

In the Senate of the United States,

August 1 (legislative day, July 10), 1995.

Resolved, That the bill from the House of Representatives (H.R. 1905) entitled “An Act making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes”, do pass with the following

AMENDMENTS:

1 **(1)**Page 2, line 20, strike out **[\$129,906,000]** and in-
2 sert: *\$126,323,000*

3 **(2)**Page 2, strike out all after line 22, over to and in-
4 cluding line 2 on page 3 and insert:

5 *Norco Bluffs, California, \$375,000;*

6 *Indianapolis Central Waterfront, Indiana,*
7 *\$1,000,000;*

8 *Kentucky Lock and Dam, Kentucky, \$2,500,000;*

9 *and*

10 *West Virginia Port Development, West Virginia,*
11 *\$300,000.*

1 **(3)**Page 3, line 12, strike out **[\$807,846,000]** and in-
2 sert: *\$778,456,000*

3 **(4)**Page 3, strike out all after line 22, over to and in-
4 cluding line 25 on page 4 and insert:

5 *Homer Spit, Alaska, repair and extend project,*
6 *\$3,800,000;*

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

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

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

15 *Arkansas City flood control project, Kansas,*
16 *\$700,000, except that for the purposes of the project,*
17 *section 902 of Public Law 99-662 is waived;*

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

19 *Harlan (Levisa and Tug Forks of the Big Sandy*
20 *River and Upper Cumberland River), Kentucky,*
21 *\$12,000,000;*

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

1 *Middlesboro (Lesiva and Tug Forks of the Big*
2 *Sandy River and Upper Cumberland River), Ken-*
3 *tucky, \$1,600,000;*
4 *Salyersville, Kentucky, \$500,000;*
5 *Lake Pontchartrain and Vicinity (Hurricane*
6 *Protection), Louisiana, \$11,838,000;*
7 *Ouachita River Levees, Louisiana, \$2,300,000;*
8 *Red River below Denison Dam Levee and Bank*
9 *Stabilization, Louisiana, Arkansas, and Texas,*
10 *\$2,000,000;*
11 *Roughans Point, Massachusetts, \$710,000;*
12 *Marshall, Minnesota, \$850,000;*
13 *Ste. Genevieve, Missouri, \$1,000,000;*
14 *Broad Top Region, Pennsylvania, \$2,000,000;*
15 *Glen Foerd, Pennsylvania, \$200,000;*
16 *Wallisville Lake, Texas, \$5,000,000;*
17 *Virginia Beach Erosion Control and Hurricane*
18 *Protection, Virginia, \$1,100,000;*
19 *Hatfield Bottom (Levisa and Tug Forks of the*
20 *Big Sandy River and Upper Cumberland River),*
21 *West Virginia, \$200,000; and*
22 *Upper Mingo (Levisa and Tug Forks of the Big*
23 *Sandy River and Upper Cumberland River, West*
24 *Virginia, \$2,000,000: Provided, That the Secretary of*
25 *the Army, acting through the Chief of Engineers, shall*

1 *transfer \$1,120,000 of the Construction, General funds*
 2 *appropriated in this Act to the Secretary of the Inte-*
 3 *rior and the Secretary of the Interior shall accept and*
 4 *expend such funds for performing operation and*
 5 *maintenance activities at the Columbia River Fishing*
 6 *Access Sites to be constructed by the Department of*
 7 *the Army at Cascade Locks, Oregon; Lone Pine, Or-*
 8 *egon; Underwood, Washington; and the Bonneville*
 9 *Treaty Fishing Access Site, Washington.*

10 **(5)**Page 5, line 19, strike out **[\$1,712,123,000]** and in-
 11 sert: *\$1,696,998,000*

12 **(6)**Page 6, line 4, strike out **[\$5,926,000]** and insert:
 13 *\$3,426,000*

14 **(7)**Page 6, line 6, after “project” insert: *: Provided fur-*
 15 *ther, That the Secretary of the Army is directed during fis-*
 16 *cal year 1996 to maintain a minimum conservation pool*
 17 *level of 475.5 at Wister Lake in Oklahoma*

18 **(8)**Page 7, line 3, strike out **[\$150,000,000]** and insert:
 19 *\$153,000,000 to remain available until expended*

20 **(9)**Page 7, line 3, strike out all after “*Provided,*” down
 21 to and including “*further,*” in line 6

22 **(10)**Page 7, line 13, after “Congress” insert: *(including*
 23 *the Committee on Environment and Public Works of the*

1 *Senate and the Committee on Transportation and Infra-*
2 *structure of the House of Representatives)*

3 **(11)**Page 8, strike out lines 7 to 25 and insert:

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

8 *(b) Notwithstanding the provisions of this section, the*
9 *Secretary is authorized to use the dredge fleet of the Corps*
10 *of Engineers to undertake projects when industry does not*
11 *perform as required by the contract specifications or when*
12 *the bids are more than 25 percent in excess of what the*
13 *Secretary determines to be a fair and reasonable estimated*
14 *cost of a well equipped contractor doing the work or to re-*
15 *spond to emergency requirements.*

16 *(c) None of the funds appropriated herein or otherwise*
17 *made available to the Army Corps of Engineers, including*
18 *amounts contained in the Revolving Fund of the Army*
19 *Corps of Engineers, may be used to study, design or under-*
20 *take improvements or major repair of the Federal vessel,*
21 *McFARLAND, except for normal maintenance and repair*
22 *necessary to maintain the vessel McFARLAND's current*
23 *operational condition.*

24 *(d) If any of the four Corps of Engineers hopper*
25 *dredges is removed from normal service for repair or reha-*

1 *bilitation and such repair prevents the dredge from accom-*
2 *plishing its volume of work regularly carried out in each*
3 *of the past three years, the Corps of Engineers shall reduce*
4 *the 7,500,000 cubic yards of hopper dredge volume con-*
5 *tained in subsection (a) of this section by the proportional*
6 *amount of work which had been allocated to such dredge*
7 *over the past three fiscal years in calculating the reduction*
8 *in Corps dredging work required to implement subsection*
9 *(a).*

10 **(12)**Page 10, after line 2, insert:

11 *SEC. 103. None of the funds appropriated herein or*
12 *otherwise available to the Army Corps of Engineers, may*
13 *be used to assist, guide, coordinate, administer; prepare for*
14 *occupancy of; or acquire furnishings for or in preparation*
15 *of a movement to the Southeast Federal Center.*

16 **(13)**Page 10, after line 2, insert:

17 *SEC. 104. The project for flood control for Petersburg,*
18 *West Virginia, authorized by section 101(a)(26) of the*
19 *Water Resources Development Act of 1990 (P.L. 101-640,*
20 *104 Stat. 4611) is modified to authorize the Secretary of*
21 *the Army to construct the project at a total cost not to ex-*
22 *ceed \$26,600,000, with an estimated first Federal cost of*
23 *\$19,195,000 and an estimated first non-Federal cost of*
24 *\$7,405,000.*

1 **(14)**Page 10, after line 2, insert:

2 *SEC. 105. (a) The Secretary of the Army is authorized*
3 *to accept from a non-Federal sponsor an amount of addi-*
4 *tional lands not to exceed 300 acres which are contiguous*
5 *to the Cooper Lake and Channels Project, Texas, authorized*
6 *by the River and Harbor Act of 1965 and the Water Re-*
7 *sources Development Act of 1986, and which provide habitat*
8 *value at least equal to that provided by the lands authorized*
9 *to be redesignated in subsection (b).*

10 *(b) Upon the completion of subsection (a), the Sec-*
11 *retary is further authorized to redesignate an amount of*
12 *mitigation land not to exceed 300 acres to recreation pur-*
13 *poses.*

14 *(c) The cost of all work to be undertaken pursuant to*
15 *this section, including but not limited to real estate ap-*
16 *praisals, cultural and environmental surveys, and all devel-*
17 *opment necessary to avoid net mitigation losses, to the ex-*
18 *tent such actions are required, shall be borne by the donat-*
19 *ing sponsor.*

20 **(15)**Page 10, after line 2, insert:

21 ***SEC. 106. WATER LEVEL IN LAKE TRAVERSE, SOUTH DA-***
22 ***KOTA AND MINNESOTA.***

23 *(a) IN GENERAL.—Subject to subsection (b), notwith-*
24 *standing any other law, the Secretary of the Army, acting*
25 *through the Chief of Engineers of the Army Corps of Engi-*

1 *neers and using funds made available under this Act, shall,*
2 *to the greatest extent practicable, take such actions as are*
3 *necessary to obtain and maintain an elevation of 977 feet*
4 *above sea level in Lake Traverse, South Dakota and Min-*
5 *nesota.*

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

9 **(16)**Page 10, after line 2, insert:

10 *SEC. 107. Using funds appropriated herein the Sec-*
11 *retary of the Army, acting through the Chief of Engineers,*
12 *is authorized to undertake the Coos Bay, Oregon project in*
13 *accordance with the Report of the Chief of Engineers, dated*
14 *June 30, 1994, at a total cost of \$14,541,000, with an esti-*
15 *mated Federal cost of \$10,777,000 and an estimated non-*
16 *Federal cost of \$3,764,000.*

17 **(17)**Page 11, line 13, strike out **[\$13,114,000]** and in-
18 sert: *\$11,234,000*

19 **(18)**Page 11, line 21, after “expended” insert: *: Pro-*
20 *vided further, That within available funds, \$300,000 is for*
21 *the completion of the feasibility study of alternatives for*
22 *meeting the drinking water needs on the Cheyenne River*
23 *Sioux Reservation and surrounding communities*

1 **(19)**Page 12, line 2, strike out **【\$417,301,000】** and in-
2 sert: *\$390,461,000*

3 **(20)**Page 12, line 5, strike out **【\$94,225,000】** and in-
4 sert: *\$92,725,000*

5 **(21)**Page 13, line 11, strike out **【\$278,759,000】** and
6 insert: *\$267,393,000*

7 **(22)**Page 16, lines 23 and 24, strike out
8 **【\$2,576,700,000 (less \$1,000,000), to remain available**
9 **until expended】** and insert: *\$2,793,324,000 to remain*
10 *available until expended: Provided, That no more than*
11 *\$7,500,000 of such funds shall be used for the termination*
12 *of the Gas Turbine-Modular Helium Reactor program*

13 **(23)**Page 16, line 24, after “expended” insert: *, of which*
14 *amount within available funds \$56,000,000 may be avail-*
15 *able to continue operation of the Tokamak Fusion Test Re-*
16 *actor (for which purpose, the Secretary may use savings*
17 *from reducing general administrative expenses in accord-*
18 *ance with the Department of Energy’s strategic alignment*
19 *and downsizing effort, but none of the savings used for this*
20 *purpose shall come from programmatic accounts within this*
21 *title)*

22 **(24)**Page 16, line 24, after “expended” insert: *: Pro-*
23 *vided further, That within the amount for Indian Energy*

1 *Resource projects, \$2,000,000 may be made available to*
2 *fund the Crow energy resources programs under title XXVI*
3 *of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.)*

4 **(25)**Page 16, line 24, strike out all after “expended”
5 over to and including “13316)” in line 2 on page 17

6 **(26)**Page 17, after line 2 insert:

7 *FUNDING FOR ENERGY SUPPLY, RESEARCH AND DEVEL-*
8 *OPMENT ACTIVITIES RELATING TO RENEWABLE EN-*
9 *ERGY SOURCES*

10 *(a) REDUCTION IN APPROPRIATION FOR DEPART-*
11 *MENTAL ADMINISTRATION.—Notwithstanding any other*
12 *provision of this Act, the amount appropriated in title III*
13 *of this Act under the heading DEPARTMENTAL ADMINISTRA-*
14 *TION is hereby reduced by \$25,000,000.*

15 *(b) INCREASE IN APPROPRIATION FOR ENERGY SUP-*
16 *PLY, RESEARCH AND DEVELOPMENT ACTIVITIES.—Not-*
17 *withstanding any other provision of this Act, the amount*
18 *appropriated in title III of this Act under the heading EN-*
19 *ERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES*
20 *is hereby increased by \$37,000,000.*

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

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

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

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

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

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

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

12 (7) *not less than \$9,000,000 shall be available for*
13 *hydrogen research.*

14 **(27)**Page 18, line 23, strike out **[\$991,000,000]** and
15 insert: *\$971,000,000*

16 **(28)**Page 19, strike out lines 2 to 6 and insert:

17 *For the nuclear waste disposal activities to carry out*
18 *the purposes of Public Law 97-425, as amended, including*
19 *the acquisition of real property or facility construction or*
20 *expansion, \$151,600,000 to remain available until ex-*
21 *pended, to be derived from the Nuclear Waste Fund: Pro-*
22 *vided, That of the amount herein appropriated together*
23 *with the amount provided in the Defense Nuclear Waste*
24 *Disposal Appropriation contained in this title, within*
25 *available funds, no more than \$250,000,000 shall be avail-*

1 *able to continue, at a reduced level, the technical site char-*
2 *acterization effort and to retain deferred licensing capabil-*
3 *ity at the Yucca Mountain site: Provided further, That the*
4 *facility for the initial storage of no more than 40,000 metric*
5 *tons of uranium at a site to be determined by the President*
6 *shall be licensed by the Nuclear Regulatory Commission for*
7 *an unspecified period, in accordance with its regulations*
8 *governing the licensing of independent spent fuel storage in-*
9 *stallations, without regard to sections 148(a) and 148(d)*
10 *of Public Law 97-425: Provided further, That the facility*
11 *shall be expandable for the subsequent transportation and*
12 *interim storage of up to 100,000 metric tons of uranium*
13 *and shall be operational in the 1998 timeframe, consistent*
14 *with sections 135(a)(1)(B), 135(a)(4), 137(a), 141(a),*
15 *148(a), 148(b), and 148(c) of Public Law 97-425, but with-*
16 *out regard to sections 131(a)(3), 131(b)(2), 135(a)(1),*
17 *135(d), 135(e), 146, 148(d)(1), 148(d)(3), and 148(d)(4) of*
18 *Public Law 97-425: Provided further, That the director*
19 *shall review the program's institutional activities, includ-*
20 *ing all cooperative agreements, international commitments,*
21 *and university assistance, and shall make available to these*
22 *entities amounts commensurate with the revised program*
23 *for nuclear waste disposal activities: Provided further, That*
24 *any funds provided to the State of Nevada are for the sole*
25 *purpose of conduct of its scientific oversight responsibilities*

1 *pursuant to Public Law 97-425, as amended: Provided fur-*
2 *ther, That none of the funds herein appropriated may be*
3 *used directly or indirectly to influence legislative action on*
4 *any matter pending before Congress or a State legislature*
5 *or for any lobbying activity as provided in section 1913*
6 *of title 18, United States Code: Provided further, That the*
7 *Secretary shall submit to the Congress within 90 days a*
8 *revised program plan and schedule, including a new five-*
9 *year budget, that addresses the construction and operation*
10 *of the interim storage capability, the revised site character-*
11 *ization program at the Yucca Mountain site, and the results*
12 *of the Director's review of the program's institutional ac-*
13 *tivities.*

14 **(29)**Page 19, line 19, strike out **【\$3,273,014,000】** and
15 insert: *\$3,751,719,000*

16 **(30)**Page 20, line 7, strike out **【\$5,265,478,000】** and
17 insert: *\$5,989,750,000*

18 **(31)**Page 20, line 18, strike out **【\$1,323,841,000】** and
19 insert: *\$1,439,112,000*

20 **(32)**Page 20, line 18, after “expended” insert: *: Pro-*
21 *vided, That within available funds, \$4,952,000 is provided*
22 *for electrical and utility systems upgrade, Idaho Chemical*
23 *Processing Plant, Idaho National Engineering Laboratory,*
24 *project number 96-D-463*

1 **(33)**Page 20, line 23, strike out **【\$198,400,000】** and
2 insert: *\$248,400,000*

3 **(34)**Page 20, line 24, after “pended” insert: *, all of*
4 *which shall be used in accordance with the terms and condi-*
5 *tions of the Nuclear Waste Fund appropriation of the De-*
6 *partment of Energy contained in this title*

7 **(35)**Page 21, line 8, strike out **【\$362,250,000】** and in-
8 sert: *\$377,126,000*

9 **(36)**Page 21, line 17, strike out **【\$122,306,000】** and
10 insert: *\$137,306,000*

11 **(37)**Page 21, line 25, strike out **【\$239,944,000】** and
12 insert: *\$239,820,000*

13 **(38)**Page 22, line 4, strike out **【\$26,000,000】** and in-
14 sert: *\$25,000,000*

15 **(39)**Page 25, line 9, strike out **【\$132,290,000】** and in-
16 sert: *\$131,290,000*

17 **(40)**Page 25, line 11, strike out **【\$132,290,000】** and
18 insert: *\$131,290,000*

19 **(41)**Page 26, line 6, strike out **【\$142,000,000】** and in-
20 sert: *\$182,000,000*

21 **(42)**Page 26, after line 14 insert:

1 *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)**Page 26, after line 14 insert:

14 *INTERSTATE COMMISSION ON THE POTOMAC*15 *RIVER BASIN*16 *CONTRIBUTION TO INTERSTATE COMMISSION ON THE*17 *POTOMAC RIVER BASIN*

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

1 (44)Page 27, line 3, strike out **【\$468,300,000】** and in-
2 sert: *\$474,300,000*

3 (45)Page 27, line 4, strike out **【\$11,000,000】** and in-
4 sert: *\$17,000,000*

5 (46)Page 28, line 9, strike out **【\$11,000,000】** and in-
6 sert: *\$17,000,000*

7 (47)Page 29, line 17, strike out **【\$2,531,000】** and in-
8 sert: *\$2,664,000*

9 (48)Page 29, after line 19 insert:

10 *SUSQUEHANNA RIVER BASIN COMMISSION*

11 *SALARIES AND EXPENSES*

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

18 *CONTRIBUTION TO SUSQUEHANNA RIVER BASIN*

19 *COMMISSION*

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

1 **(49)**Page 30, line 1, strike out **【\$103,339,000】** and in-
2 sert: *\$110,339,000*

3 **(50)**Page 30, line 2, after “expended” insert: . *Of the*
4 *funds appropriated under this heading, not more than*
5 *\$25,000,000 may be expended for the Tennessee Valley Au-*
6 *thority Environmental Research Center in Muscle Shoals,*
7 *Alabama, in the event that the Center expends less than*
8 *\$25,000,000, such amount not expended shall be returned*
9 *to the United States Treasury and the Tennessee Valley Au-*
10 *thority appropriation reduced accordingly and the Ten-*
11 *nessee Valley Authority shall take steps to obtain funding*
12 *from other sources so as to reduce appropriated funding in*
13 *the future and, not later than January 1, 1996, submit to*
14 *Congress a preliminary plan securing funding from other*
15 *sources*

16 **(51)**Page 30, strike out lines 5 to 12

17 **(52)**Page 30, strike out lines 19 to 25

18 **(53)**Page 31, strike out lines 20 to 24

19 **(54)**Page 32, strike out lines 1 to 9

20 **(55)**Page 32, after line 9 insert:

21 *SEC. 509. Without fiscal year limitation, the amount*
22 *of fish and wildlife costs that the Bonneville Power Admin-*
23 *istration may incur during a fiscal year shall not exceed*

1 *its ability to pay as a percent of the preceding years gross*
2 *annual power revenues exclusive of gross residential ex-*
3 *change revenues that the Bonneville Administrator accrues*
4 *in that fiscal year. No branch or agency of the Federal Gov-*
5 *ernment shall take any action pursuant to any law which*
6 *shall cause the Bonneville Power Administration to exceed*
7 *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)**Page 32, after line 9 insert:

2 **SEC. 510. MAGNETIC FUSION ENERGY ENGINEERING.**

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)**Page 32, after line 9 insert:

12 **SEC. 512. SENSE OF THE SENATE ON THE CONFERENCE ON**
13 **S. 4, THE LINE ITEM VETO ACT.**

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

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

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

22 *(3) the Senate on March 23, 1995, passed S. 4,*
23 *the Separate Enrollment and Line Item Veto Act of*
24 *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)**Page 32, after line 9 insert:

6 **SEC. 513. ENERGY SAVINGS AT FEDERAL 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)**Page 32, after line 9 insert:

18 **SEC. 514. WATER LEVELS IN RAINY LAKE AND NAMAKAN**
19 **LAKE.**

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

21 (1) the Rainy Lake and Namakan Reservoir
22 Water Level International Steering Committee con-
23 ducted a 2-year analysis in which public comments
24 on the water levels in Rainy Lake and Namakan
25 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

1 *on the Steering Committee's recommendations are com-*
2 *pleted.*

Attest:

Secretary.

104TH CONGRESS
1ST SESSION

H. R. 1905

AMENDMENTS

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