Calendar No. 484 H. R. 4506

103D CONGRESS 2D Session

[Report No. 103-291]

IN THE SENATE OF THE UNITED STATES

JUNE 15 (legislative day, JUNE 7), 1994 Received; read twice and referred to the Committee on Appropriations

> JUNE 23 (legislative day, JUNE 7), 1994 Reported by Mr. JOHNSTON, with amendments [Omit the part struck through and insert the part printed in italic]

AN ACT

- Making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes.
 - 1 Be it enacted by the Senate and House of Representa-
 - 2 tives of the United States of America in Congress assembled,
 - 3 That the following sums are appropriated, out of any
 - 4 money in the Treasury not otherwise appropriated, for the
 - 5 fiscal year ending September 30, 1995, and for other pur-
 - 6 poses, namely:

1	TITLE I
-	
2	DEPARTMENT OF DEFENSE—CIVIL
3	DEPARTMENT OF THE ARMY
4	Corps of Engineers—Civil
5	The following appropriations shall be expended under
6	the direction of the Secretary of the Army and the super-
7	vision of the Chief of Engineers for authorized civil func-

7 vision of the Chief of Engineers for authorized civil func8 tions of the Department of the Army pertaining to rivers
9 and harbors, flood control, beach erosion, and related pur10 poses.

11

GENERAL INVESTIGATIONS

12 For expenses necessary for the collection and study 13 of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of 14 authorized projects, miscellaneous investigations, and, 15 when authorized by laws, surveys and detailed studies and 16 plans and specifications of projects prior to construction, 17 \$179,062,000 \$181,199,000, to remain available until ex-18 pended, of which funds are provided for the following 19 projects in the amounts specified: 20

- 21 Los Angeles County Water Conservation and
 22 Supply, California, \$700,000;
- 23 Norco Bluffs, California, \$400,000;
- 24 Indianapolis, White River, Central Waterfront,
- 25 Indiana, \$4,000,000;
- 26 Ohio River Greenway, Indiana, \$900,000;

1	Lake George, Hobart, Indiana, \$260,000;
2	Little Calumet River Basin (Cady Marsh
3	Ditch), Indiana, \$150,000;
4	Kentucky Lock and Dam, Kentucky,
5	\$2,000,000;
6	Hazard, Kentucky, \$500,000;
7	Mussers Dam, Pennsylvania, \$200,000;
8	Hartsville, Trousdale County, Tennessee,
9	\$95,000;
10	West Virginia Comprehensive, West Virginia,
11	\$350,000; and
12	West Virginia Port Development, West Vir-
13	ginia, \$800,000
14	Red River Navigation Study, Arkansas,
15	\$500,000;
16	Indianapolis, White River, Central Waterfront,
17	Indiana, \$4,000,000;
18	Little Calumet River Basin (Cady Marsh Ditch),
19	Indiana, \$150,000;
20	Kentucky Lock and Dam, Kentucky, \$2,000,000;
21	Hazard, Kentucky, \$500,000;
22	Hartsville, Trousdale County, Tennessee,
23	\$95,000;
24	West Virginia Comprehensive, West Virginia,
25	\$350,000; and

West Virginia Port Development, West Virginia,
 \$800,000.

3

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, 4 shore protection, and related projects authorized by laws; 5 and detailed studies, and plans and specifications, of 6 projects (including those for development with participa-7 tion or under consideration for participation by States, 8 9 local governments, or private groups) authorized or made 10 eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), 11 \$1,023,595,000 *\$977,660,000*, to remain available until ex-12 pended, of which such sums as are necessary pursuant to 13 Public Law 99–662 shall be derived from the Inland Wa-14 terways Trust Fund, for one-half of the costs of construc-15 tion and rehabilitation of inland waterways projects, in-16 cluding rehabilitation costs for the Lock and Dam 25, 17 Mississippi River, Illinois and Missouri, and GIWW-Braz-18 19 os River Floodgates, Texas, projects, and of which funds are provided for the following projects in the amounts 20specified: 21

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

24 Red River below Denison Dam Levee and Bank
25 Stabilization, Arkansas and Louisiana, \$1,500,000;

26 West Sacramento, California, \$500,000;

1	Sacramento River Flood Control Project
2	(Glenn-Colusa Irrigation District), California,
3	\$400,000;
4	Sacramento River Flood Control Project (Defi-
5	ciency Correction), California, \$3,700,000;
6	San Timoteo Creek (Santa Ana River
7	Mainstem), California, \$5,000,000;
8	Central and Southern Florida, Florida,
9	\$11,315,000;
10	Kissimmee River, Florida, \$9,000,000;
11	Casino Beach, Illinois, \$1,000,000;
12	Des Moines Recreational River and Greenbelt,
13	Iowa, \$4,000,000;
14	Harlan (Levisa and Tug Forks of the Big
15	Sandy River and Upper Cumberland River), Ken-
16	tucky, \$20,000,000;
17	Middlesborough (Levisa and Tug Forks of the
18	Big Sandy River and Upper Cumberland River),
19	Kentucky, \$1,200,000;
20	Williamsburg (Levisa and Tug Forks of the Big
21	Sandy River and Upper Cumberland River), Ken-
22	tucky,
23	Pike County (Levisa and Tug Forks of the Big
24	Sandy River and Upper Cumberland River), Ken-
25	tucky, \$5,000,000;

1	Lake Pontchartrain and Vicinity (Jefferson
2	Parish), Louisiana, \$800,000;
3	Lake Pontchartrain and Vicinity (Hurricane
4	Protection), Louisiana, \$12,500,000;
5	Ste. Genevieve, Missouri, \$3,000,000;
6	Hackensack Meadowlands Area, New Jersey,
7	\$2,500,000;
8	Ramapo River at Oakland, New Jersey,
9	\$600,000;
10	Salem River, New Jersey, \$1,000,000;
11	Carolina Beach and Vicinity, North Carolina,
12	\$2,800,000;
13	Fort Fisher and Vicinity, North Carolina,
14	\$900,000;
15	Broad Top Region, Pennsylvania, \$1,000,000;
16	Lackawanna River, Olyphant, Pennsylvania,
17	\$1,100,000;
18	Lackawanna River, Scranton, Pennsylvania,
19	\$1,000,000;
20	South Central Pennsylvania Environmental
21	Restoration Infrastructure and Resource Protection
22	Development Pilot Program, Pennsylvania,
23	\$7,000,000;
24	Wallisville, Lake, Texas, \$1,000,000;

1	Richmond Filtration Plant, Virginia,
2	\$2,000,000; and
3	Southern West Virginia Environmental Res-
4	toration Infrastructure and Resource Protection De-
5	velopment Pilot Program, West Virginia, \$1,500,000
6	Red River Emergency Bank Protection, Arkan-
7	sas and Louisiana, \$6,000,000;
8	Red River below Denison Dam Levee and Bank
9	Stabilization, Arkansas and Louisiana, \$1,500,000;
10	West Sacramento, California, \$500,000;
11	Sacramento River Flood Control Project (Glenn-
12	Colusa Irrigation District), California, \$400,000;
13	Sacramento River Flood Control Project (Defi-
14	ciency Correction), California, \$3,700,000;
15	San Timoteo Creek (Santa Ana River
16	Mainstem), California, \$5,000,000;
17	Kissimmee River, Florida, \$3,000,000;
18	Savannah Harbor Deepening, Georgia (Reim-
19	bursement), \$11,585,000, of which \$2,083,000 is for a
20	cost-shared Savannah River recreation enhancement
21	and public access project along 900 linear feet of
22	shoreline in the City of Savannah;
23	Casino Beach, Illinois, \$1,000,000;
24	Des Moines Recreational River and Greenbelt,
25	Iowa, \$2,000,000;

1	Harlan (Levisa and Tug Forks of the Big Sandy
2	River and Upper Cumberland River), Kentucky,
3	\$20,000,000;
4	Middlesborough (Levisa and Tug Forks of the
5	Big Sandy River and Upper Cumberland River),
6	Kentucky, \$1,200,000;
7	Williamsburg (Levisa and Tug Forks of the Big
8	Sandy River and Upper Cumberland River), Ken-
9	tucky, \$3,000,000;
10	Pike County (Levisa and Tug Forks of the Big
11	Sandy River and Upper Cumberland River), Ken-
12	tucky, \$5,000,000;
13	Lake Pontchartrain and Vicinity (Jefferson Par-
14	ish), Louisiana, \$800,000;
15	Lake Pontchartrain and Vicinity (Hurricane
16	Protection), Louisiana, \$12,500,000;
17	Ouachita River Levees, Louisiana, \$4,500,000;
18	Ste. Genevieve, Missouri, \$3,000,000;
19	Ramapo River at Oakland, New Jersey,
20	\$600,000;
21	Broad Top Region, Pennsylvania, \$1,000,000;
22	Lackawanna River, Olyphant, Pennsylvania,
23	\$1,100,000;
24	Lackawanna River, Scranton, Pennsylvania,
25	\$1,000,000;

1	South Central Pennsylvania Environmental Res-
2	toration Infrastructure and Resource Protection De-
3	velopment Pilot Program, Pennsylvania, \$2,000,000;
4	Wallisville Lake, Texas, \$1,000,000;
5	Richmond Filtration Plant, Virginia,
6	\$2,000,000;
7	Southern West Virginia Environmental Restora-
8	tion Infrastructure and Resource Protection Develop-
9	ment Pilot Program, West Virginia, \$1,500,000;
10	Hatfield Bottom (Levisa and Tug Fork of the
11	Big Sandy River and Upper Cumberland River),
12	West Virginia, \$500,000; and
13	Upper Mingo (Levisa and Tug Fork of the Big
14	Sandy River and Upper Cumberland River), West
15	Virginia, \$250,000:
16	Provided, That of the offsetting collections credited to this
17	account, \$71,000 are permanently canceled.
18	FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES,
19	ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MIS-
20	SISSIPPI, MISSOURI, AND TENNESSEE
21	For expenses necessary for prosecuting work of flood
22	control, and rescue work, repair, restoration, or mainte-
23	nance of flood control projects threatened or destroyed by
24	flood, as authorized by law (33 U.S.C. 702a, 702g-1),
25	\$334,138,000 <i>\$328,138,000</i> , to remain available until ex-
26	pended, of which \$3,000,000 is provided for the Eastern
	HR 4506 RS

Arkansas Region, Arkansas, project and of which funds
 are provided for the following projects in the amounts speci fied:

4	Eastern Arkansas Region, Arkansas, \$3,000,000;
5	Yazoo Basin, Mississippi, Upper Yazoo Projects,
6	Belzoni Bridge Removal, \$640,000; and
7	

7 Tiptonville, Tennessee, Levee Extension, Mis8 sissippi River Levees, \$1,000,000.

9 OPERATION AND MAINTENANCE, GENERAL

10 For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, 11 12 flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels 13 provided by a State, municipality or other public agency, 14 outside of harbor lines, and serving essential needs of gen-15 eral commerce and navigation; surveys and charting of 16 northern and northwestern lakes and connecting waters; 17 18 clearing and straightening channels; and removal of obstructions to navigation, \$1,646,535,000 \$1,631,434,000, 19 to remain available until expended, of which such sums 20 as become available in the Harbor Maintenance Trust 21 Fund, pursuant to Public Law 99–662, may be derived 22 from that fund, and of which \$37,000,000 shall be for 23 construction, operation, and maintenance of outdoor recre-24 ation facilities, to be derived from the special account es-25 tablished by the Land and Water Conservation Act of 26 HR 4506 RS

3	specified:
4	Tucson Diversion Channel, Arizona,
5	\$2,500,000;
6	Jeffersonville-Clarksville, Indiana, \$750,000;
7	McAlpine Lock and Dam (Ohio River Locks
8	and Dams), Kentucky, \$1,000,000; and
9	Raystown Lake, Pennsylvania, \$5,330,000
10	Tucson Diversion Channel, Arizona, \$2,500,000;
11	and
12	John H. Kerr Reservoir, Virginia and North
13	Carolina (Mosquito Control), \$40,000:
14	Provided, That not to exceed \$7,000,000 shall be available
15	for obligation for national emergency preparedness pro-
16	grams: Provided further, That of the offsetting collections
17	credited to this account, \$1,000 are permanently canceled.
18	Provided further, That the Secretary of the Army is directed
19	during fiscal year 1995 to maintain a minimum conserva-
20	tion pool level of 475.5 at Wister Lake in Oklahoma.
21	REGULATORY PROGRAM
22	For expenses necessary for administration of laws
23	pertaining to regulation of navigable waters and wetlands,
24	\$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, \$14,979,000, to remain available
 until expended: *Provided*, That of the offsetting collections

credited to this account, \$5,000 are permanently canceled.

OIL SPILL RESEARCH

9 For expenses necessary to carry out the purposes of 10 the Oil Spill Liability Trust Fund, pursuant to title VII 11 of the Oil Pollution Act of 1990, \$625,000 *\$900,000*, to 12 be derived from the Fund and to remain available until 13 expended.

14

7

8

GENERAL EXPENSES

15 For expenses necessary for general administration and related functions in the Office of the Chief of Engi-16 neers and offices of the Division Engineers; activities of 17 the Coastal Engineering Research Board, the Humphreys 18 19 Engineer Center Support Activity, and the Water Resources Support Center, \$152,500,000 \$156,255,000, to 20 remain available until expended: Provided, That not to ex-21 22 ceed \$56,480,000 *\$59,280,000* of the funds provided in 23 this Act shall be available for general administration and 24 related functions in the Office of the Chief of Engineers: Provided further, That no part of any other appropriation 25 26 provided in title I of this Act shall be available to fund

the activities of the Office of the Chief of Engineers or 1 the Division Offices Provided further, That no part of any 2 other appropriation provided in title I of this Act shall be 3 available to fund the activities of the Office of the Chief 4 5 of Engineers or the executive direction and management activities of the Division Offices, except that activities con-6 7 ducted under the authority of 33 U.S.C. 702a and 702g-1 will be funded by the Flood Control, Mississippi River 8 and Tributaries account. 9 10 PERMANENT APPROPRIATIONS Amounts otherwise available for obligation in fiscal 11

12 year 1995 are reduced by \$4,000.

13 RIVERS AND HARBORS CONTRIBUTED FUNDS

Amounts otherwise available for obligation in fiscalyear 1995 are reduced by \$16,000.

16 ADMINISTRATIVE PROVISIONS

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.

- 21 *GENERAL PROVISION*
- 22 Corps of Engineers—Civil

SEC. 101. In fiscal year 1995, the Secretary 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.

1	Notwithstanding the provisions of this section, the Sec-
2	retary is authorized to use the dredge fleet of the Corps of
3	Engineers to undertake projects when industry does not per-
4	form as required by the contract specifications or when the
5	bids are more than 25 percent in excess of what the Sec-
6	retary determines to be a fair and reasonable estimated cost
7	of a well equipped contractor doing the work or to respond
8	to emergency requirements.
9	TITLE II
10	DEPARTMENT OF THE INTERIOR
11	Central Utah Project
12	CENTRAL UTAH PROJECT COMPLETION ACCOUNT
13	For the purpose of carrying out provisions of the
14	Central Utah Project Completion Act, Public Law 102-
15	575 (106 Stat. 4605), \$38,972,000, to remain available
16	until expended, of which \$22,839,000 shall be to carry out
17	the activities authorized under title II of the Act and for
18	feasibility studies of alternatives to the Uintah and Upalco
19	Units, and of which \$16,133,000 shall be deposited into
20	the Utah Reclamation Mitigation and Conservation Ac-
21	count: Provided, That of the amounts deposited into the
22	Account, \$5,000,000 shall be considered the Federal Con-
23	tribution authorized by paragraph 402(b)(2) of the Act

24 and \$11,133,000 shall be available to the Utah Reclama-

tion Mitigation and Conservation Commission to carry out
 the activities authorized under title III of the Act.

In addition, for necessary expenses incurred in carrying out responsibilities of the Secretary of the Interior under the Act, \$1,191,000, to remain available until expended.

7

BUREAU OF RECLAMATION

8 For carrying out the functions of the Bureau of Rec-9 lamation as provided in the Federal reclamation laws (Act 10 of June 17, 1902, 32 Stat. 388, and Acts amendatory 11 thereof or supplementary thereto) and other Acts applica-12 ble to that Bureau as follows:

13

GENERAL INVESTIGATIONS

14 For engineering and economic investigations of proposed Federal reclamation projects and studies of water 15 16 conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, 17 18 financial adjustment, or extension of existing projects, to remain available until expended, \$14,190,000 \$14,340,000: 19 *Provided,* That, of the total appropriated, the amount for 20 21 program activities which can be financed by the reclama-22 tion fund shall be derived from that fund: *Provided fur*ther, That funds contributed by non-Federal entities for 23 purposes similar to this appropriation shall be available 24 for expenditure for the purposes for which contributed as 25

though specifically appropriated for said purposes, and
 such amounts shall remain available until expended.

3 CONSTRUCTION PROGRAM

4

(INCLUDING TRANSFER OF FUNDS)

5 For construction and rehabilitation of projects and parts thereof (including power transmission facilities for 6 7 Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until ex-8 pended, \$432,727,000 \$425,727,000 of which \$23,272,000 9 shall be available for transfer to the Upper Colorado River 10 Basin Fund authorized by section 5 of the Act of April 11 11, 1956 (43 U.S.C. 620d), and \$153,793,000 shall be 12 available for transfer to the Lower Colorado River Basin 13 Development Fund authorized by section 403 of the Act 14 of September 30, 1968 (43 U.S.C. 1543), and such 15 amounts as may be necessary shall be considered as 16 though advanced to the Colorado River Dam Fund for the 17 Boulder Canyon Project as authorized by the Act of De-18 cember 21, 1928, as amended: Provided, That of the total 19 20appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from 21 22 that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River 23 Basin Development Fund may be increased or decreased 24 by transfers within the overall appropriation under this 25 26 heading: Provided further, That funds contributed by non-

Federal entities for purposes similar to this appropriation 1 shall be available for expenditure for the purposes for 2 which contributed as though specifically appropriated for 3 4 said purposes, and such funds shall remain available until expended: Provided further, That no part of the funds 5 herein approved shall be available for construction or oper-6 7 ation of facilities to prevent waters of Lake Powell from entering any national monument: Provided further, That 8 9 all costs of the safety of dams modification work at Coo-10 lidge Dam, San Carlos Irrigation Project, Arizona, performed under the authority of the Reclamation Safety of 11 Dams Act of 1978 (43 U.S.C. 506), as amended, are in 12 addition to the amount authorized in section 5 of said Act. 13 14 OPERATION AND MAINTENANCE

operation and maintenance of reclamation 15 For projects or parts thereof and other facilities, as authorized 16 by law; and for a soil and moisture conservation program 17 on lands under the jurisdiction of the Bureau of Reclama-18 tion, pursuant to law, to remain available until expended, 19 \$286,521,000 \$282,165,000: Provided, That of the total 20 appropriated, the amount for program activities which can 21 22 be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which 23 can be derived from the special fee account established 24 pursuant to the Act of December 22, 1987 (16 U.S.C. 25 460l–6a, as amended), may be derived from that fund: 26 HR 4506 RS

Provided further, That of the total appropriated, such 1 amounts as may be required for replacement work on the 2 Boulder Canyon Project which would require readvances 3 4 to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of 5 the Boulder Canyon Project Adjustment Act of July 19, 6 7 1940 (43 U.S.C. 618d), and such readvances since Octo-8 ber 1, 1984, and in the future shall bear interest at the 9 rate determined pursuant to section 104(a)(5) of Public Law 98–381: Provided further, That funds advanced by 10 water users for operation and maintenance of reclamation 11 projects or parts thereof shall be deposited to the credit 12 13 of this appropriation and may be expended for the same purpose and in the same manner as sums appropriated 14 herein may be expended, and such advances shall remain 15 available until expended: *Provided further*, That revenues 16 in the Upper Colorado River Basin Fund shall be available 17 for performing examination of existing structures on par-18 ticipating projects of the Colorado River Storage Project. 19 20 BUREAU OF RECLAMATION LOANS PROGRAM ACCOUNT

21 and/or grants, For the cost of direct loans 22 \$9,000,000 *\$6,000,000*, to remain available until expended, as authorized by the Small Reclamation Projects 23 Act of August 6, 1956, as amended (43 U.S.C. 422a-24 422l): Provided, That such costs, including the cost of 25 modifying such loans, shall be as defined in section 502 26 HR 4506 RS

of the Congressional Budget Act of 1974: *Provided fur- ther*, That these funds are available to subsidize gross obli gations for the principal amount of direct loans not to ex ceed \$23,000,000 \$20,000,000.

5 In addition, for administrative expenses necessary to 6 carry out the program for direct loans and/or grants, 7 \$600,000: *Provided*, That of the total sums appropriated, 8 the amount of program activities which can be financed 9 by the reclamation fund shall be derived from the fund. 10 CENTRAL VALLEY PROJECT RESTORATION FUND

11 For carrying out the programs, projects, plans, and 12 habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, to 13 14 remain available until expended, such sums as may be assessed and collected in the Central Valley Project Restora-15 16 tion Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102–575: *Provided*, 17 18 That the Bureau of Reclamation is directed to levy additional mitigation and restoration payments totaling 19 20\$37,232,000 (October 1992 price levels), as authorized by section 3407(d) of Public Law 102–575. 21

22

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, \$54,034,000, of which \$1,400,000 shall
HR 4506 RS

remain available until expended, the total amount to be 1 derived from the reclamation fund 2 and be to nonreimbursable pursuant to the Act of April 19, 1945 3 4 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or 5 functions budgeted for the current fiscal year as general 6 7 administrative expenses.

8

EMERGENCY FUND

9 For an additional amount for the "Emergency fund", 10 as authorized by the Act of June 26, 1948 (43 U.S.C. 11 502), as amended, to remain available until expended for 12 the purposes specified in said Act, \$1,000,000, to be de-13 rived from the reclamation fund.

- 14 SPECIAL FUNDS
- 15

(TRANSFER OF FUNDS)

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

2 Of the offsetting collections credited to this account, 3 \$863,000 are permanently canceled due to reduced GSA 4 rental charges and \$1,848,000 are permanently canceled 5 due to efficiencies in the procurement process.

6 ADMINISTRATIVE PROVISIONS

1

13

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

10TITLE III11DEPARTMENT OF ENERGY

12 ENERGY SUPPLY, RESEARCH AND DEVELOPMENT

Activities

14 For expenses of the Department of Energy activities including the purchase, construction and acquisition of 15 16 plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and develop-17 18 ment activities, and other activities in carrying out the purposes of the Department of Energy Organization Act 19 20 (42 U.S.C. 7101, et seq.), including the acquisition or con-21 demnation of any real property or any facility or for plant 22 or facility acquisition, construction, or expansion; pur-23 chase of passenger motor vehicles (not to exceed 25, of which 19 are for replacement only), $\frac{3,302,170,000}{3,302,170,000}$ 24 \$3,329,728,000, to remain available until expended: Pro-25 vided, That the Secretary of Energy may transfer available 26

amounts appropriated for use by the Department of Energy
 under title III of previously enacted Energy and Water De velopment Appropriations Acts into the Isotope Production
 and Distribution Program Fund, in order to continue iso tope production and distribution activities: Provided fur ther, That the authority to use these amounts appropriated
 is effective from the date of enactment of this Act.

8 URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

9 For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, 10 and acquisition of plant and capital equipment and other 11 expenses incidental thereto necessary for residual uranium 12 13 supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42) 14 15 U.S.C. 7101, et seq.) and the Energy Policy Act (Public Law 102–486, section 901), including the acquisition or 16 condemnation of any real property or any facility or for 17 plant or facility acquisition, construction, or expansion; 18 purchase of electricity as necessary; purchase of passenger 19 motor vehicles (not to exceed 11 for replacement only), 20 \$73,210,000, to remain available until expended: Pro-21 22 *vided*, That revenues received by the Department for resid-23 ual uranium enrichment activities and estimated to total \$9,900,000 in fiscal year 1995, shall be retained and used 24 for the specific purpose of offsetting costs incurred by the 25

Department for such activities notwithstanding the provi sions of section 3302(b) of title 31, United States Code:
 Provided further, That the sum herein appropriated shall
 be reduced as revenues are received during fiscal year
 1995 so as to result in a final fiscal year 1995 appropria tion estimated at not more than \$63,310,000.

7 URANIUM ENRICHMENT DECONTAMINATION AND 8 DECOMMISSIONING FUND

9 For necessary expenses in carrying out uranium en-10 richment facility decontamination and decommissioning, remedial actions and other activities of title II of the 11 Atomic Energy Act of 1954 and title X, subtitle A of the 12 Energy Policy Act of 1992, \$301,327,000 to be derived 13 from the fund, to remain available until expended: Pro-14 15 vided, That at least \$41,700,000 of amounts derived from the fund for such expenses shall be expended in accordance 16 17 with title X, subtitle A of the Energy Policy Act of 1992.

18 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 prop-

erty or facility or for plant or facility acquisition, construc-1 tion, or expansion; purchase of passenger motor vehicles 2 (not to exceed 12 for replacement only), \$989,031,000 3 4 \$973,632,000, to remain available until expended: Provided, That none of the funds made available under this 5 section for Department of Energy facilities may be obli-6 7 gated or expended for food, beverages, receptions, parties, country club fees, plants or flowers pursuant to any cost-8 9 reimbursable contract: Provided further, That of the amounts previously appropriated to orderly terminate the 10 Superconducting Super Collider (SSC) project in the En-11 ergy and Water Development Appropriations Act, 1994, 12 amounts not to exceed \$65,000,000 shall be available as a 13 one-time contribution to the completion, with modification, 14 15 of partially completed facilities at the project site if the Secretary determines such one-time contribution (i) will assist 16 the maximization of the value of the investment made in 17 the facilities and (ii) is in furtherance of a settlement of 18 the claims that the State of Texas has asserted against the 19 20 United States in connection with the termination of the 21 SSC project: Provided further, That no such amounts shall 22 be made available as a contribution to operating expenses of such facilities. 23

NUCLEAR WASTE DISPOSAL FUND

2 For the nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, includ-3 ing the acquisition of real property or facility construction 4 or expansion, \$304,800,000 \$402,800,000, to remain avail-5 able until expended, to be derived from the Nuclear Waste 6 7 Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the 8 9 account, the Secretary shall exercise her authority pursuant to section 302(e)(5) of said Act to issue obligations 10 to the Secretary of the Treasury: *Provided*, That of the 11 amount herein appropriated, within available funds, not 12 to exceed \$6,000,000 \$5,500,000 may be provided to the 13 State of Nevada, for the sole purpose of conduct of its 14 15 scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as 16 amended: *Provided further*, That of the amount herein ap-17 propriated, not more than \$8,500,000 *\$7,000,000* may be 18 provided to affected local governments, as defined in the 19 20 Act, to conduct appropriate activities pursuant to the Act. 21 Provided further, That the distribution of the funds herein 22 provided among the affected units of local government shall be determined by the Department of Energy and made 23 available to the State and affected units of local government 24 by direct payment: Provided further, That within ninety 25

1

days of the completion of each Federal fiscal year, each 1 State or local entity shall provide certification to the De-2 partment of Energy, that all funds expended from such 3 payments have been expended for activities as defined in 4 Public Law 97–425, as amended. Failure to provide such 5 certification shall cause such entity to be prohibited from 6 7 any further funding provided for similar activities: Provided further, That none of the funds herein appropriated 8 9 may be used directly or indirectly to influence legislative 10 action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in sec-11 tion 1913 of title 18, United States Code: Provided fur-12 13 *ther,* That none of the funds herein appropriated may be used for litigation expenses: *Provided further*, That none 14 of the funds herein appropriated may be used to support 15 multistate efforts or other coalition building activities in-16 consistent with the restrictions contained in this Act. 17

18 ISOTOPE PRODUCTION AND DISTRIBUTION PROGRAM

19

Fund

For Department of Energy expenses for isotope production and distribution activities, \$11,600,000, to remain
available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

2

1

WEAPONS ACTIVITIES

3 For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital 4 5 equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out 6 7 the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition 8 9 or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; 10 and the purchase of passenger motor vehicles (not to ex-11 ceed 104, of which 103 are for replacement only, including 12 22 police-type vehicles), \$3,201,369,000 to remain avail 13 able until expended, of which \$20,765,000 shall be avail-14 able only for program activities at the University of Roch-15 ester, Rochester, New York; and \$8,750,000 shall be 16 available only for program activities at the Naval Research 17 Columbia Laboratory, Washington, **District** θf 18 *\$3,251,268,000, to remain available until expended.* 19

20 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE

21

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 1 of the Department of Energy Organization Act (42 U.S.C. 2 3 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility 4 acquisition, construction, or expansion; and the purchase 5 of passenger motor vehicles (not to exceed 87 of which 6 7 67 are for replacement only including 6 police-type vehi-8 cles), \$5,128,211,000 *\$5,083,691,000*, to remain available until expended:-Provided, That funds previously made 9 10 available under this head in the Energy and Water Development Appropriations Act, 1992, to assist the State of 11 12 New Mexico and affected local governments in mitigating the impacts of the Waste Isolation Pilot Plant are avail-13 able for any authorized purposes under this head. 14

15 MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

For Department of Energy expenses, including the 16 purchase, construction and acquisition of plant and capital 17 equipment and other incidental expenses necessary for 18 atomic energy defense materials support, and other de-19 20 fense activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et 21 22 seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisi-23 expansion, 24 tion. construction, \$1,842,204,000 or *\$1,865,910,000*, to remain available until expended. 25

29

1

DEFENSE NUCLEAR WASTE DISPOSAL

2 For nuclear waste disposal activities to carry out the 3 purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or 4 expansion, \$129,430,000, to remain available until ex-5 pended, all of which shall be used in accordance with the 6 7 terms and conditions of the Nuclear Waste Fund appropriation of the Department of Energy contained in this 8 9 title.

10 DEPARTMENTAL ADMINISTRATION

11 For salaries and expenses of the Department of Energy necessary for Departmental Administration and other 12 activities in carrying out the purposes of the Department 13 of Energy Organization Act (42 U.S.C. 7101, et seq.), in-14 15 cluding the hire of passenger motor vehicles and official reception and representation expenses (not to exceed 16 \$35,000), \$407,312,000, to remain available until ex-17 pended, plus such additional amounts as necessary to 18 cover increases in the estimated amount of cost of work 19 20 for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): Provided, That such 21 increases in cost of work are offset by revenue increases 22 23 of the same or greater amount, to remain available until expended: Provided further, That moneys received by the 24 25 Department for miscellaneous revenues estimated to total

\$161,490,000 in fiscal year 1995 may be retained and 1 2 used for operating expenses within this account, and may 3 remain available until expended, as authorized by section 4 201 of Public Law 95–238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided* 5 *further*, That the sum herein appropriated shall be reduced 6 by the amount of miscellaneous revenues received during 7 fiscal year 1995 so as to result in a final fiscal year 1995 8 9 appropriation estimated at not more than \$245,822,000.

10 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, \$26,465,000, to remain
available until expended.

15 Power Marketing Administrations16 Operation and Maintenance, Alaska Power

17

For necessary expenses of operation and maintenance
of projects in Alaska and of marketing electric power and
energy, \$6,494,000, to remain available until expended.

ADMINISTRATION

21 BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the purchase, operation and maintenance of two rotary-wing aircraft for replacement only, and for official reception and representation expenses in an
 amount not to exceed \$3,000.

3 During fiscal year 1995, no new direct loan obliga-4 tions may be made.

5 Amounts otherwise available for obligation in fiscal 6 year 1995 are reduced by \$485,000.

7 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER

8 Administration

9 For necessary expenses of operation and maintenance 10 of power transmission facilities and of marketing electric 11 power and energy pursuant to the provisions of section 12 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as 13 applied to the southeastern power area, \$22,431,000, to 14 remain available until expended.

15 OPERATION AND MAINTENANCE, SOUTHWESTERN

16

POWER ADMINISTRATION

17 For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric 18 19 power and energy, and for construction and acquisition of 20 transmission lines, substations and appurtenant facilities, 21 and for administrative expenses, including official reception and representation expenses in an amount not to ex-22 ceed \$1,500 connected therewith, in carrying out the pro-23 24 visions of section 5 of the Flood Control Act of 1944 (16 25 U.S.C. 825s), as applied to the southwestern power area,

\$21,316,000, to remain available until expended; in addi tion, notwithstanding the provisions of 31 U.S.C. 3302,
 not to exceed \$3,935,000 in reimbursements, to remain
 available until expended.

5 CONSTRUCTION, REHABILITATION, OPERATION AND
6 MAINTENANCE, WESTERN AREA POWER ADMINIS7 TRATION

8 (INCLUDING TRANSFER OF FUNDS)

9 For carrying out the functions authorized by title III, 10 section 302(a)(1)(E) of the Act of August 4, 1977 (42) U.S.C. 7101, et seq.), and other related activities includ-11 ing conservation and renewable resources programs as au-12 thorized, including official reception and representation 13 exceed 14 in an amount not to *§*1,500, expenses 15 \$224,085,000 *\$222,285,000*, to remain available until expended, of which \$202,512,000 shall be derived from the 16 Department of the Interior Reclamation Fund: *Provided*, 17 That of the amount herein appropriated, within available 18 funds, \$5,135,000 is for deposit into the Utah Reclama-19 tion Mitigation and Conservation Account pursuant to 20 title IV of the Reclamation Projects Authorization and Ad-21 justment Act of 1992: Provided further, That the Sec-22 retary of the Treasury is authorized to transfer from the 23 Colorado River Dam Fund to the Western Area Power Ad-24 25 ministration \$7,472,000, 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 ex pended.

5 FEDERAL ENERGY REGULATORY COMMISSION 6 SALARIES AND EXPENSES

7 For necessary expenses of the Federal Energy Regu-8 latory Commission to carry out the provisions of the De-9 partment of Energy Organization Act (42 U.S.C. 7101, 10 et seq.), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; offi-11 cial reception and representation expenses (not to exceed 12 13 \$3,000); \$166,173,000, to remain available until expended: *Provided*, That notwithstanding any other provi-14 15 sion of law, not to exceed \$166,173,000 of revenues from fees and annual charges, and other services and collections 16 in fiscal year 1995, shall be retained and used for nec-17 essary expenses in this account, and shall remain available 18 until expended: *Provided further*, That the sum herein ap-19 propriated shall be reduced as revenues are received dur-20 ing fiscal year 1995, so as to result in a final fiscal year 21 22 1995 appropriation estimated at not more than \$0.

	34
1	TITLE IV
2	INDEPENDENT AGENCIES
3	APPALACHIAN REGIONAL COMMISSION
4	For expenses necessary to carry out the programs au-
5	thorized by the Appalachian Regional Development Act of
6	1965, as amended, notwithstanding section 405 of said
7	Act, and for necessary expenses for the Federal Co-Chair-
8	man and the alternate on the Appalachian Regional Com-
9	mission and for payment of the Federal share of the ad-
10	ministrative expenses of the Commission, including serv-
11	ices as authorized by section 3109 of title 5, United States
12	Code, and hire of passenger motor vehicles, to remain
13	available until expended, \$187,000,000 <i>\$287,000,000</i> .
14	DEFENSE NUCLEAR FACILITIES SAFETY
15	BOARD
16	SALARIES AND EXPENSES
17	For necessary expenses of the Defense Nuclear Fa-
18	cilities Safety Board in carrying out activities authorized
19	by the Atomic Energy Act of 1954, as amended by Public
20	Law 100-456, section 1441, \$17,933,000, to remain
21	available until expended.
22	DELAWARE RIVER BASIN COMMISSION
23	SALARIES AND EXPENSES
24	For expenses necessary to carry out the functions of
25	the United States member of the Delaware River Basin

Commission, as authorized by law (75 Stat. 716),
 \$343,000.
 CONTRIBUTION TO DELAWARE RIVER BASIN

4

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.

8 INTERSTATE COMMISSION ON THE POTOMAC9 RIVER BASIN

10 CONTRIBUTION TO INTERSTATE COMMISSION ON THE

11 POTOMAC RIVER BASIN

12 To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac 13 River Basin the Federal contribution toward the expenses 14 of the Commission during the current fiscal year in the 15 administration of its business in the conservancy district 16 established pursuant to the Act of July 11, 1940 (54 Stat. 17 748), as amended by the Act of September 25, 1970 (Pub-18 lic Law 91–407), \$511,000. 19

20 NUCLEAR REGULATORY COMMISSION

21 SALARIES AND EXPENSES

22 (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 1 authorized by section 3109 of title 5, United States Code; 2 3 publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official represen-4 tation expenses (not to exceed \$20,000); reimbursements 5 to the General Services Administration for security guard 6 7 services; hire of passenger motor vehicles and aircraft, \$540,501,000 \$535,501,000, to remain available until ex-8 9 pended, of which \$22,000,000 shall be derived from the Nuclear Waste Fund: Provided, That from this appropria-10 tion, transfer of sums may be made to other agencies of 11 the Government for the performance of the work for which 12 this appropriation is made, and in such cases the sums 13 so transferred may be merged with the appropriation to 14 15 which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety re-16 17 search program, services rendered to foreign governments and international organizations, and the material and in-18 19 formation access authorization programs, including crimi-20 nal history checks under section 149 of the Atomic Energy Act of 1954, as amended, may be retained and used for 21 22 salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, 23 24 United States Code, and shall remain available until expended: Provided further, That revenues from licensing 25

fees, inspection services, and other services and collections 1 estimated at \$518,501,000 \$513,501,000 in fiscal year 2 3 1995 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions 4 of section 3302 of title 31, United States Code, and shall 5 remain available until expended: *Provided further*, That 6 the sum herein appropriated shall be reduced by the 7 8 amount of revenues received during fiscal year 1995 from 9 licensing fees, inspection services and other services and 10 collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered 11 to foreign governments and international organizations, 12 and the material and information access authorization 13 programs, so as to result in a final fiscal year 1995 appro-14 15 priation estimated at not more than \$22,000,000.

16 OFFICE OF INSPECTOR GENERAL

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses of the Office of Inspector 19 General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services au-20 thorized by section 3109 of title 5, United States Code, 21 22 \$5,080,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may 23 24 be transferred from Salaries and Expenses, Nuclear Regulatory Commission: Provided, That notice of such trans-25

fers shall be given to the Committees on Appropriations 1 of the House and Senate: *Provided further*. That from this 2 appropriation, transfers of sums may be made to other 3 4 agencies of the Government for the performance of the work for which this appropriation is made, and in such 5 cases the sums so transferred may be merged with the 6 7 appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other 8 services and collections shall be retained and used for nec-9 essary salaries and expenses in this account, notwithstand-10 ing the provisions of section 3302 of title 31, United 11 States Code, and shall remain available until expended: 12 Provided further, That the sum herein appropriated shall 13 be reduced by the amount of revenues received during fis-14 15 cal year 1995 from licensing fees, inspection services, and other services and collections, so as to result in a final 16 fiscal year 1995 appropriation estimated at not more than 17 **\$0**. 18

19 NUCLEAR WASTE TECHNICAL REVIEW BOARD

20 SALARIES AND EXPENSES

21 (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100– 24 203, section 5051, \$2,664,000, to be transferred from the Nuclear Waste Fund and to remain available until ex pended.

3 OFFICE OF THE NUCLEAR WASTE NEGOTIATOR 4 SALARIES AND EXPENSES

5 For necessary expenses of the office of the Nuclear 6 Waste Negotiator in carrying out activities authorized by 7 the Nuclear Waste Policy Act of 1982, as amended by 8 Public Law 102–486, section 802, \$1,000,000 to be de-9 rived from the Nuclear Waste Fund and to remain avail-10 able 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.

17 CONTRIBUTION TO SUSQUEHANNA RIVER BASIN

18 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.

	40
1	TENNESSEE VALLEY AUTHORITY
2	Tennessee Valley Authority Fund
3	For the purpose of carrying out the provisions of the
4	Tennessee Valley Authority Act of 1933, as amended (16
5	U.S.C. ch. 12A), including purchase, hire, maintenance,
6	and operation of aircraft, and purchase and hire of pas-
7	senger motor vehicles, \$136,856,000 \$142,873,000, to re-
8	main available until expended.
9	TITLE V—GENERAL PROVISIONS
10	PURCHASE OF AMERICAN-MADE EQUIPMENT AND
11	PRODUCTS
12	SEC. 501. (a) SENSE OF CONGRESS.—It is the sense
13	of the Congress that, to the greatest extent practicable,
14	all equipment and products purchased with funds made
15	available in this Act should be American-made.
16	(b) NOTICE REQUIREMENT.—In providing financial
17	assistance to, or entering into any contract with, any en-
18	tity using funds made available in this Act, the head of
19	each Federal agency, to the greatest extent practicable,
20	shall provide to such entity a notice describing the state-
21	ment made in subsection (a) by the Congress.
22	This Act may be cited as the "Energy and Water De-
23	velopment Appropriations Act, 1995".

Passed the House of Representatives June 14, 1994. Attest: DONNALD K. ANDERSON, *Clerk.*

- HR 4506 RS—2 HR 4506 RS—3
- HR 4506 RS-4

Calendar No. 484

^{103d} CONGRESS H. R. 4506

[Report No. 103-291]

AN ACT

Making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes.

JUNE 15 (legislative day, JUNE 7), 1994

Received; read twice and referred to the Committee on Appropriations

JUNE 23 (legislative day, JUNE 7), 1994 Reported with amendments