

Calendar No. 156

104TH CONGRESS
1ST SESSION

H. R. 1905

[Report No. 104-120]

AN ACT

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

JULY 19 (legislative day, JULY 10), 1995

Received: read twice and referred to the Committee on
Appropriations

JULY 27 (legislative day, JULY 10), 1995

Reported with amendments

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[Report No. 104-120]

IN THE SENATE OF THE UNITED STATES

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Reported by Mr. DOMENICI, with amendments

[Omit the part struck through and insert the part printed in italic]

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:

1 TITLE I
2 DEPARTMENT OF DEFENSE—CIVIL
3 DEPARTMENT OF THE ARMY
4 CORPS OF ENGINEERS—CIVIL

5 The following appropriations shall be expended under
6 the direction of the Secretary of the Army and the super-
7 vision of the Chief of Engineers for authorized civil func-
8 tions of the Department of the Army pertaining to rivers
9 and harbors, flood control, beach erosion, and related pur-
10 poses.

11 GENERAL INVESTIGATIONS

12 For expenses necessary for the collection and study
13 of basic information pertaining to river and harbor, flood
14 control, shore protection, and related projects, restudy of
15 authorized projects, miscellaneous investigations, and,
16 when authorized by laws, surveys and detailed studies and
17 plans and specifications of projects prior to construction,
18 ~~\$129,906,000~~ *\$126,323,000*, to remain available until ex-
19 pended, of which funds are provided for the following
20 projects in the amounts specified:

21 ~~Noreo Bluffs, California, \$375,000;~~

22 ~~Indianapolis Central Waterfront, Indiana,~~
23 ~~\$2,000,000;~~

24 ~~Ohio River Greenway, Indiana, \$1,000,000; and~~

25 ~~Mussers Dam, Middle Creek, Snyder County,~~
26 ~~Pennsylvania, \$300,000~~

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

2 *Indianapolis Central Waterfront, Indiana,*
3 *\$1,000,000;*

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

6 *West Virginia Port Development, West Virginia,*
7 *\$300,000.*

8 CONSTRUCTION, GENERAL

9 For the prosecution of river and harbor, flood control,
10 shore protection, and related projects authorized by laws;
11 and detailed studies, and plans and specifications, of
12 projects (including those for development with participa-
13 tion or under consideration for participation by States,
14 local governments, or private groups) authorized or made
15 eligible for selection by law (but such studies shall not con-
16 stitute a commitment of the Government to construction),
17 ~~\$807,846,000~~ \$778,456,000, to remain available until ex-
18 pended, of which such sums as are necessary pursuant to
19 Public Law 99-662 shall be derived from the Inland Wa-
20 terways Trust Fund, for one-half of the costs of construc-
21 tion and rehabilitation of inland waterways projects, in-
22 cluding rehabilitation costs for the Lock and Dam 25,
23 Mississippi River, Illinois and Missouri, Lock and Dam
24 14, Mississippi River, Iowa, Lock and Dam 24, Mississippi
25 River, Illinois and Missouri, and GIWW-Brazos River

1 Floodgates, Texas, projects, and of which funds are pro-
2 vided for the following projects in the amounts specified:

3 Red River Emergency Bank Protection, Arkan-
4 sas and Louisiana, \$6,600,000;

5 Sacramento River Flood Control Project
6 (Glenn-Colusa Irrigation District), California,
7 \$300,000;

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

10 Indiana Shoreline Erosion, Indiana,
11 \$1,500,000;

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

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

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

21 Salyersville, Kentucky, \$500,000;

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

1 Red River below Denison Dam Levee and Bank
2 Stabilization, Louisiana, Arkansas, and Texas,
3 \$3,800,000;

4 Broad Top Region, Pennsylvania, \$4,100,000;
5 Glen Foerd, Pennsylvania, \$200,000; and
6 Wallisville Lake, Texas, \$5,000,000

7 *Homer Spit, Alaska, repair and extend project,*
8 \$3,800,000;

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

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

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

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

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

21 *Williamsburg (Levisa and Tug Forks of the Big*
22 *Sandy River and Upper Cumberland River), Ken-*
23 *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 *Ste. Genevieve, Missouri, \$1,000,000;*
13 *Broad Top Region, Pennsylvania, \$2,000,000;*
14 *Glen Foerd, Pennsylvania, \$200,000;*
15 *Wallisville Lake, Texas, \$5,000,000;*
16 *Hatfield Bottom (Levisa and Tug Forks of the*
17 *Big Sandy River and Upper Cumberland River),*
18 *West Virginia, \$200,000; and*
19 *Upper Mingo (Levisa and Tug Forks of the Big*
20 *Sandy River and Upper Cumberland River, West*
21 *Virginia, \$2,000,000: Provided, That the Secretary of*
22 *the Army, acting through the Chief of Engineers, shall*
23 *transfer \$1,120,000 of the Construction, General funds*
24 *appropriated in this Act to the Secretary of the Inte-*
25 *rior and the Secretary of the Interior shall accept and*

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

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

10 For expenses necessary for prosecuting work of flood
 11 control, and rescue work, repair, restoration, or mainte-
 12 nance of flood control projects threatened or destroyed by
 13 flood, as authorized by law (33 U.S.C. 702a, 702g-1),
 14 \$307,885,000, to remain available until expended.

15 OPERATION AND MAINTENANCE, GENERAL

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

1 as become available in the Harbor Maintenance Trust
2 Fund, pursuant to Public Law 99-662, may be derived
3 from that fund, and of which such sums as become avail-
4 able from the special account established by the Land and
5 Water Conservation Act of 1965, as amended (16 U.S.C.
6 460l), may be derived from that fund for construction, op-
7 eration, and maintenance of outdoor recreation facilities:
8 *Provided*, That not to exceed \$5,000,000 shall be available
9 for obligation for national emergency preparedness pro-
10 grams: *Provided further*, That ~~\$5,926,000~~ \$3,426,000 of
11 the funds appropriated herein are provided for the
12 Raystown Lake, Pennsylvania, project: *Provided further*,
13 *That the Secretary of the Army is directed during fiscal*
14 *year 1996 to maintain a minimum conservation pool level*
15 *of 475.5 at Wister Lake 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, ~~\$150,000,000~~ *\$153,000,000, to remain available*
14 *until expended. Provided, That not to exceed \$60,000,000*
15 *of the funds provided in this Act shall be available for*
16 ~~general administration and related functions in the Office~~
17 ~~of the Chief of Engineers: Provided further,~~ That no part
18 of any other appropriation provided in title I of this Act
19 shall be available to fund the activities of the Office of
20 the Chief of Engineers or the executive direction and man-
21 agement activities of the Division Offices: *Provided fur-*
22 *ther,* That with funds provided herein and notwithstanding
23 any other provision of law, the Secretary of the Army shall
24 develop and submit to the Congress within 60 days of en-
25 actment of this Act, a plan which reduces the number of
26 division offices within the United States Army Corps of

1 Engineers to no less than 6 and no more than 8, with
2 each division responsible for at least 4 district offices, but
3 does not close or change the function of any district office:
4 *Provided further*, That notwithstanding any other provi-
5 sion of law, the Secretary of the Army is directed to begin
6 implementing the division office plan on August 15, 1996,
7 and such plan shall be implemented prior to October 1,
8 1997.

9 ADMINISTRATIVE PROVISIONS

10 Appropriations in this title shall be available for offi-
11 cial reception and representation expenses (not to exceed
12 \$5,000); and during the current fiscal year the revolving
13 fund, Corps of Engineers, shall be available for purchase
14 (not to exceed 100 for replacement only) and hire of pas-
15 senger motor vehicles.

16 GENERAL PROVISION

17 CORPS OF ENGINEERS—CIVIL

18 ~~SEC. 101. (a) In fiscal year 1996, the Secretary of~~
19 ~~the Army shall advertise for competitive bid at least~~
20 ~~7,500,000 cubic yards of the hopper dredge volume accom-~~
21 ~~plished with government-owned dredges in fiscal year~~
22 ~~1992.~~

23 ~~(b) Notwithstanding the provisions of this section, the~~
24 ~~Secretary is authorized to use the dredge fleet of the Corps~~
25 ~~of Engineers to undertake projects when industry does not~~
26 ~~perform as required by the contract specifications or when~~

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

5 (c) None of the funds appropriated herein or other-
6 wise made available to the Army Corps of Engineers, in-
7 cluding amounts contained in the Revolving Fund of the
8 Army Corps of Engineers, may be used to study, design
9 or undertake improvement or major repair of the Federal
10 vessel, MCFARLAND.

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

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

23 *(c) None of the funds appropriated herein or otherwise*
24 *made available to the Army Corps of Engineers, including*
25 *amounts contained in the Revolving Fund of the Army*

1 *Corps of Engineers, may be used to study, design or under-*
2 *take improvements or major repair of the Federal vessel,*
3 *McFARLAND, except for normal maintenance and repair*
4 *necessary to maintain the vessel McFARLAND's current*
5 *operational condition.*

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

17 **SEC. 102. (a) SAND AND STONE CAP IN NAVIGATION**
18 **PROJECT AT MANISTIQUE HARBOR, MICHIGAN.—The**
19 **project for navigation, Manistique Harbor, Schoolcraft**
20 **County, Michigan, authorized by the first section of the**
21 **Act entitled “An Act making appropriations for the con-**
22 **struction, repair, and preservation of certain public works**
23 **on rivers and harbors, and for other purposes”, approved**
24 **March 3, 1905 (33 Stat. 1136), is modified to permit in-**
25 **stallation of a sand and stone cap over sediments affected**

1 by polychlorinated biphenyls in accordance with an admin-
2 istrative order of the Environmental Protection Agency.

3 ~~(b) PROJECT DEPTH.—~~

4 ~~(1) IN GENERAL.—~~Except as provided in para-
5 graph ~~(2)~~, the project described in subsection (a) is
6 modified to provide for an authorized depth of 18
7 feet.

8 ~~(2) EXCEPTION.—~~The authorized depth shall be
9 12.5 feet in the areas where the sand and stone cap
10 described in subsection (a) will be placed within the
11 following coordinates: 4220N-2800E to 4220N-
12 3110E to 3980N-3260E to 3190N-3040E to
13 2960N-2560E to 3150N-2300E to 3680N-2510E
14 to 3820N-2690E and back to 4220N-2800E.

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

19 *SEC. 103. None of the funds appropriated herein or*
20 *otherwise available to the Army Corps of Engineers, may*
21 *be used to assist, guide, coordinate, administer; prepare for*
22 *occupancy of; or acquire furnishings for or in preparation*
23 *of a movement to the Southeast Federal Center.*

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, ~~\$13,114,000~~ *\$11,234,000*:
10 *Provided, That,* of the total appropriated, the amount for
11 program activities which can be financed by the reclama-
12 tion fund shall be derived from that fund: *Provided fur-*
13 *ther,* That funds contributed by non-Federal entities for
14 purposes similar to this appropriation shall be available
15 for expenditure for the purposes for which contributed as
16 though specifically appropriated for said purposes, and
17 such amounts shall remain available until expended.

18 CONSTRUCTION PROGRAM

19 (INCLUDING TRANSFER OF FUNDS)

20 For construction and rehabilitation of projects and
21 parts thereof (including power transmission facilities for
22 Bureau of Reclamation use) and for other related activi-
23 ties as authorized by law, to remain available until ex-
24 pended, ~~\$417,301,000~~ *\$390,461,000*, of which
25 \$27,049,000 shall be available for transfer to the Upper
26 Colorado River Basin Fund authorized by section 5 of the

1 Act of April 11, 1956 (43 U.S.C. 620d), and ~~\$94,225,000~~
2 *\$92,725,000* shall be available for transfer to the Lower
3 Colorado River Basin Development Fund authorized by
4 section 403 of the Act of September 30, 1968 (43 U.S.C.
5 1543), and such amounts as may be necessary shall be
6 considered as though advanced to the Colorado River Dam
7 Fund for the Boulder Canyon Project as authorized by
8 the Act of December 21, 1928, as amended: *Provided,*
9 That of the total appropriated, the amount for program
10 activities which can be financed by the reclamation fund
11 shall be derived from that fund: *Provided further,* That
12 transfers to the Upper Colorado River Basin Fund and
13 Lower Colorado River Basin Development Fund may be
14 increased or decreased by transfers within the overall ap-
15 propriation under this heading: *Provided further,* That
16 funds contributed by non-Federal entities for purposes
17 similar to this appropriation shall be available for expendi-
18 ture for the purposes for which contributed as though spe-
19 cifically appropriated for said purposes, and such funds
20 shall remain available until expended: *Provided further,*
21 That all costs of the safety of dams modification work at
22 Coolidge Dam, San Carlos Irrigation Project, Arizona,
23 performed under the authority of the Reclamation Safety
24 of Dams Act of 1978 (43 U.S.C. 506), as amended, are

1 in addition to the amount authorized in section 5 of said
2 Act.

3 OPERATION AND MAINTENANCE

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

1 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

2 For the cost of direct loans and/or grants,
3 \$11,243,000, to remain available until expended, as au-
4 thorized by the Small Reclamation Projects Act of August
5 6, 1956, as amended (43 U.S.C. 422a-422l): *Provided*,
6 That such costs, including the cost of modifying such
7 loans, shall be as defined in section 502 of the Congres-
8 sional Budget Act of 1974: *Provided further*, That these
9 funds are available to subsidize gross obligations for the
10 principal amount of direct loans not to exceed
11 \$37,000,000.

12 In addition, for administrative expenses necessary to
13 carry out the program for direct loans and/or grants,
14 \$425,000: *Provided*, That of the total sums appropriated,
15 the amount of program activities which can be financed
16 by the reclamation fund shall be derived from the fund.

17 CENTRAL VALLEY PROJECT RESTORATION FUND

18 For carrying out the programs, projects, plans, and
19 habitat restoration, improvement, and acquisition provi-
20 sions of the Central Valley Project Improvement Act, to
21 remain available until expended, such sums as may be col-
22 lected in the Central Valley Project Restoration Fund pur-
23 suant to sections 3407(d), 3404(c)(3), 3405(f) and
24 3406(c)(1) of Public Law 102-575: *Provided*, That the
25 Bureau of Reclamation is directed to levy additional miti-
26 gation and restoration payments totaling \$30,000,000

1 (October 1992 price levels) on a three-year rolling average
2 basis, as authorized by section 3407(d) of Public Law
3 102-575.

4 GENERAL ADMINISTRATIVE EXPENSES

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

16 SPECIAL FUNDS

17 (TRANSFER OF FUNDS)

18 Sums herein referred to as being derived from the
19 reclamation fund or special fee account are appropriated
20 from the special funds in the Treasury created by the Act
21 of June 17, 1902 (43 U.S.C. 391) or the Act of December
22 22, 1987 (16 U.S.C. 460l-6a, as amended), respectively.
23 Such sums shall be transferred, upon request of the Sec-
24 retary, to be merged with and expended under the heads
25 herein specified; and the unexpended balances of sums
26 transferred for expenditure under the head "General Ad-

1 ministrative Expenses” shall revert and be credited to the
2 reclamation fund.

3 ADMINISTRATIVE PROVISION

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

7 TITLE III

8 DEPARTMENT OF ENERGY

9 ENERGY SUPPLY, RESEARCH AND DEVELOPMENT

10 ACTIVITIES

11 For expenses of the Department of Energy activities
12 including the purchase, construction and acquisition of
13 plant and capital equipment and other expenses incidental
14 thereto necessary for energy supply, research and develop-
15 ment activities, and other activities in carrying out the
16 purposes of the Department of Energy Organization Act
17 (42 U.S.C. 7101, et seq.), including the acquisition or con-
18 demnation of any real property or any facility or for plant
19 or facility acquisition, construction, or expansion; pur-
20 chase of passenger motor vehicles (not to exceed 25, of
21 which 19 are for replacement only), ~~\$2,576,700,000~~ (less
22 ~~\$1,000,000~~) ~~\$2,798,324,000~~, to remain available until ex-
23 pended: ~~Provided, That, of such amount, \$44,772,000~~
24 shall be available to implement the provisions of section
25 ~~1211 of the Energy Policy Act of 1992 (42 U.S.C. 13316).~~

1 URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

2 For expenses of the Department of Energy in connec-
3 tion with operating expenses; the purchase, construction,
4 and acquisition of plant and capital equipment and other
5 expenses incidental thereto necessary for uranium supply
6 and enrichment activities in carrying out the purposes of
7 the Department of Energy Organization Act (42 U.S.C.
8 7101, et seq.) and the Energy Policy Act (Public Law
9 102-486, section 901), including the acquisition or con-
10 demnation of any real property or any facility or for plant
11 or facility acquisition, construction, or expansion; pur-
12 chase of electricity as necessary; \$64,197,000, to remain
13 available until expended: *Provided*, That revenues received
14 by the Department for uranium programs and estimated
15 to total \$34,903,000 in fiscal year 1996 shall be retained
16 and used for the specific purpose of offsetting costs in-
17 curred by the Department for such activities notwith-
18 standing the provisions of 31 U.S.C. 3302(b) and 42
19 U.S.C. 2296(b)(2): *Provided further*, That the sum herein
20 appropriated shall be reduced as revenues are received
21 during fiscal year 1996 so as to result in a final fiscal
22 year 1996 appropriation estimated at not more than
23 \$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), \$991,000,000
24 \$971,000,000, to remain available until expended.

1 NUCLEAR WASTE DISPOSAL FUND

2 For nuclear waste disposal activities to carry out the
3 purposes of Public Law 97-425, as amended, including
4 the acquisition of real property or facility construction or
5 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(a)(2), 135(d), 135(e), 141(g), 145, 146, 148(d)(1),
8 148(d)(3), and 148(d)(4) of Public Law 97-425: Provided
9 further, That the director shall review the program's insti-
10 tutional activities, including all cooperative agreements,
11 international commitments, and university assistance, and
12 shall make available to these entities amounts commensu-
13 rate with the revised program for nuclear waste disposal
14 activities: Provided further, That any funds provided to the
15 State of Nevada are for the sole purpose of conduct of its
16 scientific oversight responsibilities pursuant to Public Law
17 97-425, as amended: Provided further, That none of the
18 funds herein appropriated may be used directly or indi-
19 rectly to influence legislative action on any matter pending
20 before Congress or a State legislature or for any lobbying
21 activity as provided in section 1913 of title 18, United
22 States Code: Provided further, That the Secretary shall sub-
23 mit to the Congress within 90 days a revised program plan
24 and schedule, including a new five-year budget, that ad-
25 dresses the construction and operation of the interim storage

1 *capability, the revised site characterization program at the*
2 *Yucca Mountain site, and the results of the Director's re-*
3 *view of the program's institutional activities.*

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), ~~\$3,273,014,000~~ \$3,751,719,000,
17 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), ~~\$5,265,478,000~~ *\$5,989,750,000*, to remain
5 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 ~~\$1,323,841,000~~ *\$1,439,112,000*, to remain available
16 until expended.

17 DEFENSE NUCLEAR WASTE DISPOSAL

18 For nuclear waste disposal activities to carry out the
19 purposes of Public Law 97-425, as amended, including
20 the acquisition of real property or facility construction or
21 expansion, ~~\$198,400,000~~ *\$248,400,000*, to remain avail-
22 able until expended, *all of which shall be used in accordance*
23 *with the terms and conditions of the Nuclear Waste Fund*
24 *appropriation of the Department of Energy contained in*
25 *this title.*

1 DEPARTMENTAL ADMINISTRATION

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

1 in a final fiscal year 1996 appropriation estimated at not
2 more than ~~\$239,944,000~~ *\$239,820,000*.

3 OFFICE OF THE INSPECTOR GENERAL

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

8 POWER MARKETING ADMINISTRATIONS

9 OPERATION AND MAINTENANCE, ALASKA POWER
10 ADMINISTRATION

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

14 BONNEVILLE POWER ADMINISTRATION FUND

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

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

21 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
22 ADMINISTRATION

23 For necessary expenses of operation and maintenance
24 of power transmission facilities and of marketing electric
25 power and energy pursuant to the provisions of section

1 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
2 applied to the southeastern power area, \$19,843,000, to
3 remain available until expended.

4 OPERATION AND MAINTENANCE, SOUTHWESTERN
5 POWER ADMINISTRATION

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

19 CONSTRUCTION, REHABILITATION, OPERATION AND
20 MAINTENANCE, WESTERN AREA POWER ADMINIS-
21 TRATION

22 (INCLUDING TRANSFER OF FUNDS)

23 For carrying out the functions authorized by title III,
24 section 302(a)(1)(E) of the Act of August 4, 1977 (42
25 U.S.C. 7101, et seq.), and other related activities includ-

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

18 FALCON AND AMISTAD OPERATING AND MAINTENANCE

19 FUND

20 For operation, maintenance, and emergency costs for
21 the hydroelectric facilities at the Falcon and Amistad
22 Dams, \$1,000,000, to remain available until expended and
23 to be derived from the Falcon and Amistad Operating and
24 Maintenance Fund of the Western Area Power Adminis-

1 tration, as provided in section 423 of the Foreign Rela-
2 tions Authorization Act, fiscal years 1994 and 1995.

3 FEDERAL ENERGY REGULATORY COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses of the Federal Energy Regu-
6 latory Commission to carry out the provisions of the De-
7 partment of Energy Organization Act (42 U.S.C. 7101,
8 et seq.), including services as authorized by 5 U.S.C.
9 3109, including the hire of passenger motor vehicles; offi-
10 cial reception and representation expenses (not to exceed
11 \$3,000); ~~\$132,290,000~~ \$131,290,000, to remain available
12 until expended: *Provided*, That notwithstanding any other
13 provision of law, not to exceed ~~\$132,290,000~~ \$131,290,000
14 of revenues from fees and annual charges, and other serv-
15 ices and collections in fiscal year 1996, shall be retained
16 and used for necessary expenses in this account, and shall
17 remain available until expended: *Provided further*, That
18 the sum herein appropriated shall be reduced as revenues
19 are received during fiscal year 1996 so as to result in a
20 final fiscal year 1996 appropriation estimated at not more
21 than \$0.

1 TITLE IV
2 INDEPENDENT AGENCIES
3 APPALACHIAN REGIONAL COMMISSION

4 For expenses necessary to carry out the programs au-
5 thorized by the Appalachian Regional Development Act of
6 1965, as amended, notwithstanding section 405 of said
7 Act, and for necessary expenses for the Federal Co-Chair-
8 man and the alternate on the Appalachian Regional Com-
9 mission and for payment of the Federal share of the ad-
10 ministrative expenses of the Commission, including serv-
11 ices as authorized by section 3109 of title 5, United States
12 Code, and hire of passenger motor vehicles, to remain
13 available until expended, ~~\$142,000,000~~ *\$182,000,000*.

14 DEFENSE NUCLEAR FACILITIES SAFETY
15 BOARD

16 SALARIES AND EXPENSES

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

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), \$343,000.*

6 *CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION*

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

10 *INTERSTATE COMMISSION ON THE POTOMAC*11 *RIVER BASIN*12 *CONTRIBUTION TO INTERSTATE COMMISSION ON THE*13 *POTOMAC RIVER BASIN*

14 *To enable the Secretary of the Treasury to pay in ad-*
15 *vance to the Interstate Commission on the Potomac River*
16 *Basin the Federal contribution toward the expenses of the*
17 *Commission during the current fiscal year in the adminis-*
18 *tration of its business in the conservancy district established*
19 *pursuant to the Act of July 11, 1940 (54 Stat. 748), as*
20 *amended by the Act of September 25, 1970 (Public Law*
21 *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 ~~\$468,300,000~~ \$474,300,000, to remain available until ex-
15 pended, of which ~~\$11,000,000~~ \$17,000,000 shall be derived
16 from the Nuclear Waste Fund: *Provided*, That from this
17 appropriation, transfer of sums may be made to other
18 agencies of the Government for the performance of the
19 work for which this appropriation is made, and in such
20 cases the sums so transferred may be merged with the
21 appropriation to which transferred: *Provided further*, That
22 moneys received by the Commission for the cooperative
23 nuclear safety research program, services rendered to for-
24 eign governments and international organizations, and the
25 material and information access authorization programs,

1 including criminal history checks under section 149 of the
2 Atomic Energy Act of 1954, as amended, may be retained
3 and used for salaries and expenses associated with those
4 activities, notwithstanding 31 U.S.C. 3302, and shall re-
5 main available until expended: *Provided further*, That reve-
6 nues from licensing fees, inspection services, and other
7 services and collections estimated at \$457,300,000 in fis-
8 cal year 1996 shall be retained and used for necessary
9 salaries and expenses in this account, notwithstanding 31
10 U.S.C. 3302, and shall remain available until expended:
11 *Provided further*, That the sum herein appropriated shall
12 be reduced by the amount of revenues received during fis-
13 cal year 1996 from licensing fees, inspection services and
14 other services and collections, excluding those moneys re-
15 ceived for the cooperative nuclear safety research program,
16 services rendered to foreign governments and international
17 organizations, and the material and information access au-
18 thorization programs, so as to result in a final fiscal year
19 1996 appropriation estimated at not more than
20 ~~\$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, ~~\$2,531,000~~ \$2,664,000, to be trans-
7 ferred from the Nuclear Waste Fund and to remain avail-
8 able until expended.

9 *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 *\$318,000.*

15 *CONTRIBUTION TO SUSQUEHANNA RIVER BASIN*16 *COMMISSION*

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

20 TENNESSEE VALLEY AUTHORITY

21 TENNESSEE VALLEY AUTHORITY FUND

22 For the purpose of carrying out the provisions of the
23 Tennessee Valley Authority Act of 1933, as amended (16
24 U.S.C. ch. 12A), including purchase, hire, maintenance,
25 and operation of aircraft, and purchase and hire of pas-

1 senger motor vehicles, ~~\$103,339,000~~ *\$110,339,000*, to re-
2 main available until expended.

3 TITLE V

4 GENERAL PROVISIONS

5 ~~SEC. 501.~~ ~~Sec. 505 of Public Law 102-377, the Fis-~~
6 ~~cal Year 1993 Energy and Water Development Appropria-~~
7 ~~tions Act, and section 208 of Public Law 99-349, the Ur-~~
8 ~~gent Supplemental Appropriations Act, 1986, are re-~~
9 ~~pealed.~~

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

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

19 ~~SEC. 504.~~ ~~None of the funds made available in this~~
20 ~~Act may be used for any program, project, or activity,~~
21 ~~when it is made known to the Federal entity or official~~
22 ~~to which the funds are made available that the program,~~
23 ~~project, or activity is not in compliance with any applicable~~
24 ~~Federal law relating to risk assessment, the protection of~~
25 ~~private property rights, or unfunded mandates.~~

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

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

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

20 SEC. 507. ~~The amount otherwise provided in this Act~~
21 ~~for the following account is hereby reduced by the follow-~~
22 ~~ing amount:~~

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

1 ~~SEC. 508.~~ None of the funds made available in this
2 Act for the Army Corps of Engineers Upper Mississippi
3 ~~River-Illinois Waterway System Navigation Study~~ may be
4 used to study any portion of the Upper Mississippi River
5 located above Lock and Dam 14 at Moline, Illinois, and
6 Bettendorf, Iowa, except that the limitation in this section
7 shall not apply to the conducting of any system-wide envi-
8 ronmental baseline study pursuant to the National Envi-
9 ronmental Policy Act.

10 *SEC. 509. Without fiscal year limitation, the amount*
11 *of fish and wildlife costs that the Bonneville Power Admin-*
12 *istration may incur during a fiscal year shall not exceed*
13 *its ability to pay as a percent of the preceding years gross*
14 *annual power revenues exclusive of gross residential ex-*
15 *change revenues that the Bonneville Administrator accrues*
16 *in that fiscal year. No branch or agency of the Federal Gov-*
17 *ernment shall take any action pursuant to any law which*
18 *shall cause the Bonneville Power Administration to exceed*
19 *this expenditure limitation.*

20 *“Fish and wildlife costs” includes—*

21 *(1) purchase power costs and lost revenues, as*
22 *determined by the Bonneville Administrator (subject*
23 *to independent audit), based on the forecast value of*
24 *such costs or revenues under average flow conditions,*
25 *related to operations of the Federal Columbia River*

1 *Power System for the benefit of fish and wildlife af-*
 2 *ected by the development, operation, or management*
 3 *of such system using operations prior to passage of*
 4 *the Northwest Power Act as a baseline for calculating*
 5 *such costs;*

6 *(2) expenditures; and*

7 *(3) reimbursable costs.*

8 *This provision shall be implemented on October 1, 1995 un-*
 9 *less there is a valid agreement which limits Bonneville's ex-*
 10 *posure to increases in fish and wildlife costs consistent with*
 11 *its ability to pay and the needs for fish and wildlife re-*
 12 *sources in the Columbia River Basin.*

13 This Act may be cited as the “Energy and Water De-

14 velopment Appropriations Act, 1996”.

Passed the House of Representatives July 12, 1995.

Attest:

ROBIN H. CARLE,

Clerk.

HR 1905 RS—2

HR 1905 RS—3

HR 1905 RS—4