

all about. I do not know whether it is good or bad. I say when we see, day after day, week after week, more and more megamerge proposals in this country for large corporations to combine to become larger, inevitably it cuts away at this country's free enterprise system, because this system works based on competition. Concentration means less competition. It is something we ought to be concerned about and ought to care about.

ACTION NEEDED ON LINE-ITEM VETO

Mr. DORGAN. Mr. President, finally, I hope this week we can get the Speaker of the House to appoint conferees, have a conference and get a conference report, and get a line-item veto in the hands of this President. Again, if we have time for book tours and writing books and doing a lot of other things, we ought to have time, it seems to me, to be able to pick a few friends to be on a conference committee and be serious about the things many Members of Congress campaigned on.

If they believe in a line-item veto, let us decide to give that to this President right now and see if we cannot cut some of the pork in the appropriations bills moving through the House and Senate, including all kinds of lard now stuck to these bills for the districts of folks who have been bellowing the loudest about the problems of Federal spending. The problems of Federal spending seem to stop when this is their district and their appropriations bill, and it also seems to stop when it comes to getting serious about sending to this President a line-item veto that would be put in the hands of this President. I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1996

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of H.R. 1905, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

The Senate proceeded to consideration of the bill, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill to be inserted are shown in *italic*.)

H.R. 1905

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, 1996, for energy and water development, and for other purposes, namely:

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, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, **[\$129,906,000]** *\$126,323,000*, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

[Norco Bluffs, California, \$375,000;
[Indianapolis Central Waterfront, Indiana, \$2,000,000;
[Ohio River Greenway, Indiana, \$1,000,000;
and
[Mussers Dam, Middle Creek, Snyder County, Pennsylvania, \$300,000]
Norco Bluffs, California, \$375,000;
Indianapolis Central Waterfront, Indiana, \$1,000,000;
Kentucky Lock and Dam, Kentucky, \$2,500,000; and
West Virginia Port Development, West Virginia, \$300,000.

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), **[\$807,846,000]** *\$778,456,000*, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri, Lock and Dam 14, Mississippi River, Iowa, Lock and Dam 24, Mississippi River, Illinois and Missouri, and GIWW-Brazos River Floodgates, Texas, projects, and of which funds are provided for the following projects in the amounts specified:

[Red River Emergency Bank Protection, Arkansas and Louisiana, \$6,600,000;
[Sacramento River Flood Control Project (Glenn-Colusa Irrigation District), California, \$300,000;
[San Timoteo Creek (Santa Ana River Mainstem), California, \$5,000,000;
[Indiana Shoreline Erosion, Indiana, \$1,500,000;
[Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$12,000,000;
[Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$4,100,000;
[Middlesboro (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$1,600,000;
[Salyersville, Kentucky, \$500,000;
[Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, \$11,848,000;

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

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

[Glen Foerd, Pennsylvania, \$200,000; and
[Wallisville Lake, Texas, \$5,000,000]

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

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

Red River Emergency Bank Protection, Arkansas and Louisiana, \$6,600,000;

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

Winfield, Kansas, \$670,000;

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

Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$4,100,000;

Middlesboro (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$1,600,000;

Salyersville, Kentucky, \$500,000;

Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, \$11,838,000;

Ouachita River Levees, Louisiana, \$2,300,000;

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

Roughans Point, Massachusetts, \$710,000;

Ste. Genevieve, Missouri, \$1,000,000;

Broad Top Region, Pennsylvania, \$2,000,000;

Glen Foerd, Pennsylvania, \$200,000;

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

Hatfield Bottom (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, \$200,000; and

Upper Mingo (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, West Virginia, \$2,000,000: Provided, That the Secretary of the Army, acting through the Chief of Engineers, shall transfer \$1,120,000 of the Construction, General funds appropriated in this Act to the Secretary of the Interior and the Secretary of the Interior shall accept and expend such funds for performing operation and maintenance activities at the Columbia River Fishing Access Sites to be constructed by the Department of the Army at Cascade Locks, Oregon; Lone Pine, Oregon; Underwood, Washington; and the Bonneville Treaty Fishing Access Site, Washington.

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), \$307,885,000, to remain available until expended.

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; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, **[\$1,712,123,000]** *\$1,696,998,000*, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund,

pursuant to Public Law 99-662, may be derived from that fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601), may be derived from that fund for construction, operation, and maintenance of outdoor recreation facilities: *Provided*, That not to exceed \$5,000,000 shall be available for obligation for national emergency preparedness programs: *Provided further*, That **[\$5,926,000]** \$3,426,000 of the funds appropriated herein are provided for the Raystown Lake, Pennsylvania, project: *Provided further*, That the Secretary of the Army is directed during fiscal year 1996 to maintain a minimum conservation pool level of 475.5 at Wister Lake in Oklahoma.

REGULATORY PROGRAM

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

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, \$10,000,000, to remain available until expended.

OIL SPILL RESEARCH

For expenses necessary to carry out the purposes of the Oil Spill Liability Trust Fund, pursuant to Title VII of the Oil Pollution Act of 1990, \$850,000, to be derived from the Fund and 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 Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Engineering Strategic Studies Center, and the Water Resources Support Center, **[\$150,000,000]** \$153,000,000, to remain available until expended: *Provided*, That not to exceed \$60,000,000 of the funds provided in this Act shall be available for general administration and related functions in the Office of the Chief of Engineers: *Provided further*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the Division Offices: *Provided further*, That with funds provided herein and notwithstanding any other provision of law, the Secretary of the Army shall develop and submit to the Congress within 60 days of enactment of this Act, a plan which reduces the number of division offices within the United States Army Corps of Engineers to no less than 6 and no more than 8, with each division responsible for at least 4 district offices, but does not close or change the function of any district office: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Army is directed to begin implementing the division office plan on August 15, 1996, and such plan shall be implemented prior to October 1, 1997.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed \$5,000); and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISION

CORPS OF ENGINEERS—CIVIL

[SEC. 101. (a) In fiscal year 1996, the Secretary of the Army shall advertise for com-

petitive bid at least 7,500,000 cubic yards of the hopper dredge volume accomplished with government-owned dredges in fiscal year 1992.

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

[(c) None of the funds appropriated herein or otherwise made available to the Army Corps of Engineers, including amounts contained in the Revolving Fund of the Army Corps of Engineers, may be used to study, design or undertake improvement or major repair of the Federal vessel, MCFARLAND.]

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

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

(c) None of the funds appropriated herein or otherwise made available to the Army Corps of Engineers, including amounts contained in the Revolving Fund of the Army Corps of Engineers, may be used to study, design or undertake improvements or major repair of the Federal vessel, MCFARLAND, except for normal maintenance and repair necessary to maintain the vessel MCFARLAND's current operational condition.

(d) If any of the four Corps of Engineers hopper dredges is removed from normal service for repair or rehabilitation and such repair prevents the dredge from accomplishing its volume of work regularly carried out in each of the past three years, the Corps of Engineers shall reduce the 7,500,000 cubic yards of hopper dredge volume contained in subsection (a) of this section by the proportional amount of work which had been allocated to such dredge over the past three fiscal years in calculating the reduction in Corps dredging work required to implement subsection (a).

[SEC. 102. (a) SAND AND STONE CAP IN NAVIGATION PROJECT AT MANISTIQUE HARBOR, MICHIGAN.—The project for navigation, Manistique Harbor, Schoolcraft County, Michigan, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1905 (33 Stat. 1136), is modified to permit installation of a sand and stone cap over sediments affected by polychlorinated biphenyls in accordance with an administrative order of the Environmental Protection Agency.

[(b) PROJECT DEPTH.—

[(1) IN GENERAL.—Except as provided in paragraph (2), the project described in subsection (a) is modified to provide for an authorized depth of 18 feet.

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

[(c) HARBOR OF REFUGE.—The project described in subsection (a), including the

breakwalls, pier, and authorized depth of the project (as modified by subsection (b)), shall continue to be maintained as a harbor of refuge.]

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

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

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

In addition, for necessary expenses incurred in carrying out responsibilities of the Secretary of the Interior under the Act, \$1,246,000, to remain available until expended.

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:

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, **[\$13,114,000]** \$11,234,000: *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 funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

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, **[\$417,301,000]** \$390,461,000, of which \$27,049,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and **[\$94,225,000]** \$92,725,000 shall be available for transfer to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *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 under this heading: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further*, That all costs of the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, performed under the authority of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506), as amended, are in addition to the amount authorized in section 5 of said Act.

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, **[\$278,759,000]** *\$267,393,000*: *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, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 4601-6a, as amended), may be derived from that fund: *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 purpose and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further*, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

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

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

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, to remain available until expended, such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102-575: *Provided*, That the Bureau of Reclamation is directed to levy additional mitigation and restoration payments totaling \$30,000,000 (October 1992 price levels) on a three-year rolling average basis, as authorized by section 3407(d) of Public Law 102-575.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, \$48,150,000, of which \$1,400,000 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.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987 (16 U.S.C. 4601-6a, as amended), 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 reclamation fund.

ADMINISTRATIVE PROVISION

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

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT 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 energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), 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 25, of which 19 are for replacement only), **[\$2,576,700,000 (less \$1,000,000)]** *\$2,798,324,000*, to remain available until expended: *Provided*, That, of such amount, \$44,772,000 shall be available to implement the provisions of section 1211 of the Energy Policy Act of 1992 (42 U.S.C. 13316)].

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 (42 U.S.C. 7101, et seq.) and the Energy Policy Act (Public Law 102-486, section 901), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity as necessary; \$64,197,000, to remain available until expended: *Provided*, That revenues received by the Department for uranium programs and estimated to total \$34,903,000 in fiscal year 1996 shall be retained and used for the specific purpose of offsetting costs incurred by the Department for such activities notwithstanding the provisions of 31 U.S.C. 3302(b) and 42 U.S.C. 2296(b)(2): *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1996 so as to result

in a final fiscal year 1996 appropriation estimated at not more than \$29,294,000.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, \$278,807,000, to be derived from the fund, to remain available until expended: *Provided*, That at least \$42,000,000 of amounts derived from the fund for such expenses shall be expended in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

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 (42 U.S.C. 7101, et seq.), 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 12 for replacement only), **[\$991,000,000]** *\$971,000,000*, to remain available until expended.

NUCLEAR WASTE DISPOSAL FUND

[For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$226,600,000, to remain available until expended, to be derived from the Nuclear Waste Fund.]

For the nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$151,600,000 to remain available until expended, to be derived from the Nuclear Waste Fund: Provided, That of the amount herein appropriated together with the amount provided in the Defense Nuclear Waste Disposal Appropriation contained in this title, within available funds, no more than \$250,000,000 shall be available to continue, at a reduced level, the technical site characterization effort and to retain deferred licensing capability at the Yucca Mountain site: *Provided further*, That the facility for the initial storage of no more than 40,000 metric tons of uranium at a site to be determined by the President shall be licensed by the Nuclear Regulatory Commission for an unspecified period, in accordance with its regulations governing the licensing of independent spent fuel storage installations, without regard to sections 148(a) and 148(d) of Public Law 97-425: *Provided further*, That the facility shall be expandable for the subsequent transportation and interim storage of up to 100,000 metric tons of uranium and shall be operational in the 1998 timeframe, consistent with sections 135(a)(1)(B), 135(a)(4), 137(a), 141(a), 148(a), 148(b), and 148(c) of Public Law 97-425, but without regard to sections 131(a)(3), 131(b)(2), 135(a)(1), 135(a)(2), 135(d), 135(e), 141(g), 145, 146, 148(d)(1), 148(d)(3), and 148(d)(4) of Public Law 97-425: *Provided further*, That the director shall review the program's institutional activities, including all cooperative agreements, international commitments, and university assistance, and shall make available to these entities amounts commensurate with the revised program for nuclear waste disposal activities: *Provided further*, That any funds provided to the State of Nevada are for the sole purpose of conduct of its scientific oversight responsibilities pursuant to Public Law 97-425, as amended: *Provided further*, That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on

any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code: *Provided further, That the Secretary shall submit to the Congress within 90 days a revised program plan and schedule, including a new five-year budget, that addresses the construction and operation of the interim storage capability, the revised site characterization program at the Yucca Mountain site, and the results of the Director's review of the program's institutional activities.*

ATOMIC ENERGY DEFENSE ACTIVITIES WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 79, of which 76 are for replacement only, including one police-type vehicle), **[\$3,273,014,000] \$3,751,719,000**, to remain available until expended.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 7 for replacement only), **[\$5,265,478,000] \$5,989,750,000**, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, other defense activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion **[\$1,323,841,000] \$1,439,112,000**, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

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

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 (42 U.S.C. 7101, et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), **[\$362,250,000] \$377,126,000**, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others not-

withstanding 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 **[\$122,306,000] \$137,306,000** in fiscal year 1996 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 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than **[\$239,944,000] \$239,820,000.***

OFFICE OF THE INSPECTOR GENERAL

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

POWER MARKETING ADMINISTRATIONS OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

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

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed \$3,000.

During fiscal year 1996, no new direct loan obligations may be made.

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, **\$19,843,000**, 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, including official reception and representation expenses in an amount not to exceed \$1,500 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, **\$29,778,000**, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed \$4,272,000 in reimbursements, to remain available until expended.

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

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7101, et seq.), 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, **\$257,652,000**, to remain available until expended, of which \$245,151,000 shall be

derived from the Department of the Interior Reclamation fund: *Provided, That of the amount herein appropriated, \$5,283,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration \$4,556,000 to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.*

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, **\$1,000,000**, to remain available until expended and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.

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 (42 U.S.C. 7101, et seq.), 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 \$3,000); **[\$132,290,000] \$131,290,000**, to remain available until expended: *Provided, That notwithstanding any other provision of law, not to exceed **[\$132,290,000] \$131,290,000** of revenues from fees and annual charges, and other services and collections in fiscal year 1996, shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than \$0.*

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Co-Chairman 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, to remain available until expended, **[\$142,000,000] \$182,000,000.**

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

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

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), \$343,000.

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), \$478,000.

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), \$511,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

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 of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed \$20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, [\$468,300,000] \$474,300,000, to remain available until expended, of which [\$11,000,000] \$17,000,000 shall be derived from the Nuclear Waste Fund: *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, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$457,300,000 in fiscal year 1996 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1996 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1996 appropriation estimated at not more than [\$11,000,000] \$17,000,000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by section 3109 of title 5, United States Code, \$5,000,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the

Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfers 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 revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1996 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1996 appropriation estimated at not more than \$0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, [\$2,531,000] \$2,664,000, to be transferred from the Nuclear Waste Fund and to remain available until expended.

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), \$318,000.

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), \$288,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

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, [\$103,339,000] \$110,339,000, to remain available until expended.

TITLE V

GENERAL PROVISIONS

[SEC. 501. Sec. 505 of Public Law 102-377, the Fiscal Year 1993 Energy and Water Development Appropriations Act, and section 208 of Public Law 99-349, the Urgent Supplemental Appropriations Act, 1986, are repealed.]

[SEC. 502. Sec. 510 of Public Law 101-514, the Fiscal Year 1991 Energy and Water Development Appropriations Act, is repealed.]

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

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

SEC. 505. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent

practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 506. None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

[SEC. 507. The amount otherwise provided in this Act for the following account is hereby reduced by the following amount:

[(1) "Nuclear Waste Disposal Fund", aggregate amount, \$1,000.

[SEC. 508. None of the funds made available in this Act for the Army Corps of Engineers Upper Mississippi River-Illinois Waterway System Navigation Study may be used to study any portion of the Upper Mississippi River located above Lock and Dam 14 at Moline, Illinois, and Bettendorf, Iowa, except that the limitation in this section shall not apply to the conducting of any system-wide environmental baseline study pursuant to the National Environmental Policy Act.]

SEC. 509. Without fiscal year limitation, the amount of fish and wildlife costs that the Bonneville Power Administration may incur during a fiscal year shall not exceed its ability to pay as a percent of the preceding years gross annual power revenues exclusive of gross residential exchange revenues that the Bonneville Administrator accrues in that fiscal year. No branch or agency of the Federal Government shall take any action pursuant to any law which shall cause the Bonneville Power Administration to exceed this expenditure limitation.

"Fish and wildlife costs" includes—

(1) purchase power costs and lost revenues, as determined by the Bonneville Administrator (subject to independent audit), based on the forecast value of such costs or revenues under average flow conditions, related to operations of the Federal Columbia River Power System for the benefit of fish and wildlife affected by the development, operation, or management of such system using operations prior to passage of the Northwest Power Act as a baseline for calculating such costs;

(2) expenditures; and

(3) reimbursable costs.

This provision shall be implemented on October 1, 1995 unless there is a valid agreement which limits Bonneville's exposure to increases in fish and wildlife costs consistent with its ability to pay and the needs for fish and wildlife resources in the Columbia River Basin.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1996".

HOMOSEXUAL RIGHTS NEED CLEAR AND DIRECT DEBATE

Mr. HELMS. Mr. President, an effort is underway to demand that Congress enact legislation to grant rights to homosexuals that other Americans do not have. I cannot believe that such legislation will be approved by either the Senate or the House, but there's no way to be certain that either or both