

Public Law 97-88  
97th Congress

An Act

Making appropriations for energy and water development for the fiscal year ending September 30, 1982, and for other purposes.

Dec. 4, 1981

[H.R. 4144]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1982, for energy and water development, and for other purposes, namely:

Energy and  
Water  
Development  
Appropriation  
Act, 1982.

TITLE I—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, and when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, \$137,225,000, to remain available until expended.

River and  
harbor, flood  
control, shore  
protection,  
study.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$1,416,992,000, to remain available until expended.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), \$256,310,000, to remain available until expended: *Provided*, That not less than \$250,000 shall be available for

bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist.

#### OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; administration of laws pertaining to preservation of navigable waters; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation; \$1,008,355,000, to remain available until expended.

#### GENERAL EXPENSES

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors and the Coastal Engineering Research Center; commercial statistics; and miscellaneous investigations; \$91,000,000.

#### SPECIAL RECREATION USE FEES

For construction, operation, and maintenance of outdoor recreation facilities, including collection of special recreation use fees, to remain available until expended, \$4,784,000, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601). Public Law 96-514 shall not be construed to affect the provisions of the Land and Water Conservation Fund Act as they pertain to the Corps of Engineers, and all recreation use fees collected by, and deposited in the Treasury by the Corps of Engineers, including those recreation use fees collected and so deposited since December 12, 1980, shall be deposited in a separate account credited to, and eligible for appropriation to, the Corps of Engineers in accordance with the provisions of section 4(f) of the Land and Water Conservation Fund Act.

16 USC 4601-4  
note.  
94 Stat. 2957.  
16 USC 4601-5a  
note.

16 USC 4601-6a.

#### ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by 5 U.S.C. 4110, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; not to exceed \$2,000 for official reception and representation expenses; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 185 of which 185 shall be for replacement only) and hire of passenger motor vehicles: *Provided*, That the total accrued expend-

itures of the capital investment program of the revolving fund shall not exceed \$130,000,000 in fiscal year 1982.

#### GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title, except as specifically contained herein, shall be used to alter, modify, dismantle, or otherwise change any project which is partially constructed but not funded for construction in this title.

SEC. 102. The project for Cuyahoga River Basin, Ohio, authorized by section 108 of the River and Harbor Act of 1970, is hereby modified to provide for relocation of utilities in the vicinity of the Cleveland Zoo at full Federal expense, generally in accordance with the recommendations of the District Engineer, U.S. Army Engineer District, Buffalo, in paragraph 94 of the Phase II General Design Memorandum dated August 1979, notwithstanding any other provision of law.

SEC. 103. Within funds available to the Corps of Engineers—Civil, \$600,000 shall be for emergency shore protection at Beverly Shores, Indiana, and shall remain available until expended.

SEC. 104. The discount rate for the Saginaw River, Michigan, project authorized in section 203 of Public Law 85-500 (72 Stat. 311) shall be as provided for in section 80b of Public Law 93-251 (88 Stat. 34) if non-Federal interests subsequently provide appropriate assurances for the non-Federal share of project costs.

SEC. 105. Funds herein or hereinafter made available for the Mississippi River and tributaries project may be used to construct dikes at the lower and upper end of Lake Neark, Arkansas, for the purposes of reducing operation and maintenance costs for Osceola Harbor, Arkansas, and for recreation at a total estimated cost of \$1,300,000. All work shall be undertaken substantially in accordance with the plan described in the draft stage three report on Lake Neark dated April 1981 prepared by the Memphis District Engineer, including provision for sharing of costs allocable to recreation in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 106. Within funds available to the Corps of Engineers—Civil, channel widening and bends easing shall be accomplished at Grays Harbor, Washington, in the vicinity of the Cow Point Turn to allow for the free movement of boats.

SEC. 107. Funds herein or hereinafter made available to the Corps of Engineers—Civil for operation and maintenance of the Illinois Waterway shall be available to operate and maintain the Chicago Sanitary and Ship Canal portion of the Waterway in the interest of navigation.

SEC. 108. Clayton Lake which is an element of the flood control project for the Clayton and Tuskahoma Reservoirs, Kiamichi River, Oklahoma, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1187), shall hereafter be known as "Sardis Lake". Any law, regulation, map, document, or record of the United States in which such lake is referred to shall be held and considered to refer to such lake as "Sardis Lake".

SEC. 109. From the funds appropriated by the second paragraph of this title for general investigations, no more than \$70,000 shall be expended for a study of flooding and drainage problems in Alexander County and Pulaski County, both located in the State of Illinois, and no more than \$100,000 shall be expended from funds appropriated for the main stem study of the Ohio River to evaluate alternatives for flood damage reduction in Saline County and Gallatin County, both located in the State of Illinois.

84 Stat. 1820.

42 USC  
1962d-17.

16 USC 4601-12  
note.

Sardis Lake,  
designation.

Flood and  
drainage  
problems, study.

Chetco River navigation project.  
33 USC 603a.

SEC. 110. Funds herein or hereinafter appropriated in this title for the Chetco River, Oregon navigation project, authorized by the 1945 River and Harbor Act, as amended and modified, shall be used to design and construct further modifications to that project in accordance with the Report of the Chief of Engineers, dated May 2, 1977.

SEC. 111. The Chief of Engineers is hereby directed to raise the dam at Lake Darling, North Dakota, by approximately four feet and to implement upstream and downstream flood control measures.

Ouachita and Black Rivers navigation project.

SEC. 112. No funds appropriated in this Act may be used to construct channel realignment work on the Ouachita and Black Rivers navigation project in Arkansas and Louisiana until such time as the Chief of Engineers has completed a restudy of the various options for navigation above Crossett, Arkansas, including the two barge abreast configuration, with a view toward reducing the number of cutoffs and bend widenings required. The results of this restudy should be reported to the respective Appropriations Committees of both Houses of the Congress for review, and should accurately reflect the economic and environmental tradeoffs of providing greater than two-barge navigation.

Report to congressional committees.

TITLE II—DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

43 USC 371 note.

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

43 USC 504.

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, \$30,596,000, of which \$30,396,000 is to be derived from the reclamation fund: *Provided*, That of the amount herein appropriated not to exceed \$50,000 shall be available to initiate a rehabilitation and betterment program with the Farmers Irrigation District to rehabilitate facilities under the Act of October 7, 1949 (63 Stat. 724), as amended, to be repaid in full by the lands served and under conditions satisfactory to the Secretary of the Interior.

CONSTRUCTION PROGRAM

43 USC 620d.

43 USC 1543.

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, \$548,505,000, of which \$130,063,000 shall be available for transfers to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956, and \$186,497,000 shall be available for transfers to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968, for construction and for liquidation of contract authority provided pursuant to said Act: *Provided*, That of the total appropriated, \$221,735,000 shall be derived from the reclamation fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be

increased or decreased by transfers within the overall appropriation to this heading: *Provided further*, That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further*, That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further*, That of the amount herein appropriated under the Central Arizona Project, \$2,000,000 shall be available for preconstruction activities on distribution systems pursuant to the Distribution Act of July 4, 1955, as amended.

San Luis Unit.

43 USC  
421a-421h.

## OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, \$118,518,000, of which \$82,303,000 shall be derived from the reclamation fund and such amounts as may be required for the Boulder Canyon Project shall be derived from the Colorado River Dam fund: *Provided*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended.

## LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a-421d), and August 6, 1956, as amended (43 U.S.C. 422a-422k), including expenses necessary for carrying out the program, \$22,614,000, to remain available until expended: *Provided*, That during 1982, and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$26,922,000: *Provided further*, That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

43 USC  
421a-421h.

43 USC 388.

## GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the offices of the Commissioner of the Bureau of Reclamation and in the regional offices of the Bureau of Reclamation, \$39,928,000, to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

## SPECIAL FUNDS

Transfer of  
funds.

Sums herein referred to as being derived from the reclamation fund, the Colorado River Dam fund, or the Colorado River development fund, are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391), the Act of December 21, 1928 (43 U.S.C. 617a), and the Act of July 19, 1940 (43 U.S.C. 618a) respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

## ADMINISTRATIVE PROVISIONS

58 Stat. 463.

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 21 passenger motor vehicles of which 19 shall be for replacement only; purchase of two aircraft of which one shall be for replacement only; payment of not to exceed \$2,500,000 for a water sprinkler fire suppression system and other safety modifications in office buildings at the Denver Federal Center, Lakewood, Colorado; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for service as authorized by 5 U.S.C. 3109, in total not to exceed \$500,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriation Act, 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Act of August 21, 1935 (16 U.S.C. 461-467): *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for appraisal and special investigations, and general engineering and research under the head "General Investigations".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665).

43 USC 377a.

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the

boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

#### GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Emergency reconstruction.

SEC. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

Additional expenditure or transfer.

SEC. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

Warehouses, garages, shops, and similar facilities.

SEC. 204. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchases of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

Aircraft and motor vehicles.

SEC. 205. Appropriations in this title shall be available for acquisition of land for the McGee Creek project, Oklahoma: *Provided*, That land required for the dam, dike, and any other authorized permanent features shall be acquired in fee title (surface and minerals): *Provided further*, That mineral and subsurface interests shall be acquired by subordination in the conservation pool area of the reservoir, natural scenic recreation area, and the wildlife management area in such a manner as to allow the present mineral owners, their successors and assignees the right to explore for and extract minerals under restrictions required to protect the project: *Provided further*, That only the surface estate be acquired for any other lands required for the McGee Creek project.

McGee Creek project.

## TITLE III—DEPARTMENT OF ENERGY

## OPERATING EXPENSES

## ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

42 USC 7101  
note.

For operating expenses of the Department of Energy necessary for energy supply, research and development activities and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), \$1,970,926,000, to remain available until expended: *Provided*, That of the funds appropriated herein, \$9,000,000 is to be derived by transfer of unobligated balances from the funds appropriated under the heading "Operation and Maintenance, Southwestern Power Administration", and \$16,000,000 is to be derived by transfer from funds appropriated under the heading "Plant and Capital Equipment, Departmental Administration": *Provided further*, That \$1,300,000 of the funds provided herein shall be for the Region X wood-derived fuels program and transferred to the Bonneville Power Administration for obligation and expenditure.

## GENERAL SCIENCE AND RESEARCH ACTIVITIES

For operating expenses of the Department of Energy necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), \$411,060,000, to remain available until expended.

## ATOMIC ENERGY DEFENSE ACTIVITIES

For operating expenses of the Department of Energy necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), \$3,606,351,000, to remain available until expended.

## DEPARTMENTAL ADMINISTRATION

42 USC 5821.

For salaries and expenses of the Department of Energy necessary for departmental administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000); \$368,368,000, to remain available until expended: *Provided*, That moneys received by the Department for miscellaneous revenues and estimated to total \$167,900,000 in fiscal year 1982 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484): *Provided further*, That the sum herein appropriated shall be reduced as moneys for miscellaneous revenues are received during fiscal year 1982 so as to result in a final fiscal year 1982 appropriation of not more than \$200,468,000.

## PLANT AND CAPITAL EQUIPMENT

## ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy in connection with the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy

supply, research and development activities and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 103 for replacement only) including 24 police-type vehicles; purchase of two helicopters for replacement only; \$332,200,000, to remain available until expended.

42 USC 7101  
note.

#### GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy in connection with the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 5 for replacement only); \$118,300,000, to remain available until expended.

#### ATOMIC ENERGY DEFENSE ACTIVITIES

For expenses of the Department of Energy in connection with purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 189 of which 166 are for replacement only) including 6 police-type vehicles; purchase of two helicopters; \$1,066,803,000, to remain available until expended.

#### DEPARTMENTAL ADMINISTRATION

For expenses of the Department of Energy necessary for departmental administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, or for the purchase, construction or acquisition of capital equipment and other expenses incidental thereto, \$40,963,000, to remain available until expended.

#### URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 23 for replacement only); \$1,806,000,000, to remain available until expended: *Provided*, That revenues received by the Department for the enrichment of uranium and estimated to total

42 USC 5821.

\$1,805,000,000 in fiscal year 1982, shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484): *Provided further*, That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1982 so as to result in a final fiscal year 1982 appropriation estimated at not more than \$1,000,000.

#### POWER MARKETING ADMINISTRATIONS

##### OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For engineering and economic investigations to promote the development and utilization of the water, power, and related resources of Alaska, and for necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, \$3,538,000, of which \$50,000 shall be available solely to defray emergency expenses necessary to ensure continuity of service, to remain available until expended.

##### BONNEVILLE POWER ADMINISTRATION FUND

16 USC 838i.

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for purchase of one fixed wing aircraft for replacement only, for construction of Surprise Valley Area Service in the Alturas-Cedarville, California area and for official reception and representation expenses in an amount not to exceed \$2,000.

During fiscal year 1982 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$40,000,000.

##### OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$7,237,000, to remain available until expended.

##### OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, including purchase of one passenger motor vehicle for replacement only, \$21,269,000, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE,  
WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized by law, including the purchase of passenger motor vehicles (not to exceed 10 of which 5 are for replacement only); \$210,774,000, to remain available until expended, of which \$135,200,000 shall be derived from the Department of the Interior reclamation fund and \$680,000 shall be derived from the Colorado River Dam fund for power marketing and transmission expenses of the Boulder Canyon Project: *Provided*, That of the amount appropriated, \$39,510,000 shall be available for Upper Colorado River Storage construction.

42 USC 7152.

EMERGENCY FUND, WESTERN AREA POWER ADMINISTRATION

For the "Emergency Fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), to remain available until expended for the purposes specified in that Act, \$500,000, to be derived from the Department of the Interior reclamation fund.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, \$76,177,000.

42 USC 7101  
note.

GEOHERMAL RESOURCES DEVELOPMENT FUND

GEOHERMAL LOAN GUARANTEE AND INTEREST ASSISTANCE PROGRAM

For administrative expenses of the Geothermal Resources Development Fund, \$200,000, to remain available until expended; and for carrying out the Geothermal Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy, Research, Development and Demonstration Act of 1974 (Public Law 93-410), \$2,000,000, to remain available until expended: *Provided*, That not to exceed \$2,000,000 from the Fund shall be available for interest differential payments in fiscal year 1982: *Provided further*, That the amounts remaining in the Fund shall be used as a default reserve for loan guarantees issued pursuant to section 201 of title II of Public Law 93-410, as amended.

30 USC 1101  
note.

30 USC 1141.

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

SEC. 301. Appropriations to the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of

Motor vehicles,  
aircraft.

Contributions,  
acceptance.

Appropriation  
transfers;  
submittal to  
congressional  
committees.

work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign.

Sec. 302. Not to exceed 5 per centum of any appropriations made available for the current fiscal year for Energy Supply, Research and Development Activities; Uranium Supply and Enrichment Activities; General Science and Research Activities; Atomic Energy Defense Activities; and Departmental Administration may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations and the appropriate authorizing committees of the House and Senate for approval.

Sec. 303. The unexpended balances of prior appropriations provided for activities covered in this title may be transferred to a new appropriation account for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable newly established account and thereafter may be accounted for as one fund for the same time period as originally enacted.

Sec. 304. All capitalized inventory balances and any unexpended balances related to inventories may be merged with any other appropriation within the Department under this Act. Balances so transferred will be available for the same time period as originally enacted.

#### TITLE IV—INDEPENDENT AGENCIES

##### APPALACHIAN REGIONAL COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the Federal Cochairman and his alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$2,900,000.

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, except expenses authorized by section 105 of said Act, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, to remain available until expended, \$150,000,000 of which \$100,000,000 shall be available for the Appalachian Development Highway System.

40 USC app. 1.  
40 USC app. 105.

## DELAWARE RIVER BASIN COMMISSION

## SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), \$121,000.

## CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), \$269,000.

## INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER  
BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), \$55,000.

33 USC 567b.  
33 USC 567b-1.

## NUCLEAR REGULATORY COMMISSION

## SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official entertainment expenses (not to exceed \$1,500); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft; \$465,700,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of 31 U.S.C. 484, and shall remain available until expended: *Provided further*, That transfers between accounts may be made only with the approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That no part of the funds appropriated in this Act may be used to implement section 110 of Public Law 96-295: *Provided further*, That no funds appropriated to the Nuclear Regulatory Commission in this Act may be used to implement or enforce any portion of the Uranium Mill Licensing Requirements published as final rules at 45 Federal Register 65521 to 65538 on October 3, 1980, or to require any State to adopt such requirements in order for the State to continue to exercise

42 USC 5801  
note.

94 Stat. 785.

authority under State law for uranium mill and mill tailings licensing, or to exercise any regulatory authority for uranium mill and mill tailings licensing in any State that has acted to exercise such authority under State law: *Provided, however,* That the Commission may use such funds to continue to regulate byproduct material, as defined in section 11 e. (2) of the Atomic Energy Act of 1954, as amended, in the manner and to the extent permitted prior to October 3, 1980.

42 USC 2014.

#### SUSQUEHANNA RIVER BASIN COMMISSION

##### SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1541), \$120,000.

##### CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), \$217,000.

#### TENNESSEE VALLEY AUTHORITY

##### PAYMENT TO TENNESSEE VALLEY AUTHORITY FUND

16 USC 831 et seq.

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C., ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, \$129,162,000, to remain available until expended.

#### WATER RESOURCES COUNCIL

##### WATER RESOURCES PLANNING

For the Water Resources Council for salaries and related expenses necessary in carrying out the provisions of the Water Resources Planning Act of 1965 (42 U.S.C. 1962-1962d-3), as amended, including services as authorized by 5 U.S.C. 3109 and 42 U.S.C. 1962a-4(5), \$3,888,000 including \$658,000 for expenses in administering the Act (42 U.S.C. 1962d(b)), and \$3,230,000 for preparation of assessments and plans (42 U.S.C. 1962d(c)): *Provided,* That none of the funds included herein shall be used for an Independent Project Review, for expenses of River Basin Commissions or for Grants to States.

#### TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

**SEC. 504.** None of the funds in this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

**SEC. 505.** None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

**SEC. 506.** None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

**SEC. 507.** None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

**SEC. 508.** The Senate hereby expresses its intention not to appropriate funds for improvements on the portion of the Black Warrior-Tombigbee Waterway south of Demopolis, Alabama.

This Act may be cited as the "Energy and Water Development Appropriation Act, 1982". Short title.

Approved December 4, 1981.

#### LEGISLATIVE HISTORY—H.R. 4144:

HOUSE REPORTS: No. 97-177 (Comm. on Appropriations) and No. 97-345 (Comm. of Conference).

SENATE REPORT No. 97-256 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 127 (1981):

July 23, 24, considered and passed House.

Nov. 3-5, considered and passed Senate, amended.

Nov. 20, House agreed to conference report; concurred in certain Senate amendments.

Nov. 21, Senate agreed to conference report; resolved amendments in disagreement.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 17, No. 49 (1981):

Dec. 4, Presidential statement.