Public Law 98-360
98th Congress

An Act

Making appropriations for energy and water development for the fiscal year ending September 30, 1985, and for other purposes.

July 16, 1984
[H.R. 5653]

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, 1985, for energy and water development, and for other purposes, namely:

TITLE I—DEPARTMENT OF DEFENSE—CIVIL

Rivers and harbors.
Flood control.
Conservation.

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, miscellaneous investigations, and when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $138,000,000, to remain available until expended.

CONSTRUCTION, GENERAL

New Jersey shore.
South Williamson, Ky.
Canaveral Harbor, Fla.

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), $864,500,000, to remain available until expended, of which, for that increment of the project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, $1,300,000 shall be made available for the Ocean Township to Sandy Hook reach with the first Federal construction increment being a berm of approximately 50 feet at Sea Bright and Monmouth Beach extending to and including a feeder beach in the vicinity of Long Branch with the non-Federal share of construction and maintenance of the Ocean Township to Sandy Hook reach to consist of moneys expended by non-Federal interests for reconstruction of the seawall at Sea Bright and Monmouth

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Beach, New Jersey; and of which $3,000,000 shall be made available for the construction of the South Williamson, Kentucky, floodwall as authorized by Public Law 96-367, section 202 (94 Stat. 1339); and of which $3,000,000 shall be made available for the construction of the West Turning Basin extension of the Canaveral Harbor, Florida project, as authorized in the Rivers and Harbors Act of 1962; and in addition, notwithstanding any other provision of law, $15,000,000, to remain available until expended, for the construction of the Yatesville Lake construction project; and in addition, $10,000,000, to remain available until expended, for construction of the Elk Creek Lake construction project as authorized in the River and Harbor and Flood Control Act of 1962, Public Law 87-874; and in addition, $500,000, to remain available until expended, for construction of Lock and Dam 3, Red River Waterway project, as authorized by law.

76 Stat. 1180.

76 Stat. 1180, 1198.

FLOOD CONTROL AND COASTAL EMERGENCIES

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

33 USC 701n.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

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), $321,000,000, 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.

Yazoo Basin.

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, $1,305,000,000, to remain available until expended, of which $15,000,000, shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l).

16 USC 460*l*-4 note.

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 Board, $112,000,000, to remain available until expended.

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 144 for replacement only) and hire of passenger motor vehicles.

General Provisions, Corps of Engineers

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.

Eufaula Lake Project, Okla.
60 Stat. 634.

Sec. 103. The authorization for the Eufaula Lake Project, Oklahoma, contained in the Rivers and Harbors Act of 1946 is hereby amended to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to plan, design, and construct bridges on Piney and Muddy Creeks to replace existing unsafe structures, at an estimated total Federal cost of $1,700,000 and the State or political subdivision agrees to operate and maintain said improvements at their own expense.

Florida.

Sec. 104. The Secretary of the Army, acting through the Chief of Engineers, is authorized to review, in cooperation with the State of Florida, its political subdivision, agencies and instrumentalities thereof all previous published reports of the Chief of Engineers pertaining to shoreline erosion on the entire coast of Florida with a view to determining whether any modifications of the recommendations contained therein are advisable at this time, with particular reference to developing a comprehensive body of knowledge, information, and data on coastal area changes and processes.

Harbor Beach Harbor, Mich.

Sec. 105. The Secretary of the Army, acting through the Chief of Engineers, is hereby directed to deepen, at full Federal expense, the waterway within the marina facility at the Harbor Beach Harbor, Michigan project authorized by the River and Harbor Act of January 21, 1927, at a cost not to exceed $450,000.

44 Stat. 1010.

Port Austin Harbor, Mich.

Sec. 106. The Secretary of the Army, acting through the Chief of Engineers, is hereby directed to construct and maintain, at full Federal expense, a breakwater access for recreational purposes at the Port Austin Harbor, Michigan project authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress at an estimated cost of $500,000.

59 Stat. 10.

Summersville Lake Project, W. Va.

SEC. 107. Funds appropriated under any provision of law for the operation of the Summersville Lake, West Virginia Project shall be used to carry out all authorized project purposes of such project, including but not limited to whitewater recreation of the Gauley River downstream of such project.

Mauvaise Terre Levee, Ill.

SEC. 108. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake the necessary construction measures to increase the level of flood protection currently afforded by the Mauvaise Terre Levee, at and in the vicinity of Naples, Illinois, to a one hundred-year recurrence interval flood event.

Peoria Lake, Ill.
97 Stat. 1293.

SEC. 109. Section 1304 of the Supplemental Appropriations Act, 1984, Public Law 98-181, is amended by adding at the end thereof the following: "including a determination of the advisability of the preservation, enhancement, and rehabilitation of Peoria Lake in the vicinity of Peoria, Illinois, in the interest of recreation, fish and wildlife resources, environmental quality, and local and regional development.".

Barbourville, Ky.
97 Stat. 253.

SEC. 110. Flood control measures authorized by section 202 of the 1981 Energy and Water Development Appropriation Act involving high levees and floodwalls in urban areas should provide for a standard project flood level of protection for Barbourville, Kentucky.

Hurst, Tex.
62 Stat. 1182.

SEC. 111. The Secretary of the Army, acting through the Chief of Engineers, is directed to construct the Lorean and Calloway Branches, Hurst, Texas, flood control projects under the authority of section 205 of the Flood Control Act of 1948, as amended, except that bridge and utility costs shall be at Federal expense.

Miami Harbor, Fla.
97 Stat. 247.

SEC. 112. The Secretary of the Army, acting through the Chief of Engineers, is directed to construct the Miami Harbor, Bay Front Park, Florida project under the authority of Public Law 98-50 except that the sheetpile foundation and utility trench for the Park's fountain and land fill necessary for Park development shall be at Federal expense.

Louisiana World's Fair exhibit.
97 Stat. 1292.

SEC. 113. Section 1301 of Public Law 98-181 is amended by striking the amount "$2,000,000" and inserting in lieu thereof the amount "$3,000,000".

Savannah Harbor, Ga.

SEC. 114. Within available funds, channel widening and bends easing shall be accomplished at the Savannah Harbor, Georgia navigation channel in the vicinity of miles 11.6, 13.5, and 14.5 to allow for the free movement of vessels.

Real property.

SEC. 116. Subject to approval by the Committees on Appropriations, funds herein or hereafter provided may be used (1) to acquire improved real property or to acquire unimproved real property and construct or have constructed thereon an appropriate residence for the official use of Corps of Engineers Division Commanders in those areas where appropriate housing cannot otherwise be provided; and (2) to operate and maintain such property. Provisions of law and regulations applicable to the acquisition, operation, and maintenance of military housing shall not apply to housing acquired under this section.

York, Pa.

SEC. 117. The Corps of Engineers is authorized and directed to design and construct repairs to stabilize the existing levee at York, Pennsylvania, in the vicinity of the city's wastewater treatment plant, including, but not limited to placing drainage material and gabion protection along a 600-foot section of unstable levee, at a cost not to exceed $200,000.

TITLE II—DEPARTMENT OF THE INTERIOR

Reclamation projects.

BUREAU OF RECLAMATION

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:

43 USC 371 note.

GENERAL INVESTIGATIONS

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: *Provided,* That of the total appropriated, the amount $35,566,000, for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That all costs of an advance planning study of a proposed project shall be considered to be construction costs and to be reimbursable in accordance with the allocation of construction costs if the project is authorized for construction: *Provided further,* That $100,000 shall be made available to study the feasibility of a hydroelectric powerplant at the existing Yellowtail Afterbay Dam (Montana).

Yellowtail Afterbay Dam, Mont. Study.

CONSTRUCTION PROGRAM

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, $740,000,000, of which $4,800,000 shall be available for the construction of fish passage facilities at Prosser Dam Passage authorized by the Act of June 12, 1948 (Public Law 80-629, 62 Stat. 382) and Roza Dam Passage authorized by the Act of March 10, 1934 (Public Law 73-121, 48 Stat. 401), of which $163,503,000 shall be available for transfers to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $142,250,000 shall be available for transfers to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543): *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that 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

San Luis Unit, Calif.

Velarde Community Ditch Project, N. Mex.

appropriated, $1,580,000 shall be available to enable the Secretary of the Interior to continue work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 788, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The principal features of the project shall consist of improvements such as the installation of more permanent diversion dams and headgates, wasteways, arroyo siphons, and concrete lining of ditches in order to improve irrigation efficiency, conserve water, and reduce operation and maintenance costs. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance: *Provided further,* That the design, construction and operation of the Garrison Diversion Unit are to be accomplished so as to meet the United States obligations under the Boundary Waters Treaty of 1909 and that no appropriation, fund, or authority under this heading shall be used for construction of features of the Garrison Diversion Unit in North Dakota affecting waters flowing into Canada: *Provided further,* That of the amount herein appropriated not to exceed $20,000 shall be available to continue a rehabilitation and betterment program with the Twin Falls Canal Company, Twin Falls County, Idaho, to rehabilitate facilities under the Act of October 7, 1919 (63 Stat. 724), as amended, to be repaid in full by the lands served and under conditions satisfactory to the Secretary of the Interior.

32 Stat. 388.
43 USC 371 note.

Garrison Diversion Unit, N. Dak.

36 Stat. 2448.

Twin Falls Co., Idaho.

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, $149,689,000: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That of the total appropriated, such amounts as may be required for the Boulder Canyon Project shall be derived from the Colorado River Dam Fund and such amounts as may be required for replacement, which would require readvances to the Colorado River Dam Fund under section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), are to be considered as though readvanced under said section: *Provided further,* 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: *Provided further,* That nonreimbursable funds will be available from revenues for performing examination of existing structures on participating projects of the Colorado River Storage Project.

Boulder Canyon Project.

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, $67,537,000, to be derived from the reclamation fund and to remain available until expended: *Provided,* That during fiscal year 1985 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $68,500,000: *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.

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, $58,917,000, of which $11,900,000, shall remain available until expended, the total amount 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.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

SPECIAL 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), and 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

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 16 passenger motor vehicles of which 13 shall be for replacement only; purchase of one additional aircraft; 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 section 3109 of title 5, United States Code, 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 Appropriations 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 Acts of August 21, 1935 (16 U.S.C. 461-467) and June 27, 1960 (16 U.S.C. 469): *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 plan formulation and advance planning investigations, and general engineering and research under the head "General Investigations".

58 Stat. 487.

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. 1341).

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

Emergency funds.

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.

Fire control.

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.

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.

31 USC 1535, 1536.

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.

Twin Buttes Dam, Tex.

SEC. 205. The cost of foundation treatment, drainage, and instrumentation work planned or under way at Twin Buttes Dam, Texas, shall be nonreimbursable under Federal reclamation laws.

Foss Dam, Okla.

SEC. 206. The cost of foundation treatment, drainage, and instrumentation work planned or underway at Foss Dam, Oklahoma, shall be nonreimbursable and nonreturnable under the Federal reclamation law.

Garrison Diversion Unit, N. Dak.

SEC. 207. (a) It is the sense of Congress that—

(1) the Garrison Diversion Unit was authorized by Congress and reflects the entitlement of the State of North Dakota to a federally funded water development program as compensation for North Dakota's contributions to the Pick-Sloan Missouri Basin program;

(2) there is a need to put to beneficial use water from the Missouri River within the State of North Dakota;

(3) there are municipal and industrial water resource problems in North Dakota that are presently unmet;

(4) there are irrigation and agricultural water needs in areas which cannot be met by the Garrison Diversion Unit as presently authorized;

(5) the Garrison Diversion Unit, as presently authorized, raises significant issues of economic, environmental, and international concern;

(6) the water needs of the State of North Dakota should be resolved by contemporary water development alternatives; and

(7) a Secretarial commission should be established to examine the water needs of North Dakota and propose development alternatives which will lead to the early resolution of the problems identified.

(b) No funds appropriated under this title for the Garrison Diversion Unit, Pick-Sloan Missouri Basin program, shall be expended or committed for expenditure on construction contracts prior to December 31, 1984. Notwithstanding the preceding sentence, funds appropriated may be expended or committed for expenditure for the work associated with the commission established by this section. Funds may be expended or committed for expenditure after such date for construction of the Garrison Diversion Unit—

(1) in accordance with the recommendations of the Secretarial commission established under subsection (c); or

(2) if the commission fails to make such recommendations, as presently authorized.

(c)(1) The Secretary of the Interior shall, within thirty days after the date of enactment of this section, appoint a commission, com-

posed of 12 individuals, to review the contemporary water development needs of the State of North Dakota and propose modifications to the Garrison Diversion Unit consistent with the existing authorization. The Secretary shall designate one member who shall serve as chairman of the commission who shall set the dates of hearings, meetings, and other official commission functions in carrying out the purposes of this section. The commission, in developing its recommendations, shall hold no fewer than three public hearings, at least two of which shall be in the State of North Dakota. Any recommendations of the commission shall be agreed to by at least 8 members. The commission shall cease to exist on December 31, 1984.

(2) The commission is directed to examine, review, evaluate, and make recommendations with regard to the contemporary water development needs of the State of North Dakota, taking into consideration—

(A) the costs and benefits incurred and opportunities foregone by the State of North Dakota between 1944 and 1984 as a result of the establishment and implementation of the Pick-Sloan Missouri Basin program;

(B) the need and potential for North Dakota to put to beneficial use within the State water from the Missouri River;

(C) the need for construction of additional facilities to put to beneficial use water from the Missouri River;

(D) the municipal and industrial water needs and development potential within the State of North Dakota, including such matters as—

(i) quality of water supply,

(ii) the ability of existing systems to meet present and future demand,

(iii) related groundwater problems,

(iv) water treatment,

(v) water delivery by pipeline, and

(vi) instream flow needs;

(E) the possible use of groundwater recharge for municipal and industrial uses, as well as irrigation;

(F) the current North Dakota water plan, including proposed projects, to determine if elements of the plan (such as the southwest pipeline project) should be recommended for Federal funding;

(G) whether or not the Garrison Diversion Unit can be redesigned and reformulated;

(H) the institutional and tax equity issues in the State of North Dakota as they relate to the authorized project and alternative water development proposals;

(I) the fiscal and economic impacts of the Garrison Diversion Unit, as compared with alternative proposals for irrigation and municipal and industrial water supply;

(J) the environmental impacts of the water development alternatives mentioned in this section, compared with those of the Garrison Diversion Unit, including impacts on wildlife refuges, wetlands, wildlife habitat, waterfowl, and other environmental impacts as well as make recommendations to reduce and minimize those impacts; and

(K) the international impacts of the water development alternatives described in this section compared with those of the Garrison Diversion Unit and make recommendations to reduce and minimize those impacts.

All recommendations of the commission shall retain the originally authorized discount rate.

(3) The commission shall submit to the Secretary of the Interior, the chairmen of the Senate Committees on Energy and Natural Resources and Appropriations, and the House Committees on Interior and Insular Affairs and Appropriations, no later than December 31, 1984, a report which contains the conclusions and recommendations of the commission with regard to the items described in paragraph (2). Report.

(d) The Secretary of the Interior is authorized and directed to implement the recommendations of the commission report consistent with existing authority.

(e) Nothing in this section shall affect any litigation initiated prior to June 1, 1984.

TITLE III—DEPARTMENT OF ENERGY

Energy.

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Department of Energy activities including 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 19 for replacement only), $2,018,165,000, to remain available until expended; of which $60,000,000 shall be derived by transfer from Uranium Supply and Enrichment Activities provided in fiscal year 1984, and of which $7,000,000 shall be available to establish a supercomputer center and computational institute as described in the report accompanying this Act; and acquisition of one aircraft for replacement only at no cost by transfer from the National Science Foundation. 42 USC 7101 note.

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 171 of which 154 are for replacement only); $1,650,300,000, to remain available until expended: *Provided,* That revenues received by the Department for the enrichment of uranium and estimated to total $1,650,300,000 in fiscal year 1985, 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 appropri- 42 USC 5821. 31 USC 3302.

ated shall be reduced as uranium enrichment revenues are received during fiscal year 1985 so as to result in a final fiscal year 1985 appropriation estimated at not more than $0.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy, activities including 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 4 for replacement only); $726,905,000, to remain available until expended.

42 USC 7101 note.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, including the acquisition of real property or facility construction or expansion, $327,669,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in this account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the Secretary of the Treasury.

42 USC 10101 note.

42 USC 10222.

ATOMIC ENERGY DEFENSE ACTIVITIES

For expenses of the Department of Energy activities including the 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 354 of which 339 are for replacement only) including 35 police-type vehicles; and purchase of one aircraft, $7,333,701,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

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); $356,034,000, all of which is available for fiscal year 1985 and shall remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided,* That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further,* That moneys received by the Department for miscellaneous revenues estimated to total $219,459,000 in fiscal year 1985 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 3302 of title 31, United States Code: *Provided further,* That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1985 so as to result in a final fiscal year 1985 appropriation estimated at not more than $136,575,000.

42 USC 5821.

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, $3,233,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are provided for Three Mile Dam Fish Passage Facilities, Sunnyside Dam Passage, Wapato Diversion Dam Passage, Toppenish Creek/Satus Unit Diversion, Prosser Dam Passage, and Roza Dam Passage. These expenditures and the transfer of funds to the Bureau of Reclamation for the purpose of constructing fish passage facilities are approved. Expenditures are also approved for: (1) Lake Pend Oreille Kokanee Hatchery, (2) the Umatilla Hatchery, and (3) official reception and representation expenses in an amount not to exceed $2,500.

Fish and fishing.
16 USC 838 note.

During fiscal year 1985, 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, $35,744,000, 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, $31,208,000, to remain available until expended.

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

42 USC 7152.

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, including official reception and representation expenses in an amount not to exceed $1,500, the purchase of passenger motor vehicles (not to exceed nine for replacement only), purchase, maintenance, and operation of one helicopter, $218,230,000, to remain available until expended, of which $217,380,000 shall be derived from the Department of the Interior Reclamation fund and $850,000 shall be derived from the Colorado River Dam fund for power marketing and transmission expenses of the Boulder Canyon Project: *Provided,* That notwithstanding the provisions of section 8 of Public Law 88-552, the Secretary of Energy is authorized to construct or participate in the construction of such additional facilities as he deems necessary to allow mutually beneficial power sales between the Pacific Northwest and California and to accept funds contributed by non-Federal entities for that purpose: *Provided further,* That all revenues collected in connection with the operation of Navy Geothermal projects at Fallon, Nevada, may be credited to a separate fund, to be established in the treasury of the United States, and shall be available to the Secretary of Energy, without further appropriation, for payment of energy costs, contract administration costs, and the design, construction, operation, maintenance and replacement, and administrative costs of all required transmission facilities and power marketing activities directly associated with the Fallon, Nevada Navy Geothermal projects.

Boulder Canyon Project.
16 USC 837g-1.
16 USC 837g.

Navy geothermal projects, Fallon, Nev.

EMERGENCY FUND, WESTERN AREA POWER ADMINISTRATION

For the "Emergency Fund", as authorized by the Act of June 16, 1948 (43 U.S.C. 502), to remain available until expended for the purposes specified in that Act, $500,000, on a continuing basis to be recovered from the Reclamation Fund against receipts for the transmission and sale of electric power and energy which are deposited into the Treasury through Western Area Power Administration which shall be available for transfer to the Western Emergency Fund: *Provided,* That expenditures from the Western Emergency Fund shall be replenished from project power revenues for which funds were expended on an emergency basis.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

42 USC 7101 note.

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, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $1,500); $95,677,000, of which $4,000,000 shall remain available until expended and be available only for contractual activities: *Provided,* That notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), revenues from licensing fees, inspection services, and other services and collections estimated at $60,000,000

31 USC 3302.

in fiscal year 1985 may be retained and used for necessary expenses in this account, and may remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1985, so as to result in a final fiscal year 1985 appropriation estimated at not more than $35,677,000.

GEOTHERMAL RESOURCES DEVELOPMENT FUND

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development and Demonstration Act of 1974, as amended, $121,000, to remain available until expended: *Provided,* That the indebtedness guaranteed or committed to be guaranteed through funds provided by this or any other appropriation Act shall not exceed the aggregate of $500,000,000.

30 USC 1101 note.

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

SEC. 301. Appropriations for 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 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.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 302. Not to exceed 5 per centum of any appropriations made available for the current fiscal year for Department of Energy activities funded in this Act 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 of the House and Senate.

(TRANSFERS OF UNEXPENDED BALANCES)

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

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those

Contracts with U.S.

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. 305. None of the funds in the Department of Energy shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in the Department of Energy.

30 USC 1141 *et seq.*

SEC. 307. For carrying out activities authorized by title II of Public Law 93-410 the Department of Energy is authorized to transfer no more than $25,000,000 to the Geothermal Resources Development Fund from unobligated balances within the Uranium Supply and Enrichment Activities account: *Provided,* That such transfer shall be reported promptly to the Committees on Appropriations of the House and Senate. The amount authorized to be transferred by this provision is in addition to the authority provided in section 302 of this Act.

Report.

Science and technology.

SEC. 308. Of the funds appropriated for Energy Supply, Research and Development Activities under this Act, $2,000,000 shall be available until expended to further domestic technology transfer by facilitating access to data within the national laboratories, including the use of supercomputers.

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Cochairman and the 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 section 3109 of title 5, United States Code, and hire of passenger motor vehicles, $2,300,000.

FUNDS APPROPRIATED TO THE PRESIDENT

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

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

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 section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, $149,000,000 of which $100,000,000 shall be available for the Appalachian Development Highway System.

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), $172,000.

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), $283,000.

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), $70,000.

33 USC 567b, 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 representation expenses (not to exceed $3,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $448,200,000, 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 program and the material access authorization program may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended.

42 USC 5801 note.
42 USC 2011 note.

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), $167,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expense of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $230,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

16 USC 831 *et seq.*

97 Stat. 49.
16 USC 1250.

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, and for entering into contracts and making payments under section 11 of the National Trails System Act, as amended, $129,547,000, to remain available until expended, of which $9,547,000 shall be derived from prior year unobligated balances in the Tennessee Valley Authority Fund: *Provided,* That this appropriation and other moneys available to the Tennessee Valley Authority may be used for payment of the allowances authorized by 5 U.S.C. 5948.

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.

Contracts with U.S.

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.

Regulations.

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.

Contracts with U.S.

SEC. 505. 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.

Study.

SEC. 506. Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other non-cost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities

of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

Approved July 16, 1984.

LEGISLATIVE HISTORY—H.R. 5653:

HOUSE REPORTS: No. 98-755 (Comm. on Appropriations) and No. 98-866 (Comm. of Conference).
SENATE REPORT No. 98-502 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 130 (1984):
May 22, considered and passed House.
June 21, considered and passed Senate, amended.
June 27, House agreed to conference report; concurred in certain Senate amendments and in others with amendments. Senate agreed to conference report and concurred in House amendments.