of alter-
8 natives to the Uintah and Upalco Units, \$42,893,000, to
9 remain available until expended, of which \$23,503,000
10 shall be deposited into the Utah Reclamation Mitigation
11 and Conservation Account: *Provided*, That of the amounts
12 deposited into the Account, \$5,000,000 shall be considered
13 the Federal Contribution authorized by paragraph
14 402(b)(2) of the Act and \$18,503,000 shall be available
15 to the Utah Reclamation Mitigation and Conservation
16 Commission to carry out activities authorized under the
17 Act.

18 In addition, for necessary expenses incurred in carry-
19 ing out responsibilities of the Secretary of the Interior
20 under the Act, \$1,246,000, to remain available until ex-
21 pended.

22 BUREAU OF RECLAMATION

23 For carrying out the functions of the Bureau of Rec-
24 lamation as provided in the Federal reclamation laws (Act
25 of June 17, 1902, 32 Stat. 388, and Acts amendatory

1 thereof or supplementary thereto) and other Acts applica-
2 ble to that Bureau as follows:

3 GENERAL INVESTIGATIONS

4 For engineering and economic investigations of pro-
5 posed Federal reclamation projects and studies of water
6 conservation and development plans and activities prelimi-
7 nary to the reconstruction, rehabilitation and betterment,
8 financial adjustment, or extension of existing projects, to
9 remain available until expended, ~~(17)~~\$13,114,000
10 \$11,234,000: *Provided*, That, of the total appropriated, the
11 amount for program activities which can be financed by
12 the reclamation fund shall be derived from that fund: *Pro-*
13 *vided further*, That funds contributed by non-Federal enti-
14 ties for purposes similar to this appropriation shall be
15 available for expenditure for the purposes for which con-
16 tributed as though specifically appropriated for said pur-
17 poses, and such amounts shall remain available until
18 expended~~(18)~~: *Provided further*, That within available
19 funds, \$300,000 is for the completion of the feasibility study
20 of alternatives for meeting the drinking water needs on the
21 Cheyenne River Sioux Reservation and surrounding com-
22 munities.

23 CONSTRUCTION PROGRAM

24 (INCLUDING TRANSFER OF FUNDS)

25 For construction and rehabilitation of projects and
26 parts thereof (including power transmission facilities for

1 Bureau of Reclamation use) and for other related activi-
2 ties as authorized by law, to remain available until ex-
3 pended, ~~(19)\$417,301,000~~ \$390,461,000, of which
4 \$27,049,000 shall be available for transfer to the Upper
5 Colorado River Basin Fund authorized by section 5 of the
6 Act of April 11, 1956 (43 U.S.C. 620d), and
7 ~~(20)\$94,225,000~~ \$92,725,000 shall be available for trans-
8 fer to the Lower Colorado River Basin Development Fund
9 authorized by section 403 of the Act of September 30,
10 1968 (43 U.S.C. 1543), and such amounts as may be nec-
11 essary shall be considered as though advanced to the Colo-
12 rado River Dam Fund for the Boulder Canyon Project as
13 authorized by the Act of December 21, 1928, as amended:
14 *Provided*, That of the total appropriated, the amount for
15 program activities which can be financed by the reclama-
16 tion fund shall be derived from that fund: *Provided fur-*
17 *ther*, That transfers to the Upper Colorado River Basin
18 Fund and Lower Colorado River Basin Development Fund
19 may be increased or decreased by transfers within the
20 overall appropriation under this heading: *Provided further*,
21 That funds contributed by non-Federal entities for pur-
22 poses similar to this appropriation shall be available for
23 expenditure for the purposes for which contributed as
24 though specifically appropriated for said purposes, and
25 such funds shall remain available until expended: *Provided*

1 *further*, That all costs of the safety of dams modification
2 work at Coolidge Dam, San Carlos Irrigation Project, Ari-
3 zona, performed under the authority of the Reclamation
4 Safety of Dams Act of 1978 (43 U.S.C. 506), as amended,
5 are in addition to the amount authorized in section 5 of
6 said Act.

7 OPERATION AND MAINTENANCE

8 For operation and maintenance of reclamation
9 projects or parts thereof and other facilities, as authorized
10 by law; and for a soil and moisture conservation program
11 on lands under the jurisdiction of the Bureau of Reclama-
12 tion, pursuant to law, to remain available until expended,
13 ~~(21)\$278,759,000~~ \$267,393,000: *Provided*, That of the
14 total appropriated, the amount for program activities
15 which can be financed by the reclamation fund shall be
16 derived from that fund, and the amount for program ac-
17 tivities which can be derived from the special fee account
18 established pursuant to the Act of December 22, 1987 (16
19 U.S.C. 460l-6a, as amended), may be derived from that
20 fund: *Provided further*, That funds advanced by water
21 users for operation and maintenance of reclamation
22 projects or parts thereof shall be deposited to the credit
23 of this appropriation and may be expended for the same
24 purpose and in the same manner as sums appropriated
25 herein may be expended, and such advances shall remain
26 available until expended: *Provided further*, That revenues

1 in the Upper Colorado River Basin Fund shall be available
2 for performing examination of existing structures on par-
3 ticipating projects of the Colorado River Storage Project.

4 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

5 For the cost of direct loans and/or grants,
6 \$11,243,000, to remain available until expended, as au-
7 thorized by the Small Reclamation Projects Act of August
8 6, 1956, as amended (43 U.S.C. 422a-422l): *Provided*,
9 That such costs, including the cost of modifying such
10 loans, shall be as defined in section 502 of the Congres-
11 sional Budget Act of 1974: *Provided further*, That these
12 funds are available to subsidize gross obligations for the
13 principal amount of direct loans not to exceed
14 \$37,000,000.

15 In addition, for administrative expenses necessary to
16 carry out the program for direct loans and/or grants,
17 \$425,000: *Provided*, That of the total sums appropriated,
18 the amount of program activities which can be financed
19 by the reclamation fund shall be derived from the fund.

20 CENTRAL VALLEY PROJECT RESTORATION FUND

21 For carrying out the programs, projects, plans, and
22 habitat restoration, improvement, and acquisition provi-
23 sions of the Central Valley Project Improvement Act, to
24 remain available until expended, such sums as may be col-
25 lected in the Central Valley Project Restoration Fund pur-
26 suant to sections 3407(d), 3404(c)(3), 3405(f) and

1 3406(c)(1) of Public Law 102-575: *Provided*, That the
2 Bureau of Reclamation is directed to levy additional miti-
3 gation and restoration payments totaling \$30,000,000
4 (October 1992 price levels) on a three-year rolling average
5 basis, as authorized by section 3407(d) of Public Law
6 102-575.

7 GENERAL ADMINISTRATIVE EXPENSES

8 For necessary expenses of general administration and
9 related functions in the office of the Commissioner, the
10 Denver office, and offices in the five regions of the Bureau
11 of Reclamation, \$48,150,000, of which \$1,400,000 shall
12 remain available until expended, the total amount to be
13 derived from the reclamation fund and to be
14 nonreimbursable pursuant to the Act of April 19, 1945
15 (43 U.S.C. 377): *Provided*, That no part of any other ap-
16 propriation in this Act shall be available for activities or
17 functions budgeted for the current fiscal year as general
18 administrative expenses.

19 SPECIAL FUNDS

20 (TRANSFER OF FUNDS)

21 Sums herein referred to as being derived from the
22 reclamation fund or special fee account are appropriated
23 from the special funds in the Treasury created by the Act
24 of June 17, 1902 (43 U.S.C. 391) or the Act of December
25 22, 1987 (16 U.S.C. 460l-6a, as amended), respectively.
26 Such sums shall be transferred, upon request of the Sec-

1 retary, to be merged with and expended under the heads
 2 herein specified; and the unexpended balances of sums
 3 transferred for expenditure under the head "General Ad-
 4 ministrative Expenses" shall revert and be credited to the
 5 reclamation fund.

6 ADMINISTRATIVE PROVISION

7 Appropriations for the Bureau of Reclamation shall
 8 be available for purchase of not to exceed 9 passenger
 9 motor vehicles for replacement only.

10 TITLE III

11 DEPARTMENT OF ENERGY

12 ENERGY SUPPLY, RESEARCH AND DEVELOPMENT

13 ACTIVITIES

14 For expenses of the Department of Energy activities
 15 including the purchase, construction and acquisition of
 16 plant and capital equipment and other expenses incidental
 17 thereto necessary for energy supply, research and develop-
 18 ment activities, and other activities in carrying out the
 19 purposes of the Department of Energy Organization Act
 20 (42 U.S.C. 7101, et seq.), including the acquisition or con-
 21 demnation of any real property or any facility or for plant
 22 or facility acquisition, construction, or expansion; pur-
 23 chase of passenger motor vehicles (not to exceed 25, of
 24 which 19 are for replacement only), ~~(22)~~\$2,576,700,000
 25 ~~(less \$1,000,000), to remain available until expended~~
 26 *\$2,793,324,000 to remain available until expended: Pro-*

1 vided, That no more than \$7,500,000 of such funds shall
 2 be used for the termination of the Gas Turbine-Modular He-
 3 lium Reactor program **(23)**, of which amount within
 4 available funds \$56,000,000 may be available to continue
 5 operation of the Tokamak Fusion Test Reactor (for which
 6 purpose, the Secretary may use savings from reducing gen-
 7 eral administrative expenses in accordance with the De-
 8 partment of Energy's strategic alignment and downsizing
 9 effort, but none of the savings used for this purpose shall
 10 come from programmatic accounts within this title)**(24)**:
 11 Provided further, That within the amount for Indian En-
 12 ergy Resource projects, \$2,000,000 may be made available
 13 to fund the Crow energy resources programs under title
 14 XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501
 15 et seq.)**(25)**:~~Provided, That, of such amount,~~
 16 \$44,772,000 shall be available to implement the provisions
 17 of section 1211 of the Energy Policy Act of 1992 (42
 18 U.S.C. 13316).

19 **(26)**FUNDING FOR ENERGY SUPPLY, RESEARCH AND DE-
 20 VELOPMENT ACTIVITIES RELATING TO RENEWABLE
 21 ENERGY SOURCES

22 (a) REDUCTION IN APPROPRIATION FOR DEPART-
 23 MENTAL ADMINISTRATION.—Notwithstanding any other
 24 provision of this Act, the amount appropriated in title III

1 *of this Act under the heading DEPARTMENTAL ADMINISTRATION*
2 *is hereby reduced by \$25,000,000.*

3 *(b) INCREASE IN APPROPRIATION FOR ENERGY SUPPLY,*
4 *RESEARCH AND DEVELOPMENT ACTIVITIES.—Not-*
5 *withstanding any other provision of this Act, the amount*
6 *appropriated in title III of this Act under the heading EN-*
7 *ERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES*
8 *is hereby increased by \$37,000,000.*

9 *(c) AVAILABILITY OF FUNDS.—Of the funds appro-*
10 *priated in title III of this Act under the heading ENERGY*
11 *SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES—*

12 *(1) not less than \$4,500,000 shall be available for*
13 *solar building technology research;*

14 *(2) not less than \$78,929,000 shall be available*
15 *for photovoltaic energy systems;*

16 *(3) not less than \$28,443,000 shall be available*
17 *for solar thermal energy systems;*

18 *(4) not less than \$55,300,000 shall be available*
19 *for biofuels of which no less than half shall go toward*
20 *the Biomass Electric Program;*

21 *(5) not less than \$42,000,000 shall be available*
22 *for wind energy systems;*

23 *(6) not less than \$8,000,000 shall be available for*
24 *international solar energy programs;*

1 (7) not less than \$9,000,000 shall be available for
2 hydrogen research.

3 URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

4 For expenses of the Department of Energy in connec-
5 tion with operating expenses; the purchase, construction,
6 and acquisition of plant and capital equipment and other
7 expenses incidental thereto necessary for uranium supply
8 and enrichment activities in carrying out the purposes of
9 the Department of Energy Organization Act (42 U.S.C.
10 7101, et seq.) and the Energy Policy Act (Public Law
11 102-486, section 901), including the acquisition or con-
12 demnation of any real property or any facility or for plant
13 or facility acquisition, construction, or expansion; pur-
14 chase of electricity as necessary; \$64,197,000, to remain
15 available until expended: *Provided*, That revenues received
16 by the Department for uranium programs and estimated
17 to total \$34,903,000 in fiscal year 1996 shall be retained
18 and used for the specific purpose of offsetting costs in-
19 curred by the Department for such activities notwith-
20 standing the provisions of 31 U.S.C. 3302(b) and 42
21 U.S.C. 2296(b)(2): *Provided further*, That the sum herein
22 appropriated shall be reduced as revenues are received
23 during fiscal year 1996 so as to result in a final fiscal
24 year 1996 appropriation estimated at not more than
25 \$29,294,000.

1 URANIUM ENRICHMENT DECONTAMINATION AND
2 DECOMMISSIONING FUND

3 For necessary expenses in carrying out uranium en-
4 richment facility decontamination and decommissioning,
5 remedial actions and other activities of title II of the
6 Atomic Energy Act of 1954 and title X, subtitle A of the
7 Energy Policy Act of 1992, \$278,807,000, to be derived
8 from the fund, to remain available until expended: *Pro-*
9 *vided*, That at least \$42,000,000 of amounts derived from
10 the fund for such expenses shall be expended in accord-
11 ance with title X, subtitle A, of the Energy Policy Act
12 of 1992.

13 GENERAL SCIENCE AND RESEARCH ACTIVITIES

14 For expenses of the Department of Energy activities
15 including the purchase, construction and acquisition of
16 plant and capital equipment and other expenses incidental
17 thereto necessary for general science and research activi-
18 ties in carrying out the purposes of the Department of
19 Energy Organization Act (42 U.S.C. 7101, et seq.), in-
20 cluding the acquisition or condemnation of any real prop-
21 erty or facility or for plant or facility acquisition, construc-
22 tion, or expansion; purchase of passenger motor vehicles
23 (not to exceed 12 for replacement only),
24 ~~(27) \$991,000,000~~ \$971,000,000, to remain available until
25 expended.

1 NUCLEAR WASTE DISPOSAL FUND

2 ~~(28) For nuclear waste disposal activities to carry out~~
3 ~~the purposes of Public Law 97-425, as amended, includ-~~
4 ~~ing the acquisition of real property or facility construction~~
5 ~~or expansion, \$226,600,000, to remain available until ex-~~
6 ~~pended, to be derived from the Nuclear Waste Fund.~~

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, \$151,600,000 to remain available until ex-*
11 *pended, to be derived from the Nuclear Waste Fund: Pro-*
12 *vided, That of the amount herein appropriated together*
13 *with the amount provided in the Defense Nuclear Waste*
14 *Disposal Appropriation contained in this title, within*
15 *available funds, no more than \$250,000,000 shall be avail-*
16 *able to continue, at a reduced level, the technical site char-*
17 *acterization effort and to retain deferred licensing capabil-*
18 *ity at the Yucca Mountain site: Provided further, That the*
19 *facility for the initial storage of no more than 40,000 metric*
20 *tons of uranium at a site to be determined by the President*
21 *shall be licensed by the Nuclear Regulatory Commission for*
22 *an unspecified period, in accordance with its regulations*
23 *governing the licensing of independent spent fuel storage in-*
24 *stallations, without regard to sections 148(a) and 148(d)*
25 *of Public Law 97-425: Provided further, That the facility*

1 *shall be expandable for the subsequent transportation and*
2 *interim storage of up to 100,000 metric tons of uranium*
3 *and shall be operational in the 1998 timeframe, consistent*
4 *with sections 135(a)(1)(B), 135(a)(4), 137(a), 141(a),*
5 *148(a), 148(b), and 148(c) of Public Law 97-425, but with-*
6 *out regard to sections 131(a)(3), 131(b)(2), 135(a)(1),*
7 *135(d), 135(e), 146, 148(d)(1), 148(d)(3), and 148(d)(4) of*
8 *Public Law 97-425: Provided further, That the director*
9 *shall review the program's institutional activities, includ-*
10 *ing all cooperative agreements, international commitments,*
11 *and university assistance, and shall make available to these*
12 *entities amounts commensurate with the revised program*
13 *for nuclear waste disposal activities: Provided further, That*
14 *any funds provided to the State of Nevada are for the sole*
15 *purpose of conduct of its scientific oversight responsibilities*
16 *pursuant to Public Law 97-425, as amended: Provided fur-*
17 *ther, That none of the funds herein appropriated may be*
18 *used directly or indirectly to influence legislative action on*
19 *any matter pending before Congress or a State legislature*
20 *or for any lobbying activity as provided in section 1913*
21 *of title 18, United States Code: Provided further, That the*
22 *Secretary shall submit to the Congress within 90 days a*
23 *revised program plan and schedule, including a new five-*
24 *year budget, that addresses the construction and operation*
25 *of the interim storage capability, the revised site character-*

1 *ization program at the Yucca Mountain site, and the results*
2 *of the Director's review of the program's institutional ac-*
3 *tivities.*

4 ATOMIC ENERGY DEFENSE ACTIVITIES

5 WEAPONS ACTIVITIES

6 For Department of Energy expenses, including the
7 purchase, construction and acquisition of plant and capital
8 equipment and other incidental expenses necessary for
9 atomic energy defense weapons activities in carrying out
10 the purposes of the Department of Energy Organization
11 Act (42 U.S.C. 7101, et seq.), including the acquisition
12 or condemnation of any real property or any facility or
13 for plant or facility acquisition, construction, or expansion;
14 and the purchase of passenger motor vehicles (not to ex-
15 ceed 79, of which 76 are for replacement only, including
16 one police-type vehicle), ~~(29)~~\$3,273,014,000
17 \$3,751,719,000, to remain available until expended.

18 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE

19 MANAGEMENT

20 For Department of Energy expenses, including the
21 purchase, construction and acquisition of plant and capital
22 equipment and other incidental expenses necessary for
23 atomic energy defense environmental restoration and
24 waste management activities in carrying out the purposes
25 of the Department of Energy Organization Act (42 U.S.C.
26 7101, et seq.), including the acquisition or condemnation

1 of any real property or any facility or for plant or facility
 2 acquisition, construction, or expansion; and the purchase
 3 of passenger motor vehicles (not to exceed 7 for replace-
 4 ment only), ~~(30)\$5,265,478,000~~ \$5,989,750,000, to re-
 5 main available until expended.

6 OTHER DEFENSE ACTIVITIES

7 For Department of Energy expenses, including the
 8 purchase, construction and acquisition of plant and capital
 9 equipment and other incidental expenses necessary for
 10 atomic energy defense, other defense activities in carrying
 11 out the purposes of the Department of Energy Organiza-
 12 tion Act (42 U.S.C. 7101, et seq.), including the acquisi-
 13 tion or condemnation of any real property or any facility
 14 or for plant or facility acquisition, construction, or expan-
 15 sion ~~(31)\$1,323,841,000~~ \$1,439,112,000, to remain avail-
 16 able until expended ~~(32)~~: *Provided, That within available*
 17 *funds, \$4,952,000 is provided for electrical and utility sys-*
 18 *tems upgrade, Idaho Chemical Processing Plant, Idaho Na-*
 19 *tional Engineering Laboratory, project number 96-D-463.*

20 DEFENSE NUCLEAR WASTE DISPOSAL

21 For nuclear waste disposal activities to carry out the
 22 purposes of Public Law 97-425, as amended, including
 23 the acquisition of real property or facility construction or
 24 expansion, ~~(33)\$198,400,000~~ \$248,400,000, to remain
 25 available until expended ~~(34)~~, *all of which shall be used*
 26 *in accordance with the terms and conditions of the Nuclear*

1 *Waste Fund appropriation of the Department of Energy*
 2 *contained in this title.*

3 DEPARTMENTAL ADMINISTRATION

4 For salaries and expenses of the Department of En-
 5 ergy necessary for Departmental Administration and other
 6 activities in carrying out the purposes of the Department
 7 of Energy Organization Act (42 U.S.C. 7101, et seq.), in-
 8 cluding the hire of passenger motor vehicles and official
 9 reception and representation expenses (not to exceed
 10 \$35,000), ~~(35)\$362,250,000~~ \$377,126,000, to remain
 11 available until expended, plus such additional amounts as
 12 necessary to cover increases in the estimated amount of
 13 cost of work for others notwithstanding the provisions of
 14 the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): *Pro-*
 15 *vided*, That such increases in cost of work are offset by
 16 revenue increases of the same or greater amount, to re-
 17 main available until expended: *Provided further*, That
 18 moneys received by the Department for miscellaneous rev-
 19 enues estimated to total ~~(36)\$122,306,000~~ \$137,306,000
 20 in fiscal year 1996 may be retained and used for operating
 21 expenses within this account, and may remain available
 22 until expended, as authorized by section 201 of Public
 23 Law 95-238, notwithstanding the provisions of section
 24 3302 of title 31, United States Code: *Provided further*,
 25 That the sum herein appropriated shall be reduced by the

1 amount of miscellaneous revenues received during fiscal
2 year 1996 so as to result in a final fiscal year 1996 appro-
3 priation estimated at not more than ~~(37)\$239,944,000~~
4 *\$239,820,000*.

5 OFFICE OF THE INSPECTOR GENERAL

6 For necessary expenses of the Office of the Inspector
7 General in carrying out the provisions of the Inspector
8 General Act of 1978, as amended, ~~(38)\$26,000,000~~
9 *\$25,000,000*, to remain available until expended.

10 POWER MARKETING ADMINISTRATIONS

11 OPERATION AND MAINTENANCE, ALASKA POWER

12 ADMINISTRATION

13 For necessary expenses of operation and maintenance
14 of projects in Alaska and of marketing electric power and
15 energy, \$4,260,000, to remain available until expended.

16 BONNEVILLE POWER ADMINISTRATION FUND

17 Expenditures from the Bonneville Power Administra-
18 tion Fund, established pursuant to Public Law 93-454,
19 are approved for official reception and representation ex-
20 penses in an amount not to exceed \$3,000.

21 During fiscal year 1996, no new direct loan obliga-
22 tions may be made.

1 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
2 ADMINISTRATION

3 For necessary expenses of operation and maintenance
4 of power transmission facilities and of marketing electric
5 power and energy pursuant to the provisions of section
6 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
7 applied to the southeastern power area, \$19,843,000, to
8 remain available until expended.

9 OPERATION AND MAINTENANCE, SOUTHWESTERN
10 POWER ADMINISTRATION

11 For necessary expenses of operation and maintenance
12 of power transmission facilities and of marketing electric
13 power and energy, and for construction and acquisition of
14 transmission lines, substations and appurtenant facilities,
15 and for administrative expenses, including official recep-
16 tion and representation expenses in an amount not to ex-
17 ceed \$1,500 connected therewith, in carrying out the pro-
18 visions of section 5 of the Flood Control Act of 1944 (16
19 U.S.C. 825s), as applied to the southwestern power area,
20 \$29,778,000, to remain available until expended; in addi-
21 tion, notwithstanding the provisions of 31 U.S.C. 3302,
22 not to exceed \$4,272,000 in reimbursements, to remain
23 available until expended.

1 CONSTRUCTION, REHABILITATION, OPERATION AND
2 MAINTENANCE, WESTERN AREA POWER ADMINIS-
3 TRATION

4 (INCLUDING TRANSFER OF FUNDS)

5 For carrying out the functions authorized by title III,
6 section 302(a)(1)(E) of the Act of August 4, 1977 (42
7 U.S.C. 7101, et seq.), and other related activities includ-
8 ing conservation and renewable resources programs as au-
9 thorized, including official reception and representation
10 expenses in an amount not to exceed \$1,500,
11 \$257,652,000, to remain available until expended, of
12 which \$245,151,000 shall be derived from the Department
13 of the Interior Reclamation fund: *Provided*, That of the
14 amount herein appropriated, \$5,283,000 is for deposit
15 into the Utah Reclamation Mitigation and Conservation
16 Account pursuant to title IV of the Reclamation Projects
17 Authorization and Adjustment Act of 1992: *Provided fur-*
18 *ther*, That the Secretary of the Treasury is authorized to
19 transfer from the Colorado River Dam Fund to the West-
20 ern Area Power Administration \$4,556,000 to carry out
21 the power marketing and transmission activities of the
22 Boulder Canyon project as provided in section 104(a)(4)
23 of the Hoover Power Plant Act of 1984, to remain avail-
24 able until expended.

1 FALCON AND AMISTAD OPERATING AND MAINTENANCE
 2 FUND

3 For operation, maintenance, and emergency costs for
 4 the hydroelectric facilities at the Falcon and Amistad
 5 Dams, \$1,000,000, to remain available until expended and
 6 to be derived from the Falcon and Amistad Operating and
 7 Maintenance Fund of the Western Area Power Adminis-
 8 tration, as provided in section 423 of the Foreign Rela-
 9 tions Authorization Act, fiscal years 1994 and 1995.

10 FEDERAL ENERGY REGULATORY COMMISSION
 11 SALARIES AND EXPENSES

12 For necessary expenses of the Federal Energy Regu-
 13 latory Commission to carry out the provisions of the De-
 14 partment of Energy Organization Act (42 U.S.C. 7101,
 15 et seq.), including services as authorized by 5 U.S.C.
 16 3109, including the hire of passenger motor vehicles; offi-
 17 cial reception and representation expenses (not to exceed
 18 \$3,000); ~~(39)\$132,290,000~~ \$131,290,000, to remain
 19 available until expended: *Provided*, That notwithstanding
 20 any other provision of law, not to exceed
 21 ~~(40)\$132,290,000~~ \$131,290,000 of revenues from fees
 22 and annual charges, and other services and collections in
 23 fiscal year 1996, shall be retained and used for necessary
 24 expenses in this account, and shall remain available until
 25 expended: *Provided further*, That the sum herein appro-

1 priated shall be reduced as revenues are received during
2 fiscal year 1996 so as to result in a final fiscal year 1996
3 appropriation estimated at not more than \$0.

4 TITLE IV

5 INDEPENDENT AGENCIES

6 APPALACHIAN REGIONAL COMMISSION

7 For expenses necessary to carry out the programs au-
8 thorized by the Appalachian Regional Development Act of
9 1965, as amended, notwithstanding section 405 of said
10 Act, and for necessary expenses for the Federal Co-Chair-
11 man and the alternate on the Appalachian Regional Com-
12 mission and for payment of the Federal share of the ad-
13 ministrative expenses of the Commission, including serv-
14 ices as authorized by section 3109 of title 5, United States
15 Code, and hire of passenger motor vehicles, to remain
16 available until expended, ~~(41)\$142,000,000~~ *\$182,000,000*.

17 DEFENSE NUCLEAR FACILITIES SAFETY

18 BOARD

19 SALARIES AND EXPENSES

20 For necessary expenses of the Defense Nuclear Fa-
21 cilities Safety Board in carrying out activities authorized
22 by the Atomic Energy Act of 1954, as amended by Public
23 Law 100-456, section 1441, \$17,000,000, to remain
24 available until expended.

1 **(42)** *DELAWARE RIVER BASIN COMMISSION*

2 *SALARIES AND EXPENSES*

3 *For expenses necessary to carry out the functions of*
4 *the United States member of the Delaware River Basin*
5 *Commission, as authorized by law (75 Stat. 716), \$440,000:*
6 *Provided, That the United States Commissioner (Alternate*
7 *Federal Member) shall not be compensated at a level higher*
8 *than General Schedule level 15.*

9 *CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION*

10 *For payment of the United States share of the current*
11 *expenses of the Delaware River Basin Commission, as au-*
12 *thorized by law (75 Stat. 706, 707), \$478,000.*

13 **(43)** *INTERSTATE COMMISSION ON THE POTOMAC*

14 *RIVER BASIN*

15 *CONTRIBUTION TO INTERSTATE COMMISSION ON THE*

16 *POTOMAC RIVER BASIN*

17 *To enable the Secretary of the Treasury to pay in ad-*
18 *vance to the Interstate Commission on the Potomac River*
19 *Basin the Federal contribution toward the expenses of the*
20 *Commission during the current fiscal year in the adminis-*
21 *tration of its business in the conservancy district established*
22 *pursuant to the Act of July 11, 1940 (54 Stat. 748), as*
23 *amended by the Act of September 25, 1970 (Public Law*
24 *91-407), \$511,000.*

1 NUCLEAR REGULATORY COMMISSION
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the Commission in carry-
5 ing out the purposes of the Energy Reorganization Act
6 of 1974, as amended, and the Atomic Energy Act of 1954,
7 as amended, including the employment of aliens; services
8 authorized by section 3109 of title 5, United States Code;
9 publication and dissemination of atomic information; pur-
10 chase, repair, and cleaning of uniforms, official represen-
11 tation expenses (not to exceed \$20,000); reimbursements
12 to the General Services Administration for security guard
13 services; hire of passenger motor vehicles and aircraft,
14 ~~(44)\$468,300,000~~ \$474,300,000, to remain available until
15 expended, of which ~~(45)\$11,000,000~~ \$17,000,000 shall be
16 derived from the Nuclear Waste Fund: *Provided*, That
17 from this appropriation, transfer of sums may be made
18 to other agencies of the Government for the performance
19 of the work for which this appropriation is made, and in
20 such cases the sums so transferred may be merged with
21 the appropriation to which transferred: *Provided further*,
22 That moneys received by the Commission for the coopera-
23 tive nuclear safety research program, services rendered to
24 foreign governments and international organizations, and
25 the material and information access authorization pro-

1 grams, including criminal history checks under section
2 149 of the Atomic Energy Act of 1954, as amended, may
3 be retained and used for salaries and expenses associated
4 with those activities, notwithstanding 31 U.S.C. 3302, and
5 shall remain available until expended: *Provided further,*
6 That revenues from licensing fees, inspection services, and
7 other services and collections estimated at \$457,300,000
8 in fiscal year 1996 shall be retained and used for nec-
9 essary salaries and expenses in this account, notwithstand-
10 ing 31 U.S.C. 3302, and shall remain available until ex-
11 pended: *Provided further,* That the sum herein appro-
12 priated shall be reduced by the amount of revenues re-
13 ceived during fiscal year 1996 from licensing fees, inspec-
14 tion services and other services and collections, excluding
15 those moneys received for the cooperative nuclear safety
16 research program, services rendered to foreign govern-
17 ments and international organizations, and the material
18 and information access authorization programs, so as to
19 result in a final fiscal year 1996 appropriation estimated
20 at not more than ~~(46)\$11,000,000~~ \$17,000,000.

21 OFFICE OF INSPECTOR GENERAL

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses of the Office of Inspector
24 General in carrying out the provisions of the Inspector
25 General Act of 1978, as amended, including services au-

1 thorized by section 3109 of title 5, United States Code,
2 \$5,000,000, to remain available until expended; and in ad-
3 dition, an amount not to exceed 5 percent of this sum may
4 be transferred from Salaries and Expenses, Nuclear Regu-
5 latory Commission: *Provided*, That notice of such trans-
6 fers shall be given to the Committees on Appropriations
7 of the House and Senate: *Provided further*, That from this
8 appropriation, transfers of sums may be made to other
9 agencies of the Government for the performance of the
10 work for which this appropriation is made, and in such
11 cases the sums so transferred may be merged with the
12 appropriation to which transferred: *Provided further*, That
13 revenues from licensing fees, inspection services, and other
14 services and collections shall be retained and used for nec-
15 essary salaries and expenses in this account, notwithstand-
16 ing 31 U.S.C. 3302, and shall remain available until ex-
17 pended: *Provided further*, That the sum herein appro-
18 priated shall be reduced by the amount of revenues re-
19 ceived during fiscal year 1996 from licensing fees, inspec-
20 tion services, and other services and collections, so as to
21 result in a final fiscal year 1996 appropriation estimated
22 at not more than \$0.

1 NUCLEAR WASTE TECHNICAL REVIEW BOARD

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the Nuclear Waste Tech-
 5 nical Review Board, as authorized by Public Law 100-
 6 203, section 5051, ~~(47)\$2,531,000~~ \$2,664,000, to be
 7 transferred from the Nuclear Waste Fund and to remain
 8 available until expended.

9 ~~(48)~~ *SUSQUEHANNA RIVER BASIN COMMISSION*10 *SALARIES AND EXPENSES*

11 *For expenses necessary to carry out the functions of*
 12 *the United States member of the Susquehanna River Basin*
 13 *Commission as authorized by law (84 Stat. 1541),*
 14 *\$280,000: Provided, That the United States Commissioner*
 15 *(Alternate Federal Member) shall not be compensated at a*
 16 *level higher than General Schedule level 15.*

17 *CONTRIBUTION TO SUSQUEHANNA RIVER BASIN*18 *COMMISSION*

19 *For payment of the United States share of the current*
 20 *expenses of the Susquehanna River Basin Commission, as*
 21 *authorized by law (84 Stat. 1530, 1531), \$288,000.*

22 TENNESSEE VALLEY AUTHORITY

23 TENNESSEE VALLEY AUTHORITY FUND

24 For the purpose of carrying out the provisions of the
 25 Tennessee Valley Authority Act of 1933, as amended (16

1 U.S.C. ch. 12A), including purchase, hire, maintenance,
 2 and operation of aircraft, and purchase and hire of pas-
 3 senger motor vehicles, ~~(49)\$103,339,000~~ \$110,339,000,
 4 to remain available until expended~~(50)~~. *Of the funds ap-*
 5 *propriated under this heading, not more than \$25,000,000*
 6 *may be expended for the Tennessee Valley Authority Envi-*
 7 *ronmental Research Center in Muscle Shoals, Alabama, in*
 8 *the event that the Center expends less than \$25,000,000,*
 9 *such amount not expended shall be returned to the United*
 10 *States Treasury and the Tennessee Valley Authority appro-*
 11 *priation reduced accordingly and the Tennessee Valley Au-*
 12 *thority shall take steps to obtain funding from other sources*
 13 *so as to reduce appropriated funding in the future and, not*
 14 *later than January 1, 1996, submit to Congress a prelimi-*
 15 *nary plan securing funding from other sources.*

16 TITLE V

17 GENERAL PROVISIONS

18 ~~(51)SEC. 501. Sec. 505 of Public Law 102-377, the~~
 19 ~~Fiscal Year 1993 Energy and Water Development Appro-~~
 20 ~~priations Act, and section 208 of Public Law 99-349, the~~
 21 ~~Urgent Supplemental Appropriations Act, 1986, are re-~~
 22 ~~pealed.~~

23 ~~SEC. 502. Sec. 510 of Public Law 101-514, the Fis-~~
 24 ~~cal Year 1991 Energy and Water Development Appropria-~~
 25 ~~tions Act, is repealed.~~

1 SEC. 503. Without fiscal year limitation and notwith-
2 standing section 502(b)(5) of the Nuclear Waste Policy
3 Act, as amended, or any other provision of law, a member
4 of the Nuclear Waste Technical Review Board whose term
5 has expired may continue to serve as a member of the
6 Board until such member's successor has taken office.

7 ~~(52)SEC. 504. None of the funds made available in~~
8 ~~this Act may be used for any program, project, or activity,~~
9 ~~when it is made known to the Federal entity or official~~
10 ~~to which the funds are made available that the program,~~
11 ~~project, or activity is not in compliance with any applicable~~
12 ~~Federal law relating to risk assessment, the protection of~~
13 ~~private property rights, or unfunded mandates.~~

14 SEC. 505. (a) PURCHASE OF AMERICAN-MADE
15 EQUIPMENT AND PRODUCTS.—It is the sense of the Con-
16 gress that, to the greatest extent practicable, all equip-
17 ment and products purchased with funds made available
18 in this Act should be American-made.

19 (b) NOTICE REQUIREMENT.—In providing financial
20 assistance to, or entering into any contract with, any en-
21 tity using funds made available in this Act, the head of
22 each Federal agency, to the greatest extent practicable,
23 shall provide to such entity a notice describing the state-
24 ment made in subsection (a) by the Congress.

1 SEC. 506. None of the funds made available in this
2 Act may be used to revise the Missouri River Master
3 Water Control Manual when it is made known to the Fed-
4 eral entity or official to which the funds are made available
5 that such revision provides for an increase in the spring-
6 time water release program during the spring heavy rain-
7 fall and snow melt period in States that have rivers drain-
8 ing into the Missouri River below the Gavins Point Dam.

9 ~~(53)~~ SEC. 507. The amount otherwise provided in
10 this Act for the following account is hereby reduced by
11 the following amount:

12 (1) “Nuclear Waste Disposal Fund”, aggregate
13 amount, \$1,000.

14 ~~(54)~~ SEC. 508. None of the funds made available in
15 this Act for the Army Corps of Engineers Upper Mis-
16 sissippi River–Illinois Waterway System Navigation Study
17 may be used to study any portion of the Upper Mississippi
18 River located above Lock and Dam 14 at Moline, Illinois,
19 and Bettendorf, Iowa, except that the limitation in this
20 section shall not apply to the conducting of any system-
21 wide environmental baseline study pursuant to the Na-
22 tional Environmental Policy Act.

23 ~~(55)~~ SEC. 509. *Without fiscal year limitation, the*
24 *amount of fish and wildlife costs that the Bonneville Power*
25 *Administration may incur during a fiscal year shall not*

1 *exceed its ability to pay as a percent of the preceding years*
2 *gross annual power revenues exclusive of gross residential*
3 *exchange revenues that the Bonneville Administrator ac-*
4 *crues in that fiscal year. No branch or agency of the Federal*
5 *Government shall take any action pursuant to any law*
6 *which shall cause the Bonneville Power Administration to*
7 *exceed this expenditure limitation.*

8 *“Fish and wildlife costs” includes—*

9 *(1) purchase power costs and lost revenues, as*
10 *determined by the Bonneville Administrator (subject*
11 *to independent audit), based on the forecast value of*
12 *such costs or revenues under average flow conditions,*
13 *related to operations of the Federal Columbia River*
14 *Power System for the benefit of fish and wildlife af-*
15 *ected by the development, operation, or management*
16 *of such system using operations prior to passage of*
17 *the Northwest Power Act as a baseline for calculating*
18 *such costs;*

19 *(2) expenditures; and*

20 *(3) reimbursable costs.*

21 *This provision shall be implemented on October 1, 1995 un-*
22 *less there is a valid agreement which limits Bonneville’s ex-*
23 *posure to increases in fish and wildlife costs consistent with*
24 *its ability to pay and the needs for fish and wildlife re-*
25 *sources in the Columbia River Basin.*

1 **(56)SEC. 510. MAGNETIC FUSION ENERGY ENGI-**
2 **NEERING.**

3 *Section 7 of the Magnetic Fusion Energy Engineering*
4 *Act (42 U.S.C. 9396) is repealed.*

5 **SEC. 511. REPEAL OF REPORT ON VERIFICATION TECH-**
6 **NIQUES FOR PRODUCTION OF PLUTONIUM**
7 **AND HIGHLY ENRICHED URANIUM.**

8 *Section 3131 of the National Defense Authorization*
9 *Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat.*
10 *1839) is amended by striking out subsection (c).*

11 **(57)SEC. 512. SENSE OF THE SENATE ON THE**
12 **CONFERENCE ON S. 4, THE LINE ITEM VETO ACT.**

13 *(a) FINDINGS.—The Senate finds that—*

14 *(1) the line item veto was a major plank in the*
15 *House majority’s “Contract with America” and has*
16 *received strong bipartisan support in the 104th Con-*
17 *gress;*

18 *(2) the House of Representatives on February 6,*
19 *1995, passed H.R. 2, the Line Item Veto Act, on a*
20 *vote of 294-134;*

21 *(3) the Senate on March 23, 1995, passed S. 4,*
22 *the Separate Enrollment and Line Item Veto Act of*
23 *1995, on a vote of 69-29;*

1 (4) *the House passed S. 4, with the text of H.R.*
2 *2 inserted, by voice vote on May 17, 1995, 50 days*
3 *after passage by the Senate;*

4 (5) *notwithstanding the failure of the House to*
5 *request a conference, the Senate disagreed with the*
6 *House amendments, requested a conference and ap-*
7 *pointed conferees on S. 4 on June 20, 1995;*

8 (6) *the papers for S. 4 have been held at the desk*
9 *of the Speaker of the House for 42 days and the*
10 *Speaker of the House has not yet moved to appoint*
11 *conferees;*

12 (7) *with the passage of time it increasingly ap-*
13 *pears that the Congress may pass and send to the*
14 *President not only the appropriations bills for fiscal*
15 *year 1996 but also the reconciliation bill required by*
16 *H.Con.Res. 67 (the concurrent resolution setting forth*
17 *the congressional budget for fiscal years 1996, 1997,*
18 *1998, 1999, 2000, 2001, and 2002) without first pass-*
19 *ing and sending to the President a line item veto bill;*
20 *and*

21 (8) *the House majority leadership has publicly*
22 *cast doubt on the prospects for a conference on S. 4*
23 *this year.*

24 (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*
25 *ate that—*

1 (1) *the Speaker of the House should move to ap-*
2 *point conferees on S. 4 immediately, so that the*
3 *House and Senate may resolve their differences on*
4 *this important legislation.*

5 **(58) SEC. 513. ENERGY SAVINGS AT FEDERAL**
6 **FACILITIES.**

7 (a) *REDUCTION IN FACILITIES ENERGY COSTS.—The*
8 *head of each agency for which funds are made available*
9 *under this Act shall take all actions necessary to achieve*
10 *during fiscal year 1996 a 5 percent reduction, from fiscal*
11 *year 1995 levels, in the energy costs of the facilities used*
12 *by the agency.*

13 (b) *USE OF COST SAVINGS.—An amount equal to the*
14 *amount of cost savings realized by an agency under sub-*
15 *section (a) shall remain available for obligation through the*
16 *end of fiscal year 1997, without further authorization or*
17 *appropriation, as follows:*

18 (1) *CONSERVATION MEASURES.—Fifty percent of*
19 *the amount shall remain available for the implemen-*
20 *tation of additional energy conservation measures*
21 *and for water conservation measures at such facilities*
22 *used by the agency as are designated by the head of*
23 *the agency.*

24 (2) *OTHER PURPOSES.—Fifty percent of the*
25 *amount shall remain available for use by the agency*

1 for such purposes as are designated by the head of the
2 agency, consistent with applicable law.

3 (c) *REPORT.*—

4 (1) *IN GENERAL.*—Not later than December 31,
5 1996, the head of each agency described in subsection
6 (a) shall submit a report to Congress specifying the
7 results of the actions taken under subsection (a) and
8 providing any recommendations as to how to further
9 reduce energy costs and energy consumption in the fu-
10 ture.

11 (2) *CONTENTS.*—Each report shall—

12 (A) specify the total energy costs of the fa-
13 cilities used by the agency;

14 (B) identify the reductions achieved; and

15 (C) specify the actions that resulted in the
16 reductions.

17 **(59) SEC. 514. WATER LEVELS IN RAINY LAKE**
18 **AND NAMAKAN LAKE.**

19 (a) *FINDINGS.*—Congress finds that—

20 (1) the Rainy Lake and Namakan Reservoir
21 Water Level International Steering Committee con-
22 ducted a 2-year analysis in which public comments
23 on the water levels in Rainy Lake and Namakan
24 Lake revealed significant problems with the current

1 *regulation of water levels and resulted in Steering*
2 *Committee recommendations in November 1993; and*

3 *(2) maintaining water levels closer to those rec-*
4 *ommended by the Steering Committee will help ensure*
5 *the enhancement of water quality, fish and wildlife,*
6 *and recreational resources in Rainy Lake and*
7 *Namakan Lake.*

8 *(b) DEFINITIONS.—In this section:*

9 *(1) EXISTING RULE CURVE.—The term “existing*
10 *rule curve” means each of the rule curves promulgated*
11 *by the International Joint Commission to regulate*
12 *water levels in Rainy Lake and Namakan Lake in ef-*
13 *fect as of the date of enactment of this Act.*

14 *(2) PROPOSED RULE CURVE.—The term “pro-*
15 *posed rule curve” means each of the rule curves rec-*
16 *ommended by the Rainy Lake and Namakan Res-*
17 *ervoir International Steering Committee for regula-*
18 *tion of water levels in Rainy Lake and Namakan*
19 *Lake in the publication entitled “Final Report and*
20 *Recommendations” published in November 1993.*

21 *(c) WATER LEVELS.—The dams at International Falls*
22 *and Kettle Falls, Minnesota, in Rainy Lake and Namakan*
23 *Lake, respectively, shall be operated so as to maintain water*
24 *levels as follows:*

1 (1) *COINCIDENT RULE CURVES.*—In each in-
2 stance in which an existing rule curve coincides with
3 a proposed rule curve, the water level shall be main-
4 tained within the range of such coincidence.

5 (2) *NONCOINCIDENT RULE CURVES.*—In each in-
6 stance in which an existing rule curve does not coin-
7 cide with a proposed rule curve, the water level shall
8 be maintained at the limit of the existing rule curve
9 that is closest to the proposed rule curve.

10 (d) *ENFORCEMENT.*—

11 (1) *IN GENERAL.*—The Federal Energy Regu-
12 latory Commission shall enforce this section as though
13 the provisions were included in the license issued by
14 the Commission on December 31, 1987, for Commis-
15 sion Project No. 5223–001.

16 (2) *RULE OF CONSTRUCTION.*—Nothing in this
17 section shall be construed to require the Commission
18 to alter the license for Commission Project No. 5223–
19 001 in any way.

20 (e) *SUNSET.*—This section shall remain in effect until
21 the International Joint Commission review of and decision
22 on the Steering Committee’s recommendations are com-
23 pleted.

