

Calendar No. 496

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1959**

[Report No. 104-320]

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## **A BILL**

Making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes.

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JULY 16, 1996

Read twice and placed on the calendar

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IN THE SENATE OF THE UNITED STATES

JULY 16, 1996

Mr. DOMENICI, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

Making appropriations for energy and water development for the fiscal year ending September 30, 1997, 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, 1997, for energy and  
6       water development, and for other purposes, namely:

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

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

11 GENERAL INVESTIGATIONS

12 For expenses necessary for the collection and study  
13 of basic information pertaining to river and harbor, flood  
14 control, shore protection, and related projects, restudy of  
15 authorized projects, miscellaneous investigations, and,  
16 when authorized by laws, surveys and detailed studies and  
17 plans and specifications of projects prior to construction,  
18 \$154,557,000, to remain available until expended, of  
19 which funds are provided for the following projects in the  
20 amounts specified:

21 Coastal Studies Navigation Improvements,  
22 Alaska, \$500,000;

23 Red River Navigation, Southwest, Arkansas,  
24 \$600,000;

25 Barnegat Inlet to Little Egg Harbor Inlet, New  
26 Jersey, \$300,000;

1 South Shore of Staten Island, New York,  
2 \$300,000; and

3 Rhode Island South Coast, Habitat Restoration  
4 and Storm Damage Reduction, Rhode Island,  
5 \$300,000.

6 CONSTRUCTION, GENERAL

7 For the prosecution of river and harbor, flood control,  
8 shore protection, and related projects authorized by laws;  
9 and detailed studies, and plans and specifications, of  
10 projects (including those for development with participa-  
11 tion or under consideration for participation by States,  
12 local governments, or private groups) authorized or made  
13 eligible for selection by law (but such studies shall not con-  
14 stitute a commitment of the Government to construction),  
15 \$1,024,195,000, to remain available until expended, of  
16 which such sums as are necessary pursuant to Public Law  
17 99-662 shall be derived from the Inland Waterways Trust  
18 Fund, for one-half of the costs of construction and reha-  
19 bilitation of inland waterways projects, including construc-  
20 tion costs for Montgomery Point Lock and Dam, Arkan-  
21 sas, and rehabilitation costs for the Lock and Dam 25,  
22 Mississippi River, Illinois and Missouri, Lock and Dam  
23 14, Mississippi River, Iowa, and Lock and Dam 24, Mis-  
24 sissippi River, Illinois and Missouri, projects, and of which  
25 funds are provided for the following projects in the  
26 amounts specified:

- 1           Larsen Bay Harbor, Alaska, \$2,000,000;  
2           Ouzinkie Harbor, Alaska, \$2,000,000;  
3           Valdez Harbor, Alaska, Intertidal Water Reten-  
4           tion, \$1,000,000;  
5           Red River Emergency Bank Protection, Arkan-  
6           sas, \$6,000,000;  
7           Indianapolis Central Waterfront, Indiana,  
8           \$2,000,000;  
9           Harlan (Levisa and Tug Forks of the Big  
10          Sandy River and Upper Cumberland River), Ken-  
11          tucky, \$10,000,000;  
12          Williamsburg (Levisa and Tug Forks of the Big  
13          Sandy River and Upper Cumberland River), Ken-  
14          tucky, \$4,700,000;  
15          Middlesboro (Levisa and Tug Forks of the Big  
16          Sandy River and Upper Cumberland River), Ken-  
17          tucky, \$4,000,000;  
18          Pike County (Levisa and Tug Forks of the Big  
19          Sandy River and Upper Cumberland River), Ken-  
20          tucky, \$3,000,000;  
21          Ouachita River Levees, Louisiana, \$2,600,000;  
22          Lake Pontchartrain and Vicinity, Louisiana,  
23          \$18,525,000;  
24          Lake Pontchartrain (Jefferson Parish)  
25          Stormwater Discharge, Louisiana, \$3,500,000;

1           Red River Emergency Bank Protection, Louisi-  
2           ana, \$4,400,000;  
3           Red River Chloride Control, Texas, \$4,500,000;  
4           Wallisville Lake, Texas, \$5,000,000;  
5           Richmond Filtration Plant, Virginia,  
6           \$3,500,000;  
7           Virginia Beach, Virginia, Hurricane Protection,  
8           \$6,000,000;  
9           Hatfield Bottom (Levisa and Tug Forks of the  
10          Big Sandy River and Upper Cumberland River),  
11          West Virginia, \$1,600,000;  
12          Lower Mingo (Kermit) (Levisa and Tug Forks  
13          of the Big Sandy River and Upper Cumberland  
14          River), \$4,200,000;  
15          Lower Mingo, West Virginia, Tributaries Sup-  
16          plement, \$105,000; and  
17          Upper Mingo County (Levisa and Tug Forks of  
18          the Big Sandy River and Upper Cumberland River),  
19          West Virginia, \$4,000,000: *Provided*, That of the  
20          funds provided for the Red River Waterway, Mis-  
21          sissippi River to Shreveport, Louisiana, project,  
22          \$3,000,000 is provided, to remain available until ex-  
23          pended, for design and construction of a regional  
24          visitor center in the vicinity of Shreveport, Louisiana  
25          at full Federal expense.

1 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBU-  
2 TARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISI-  
3 ANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

4 For expenses necessary for prosecuting work of flood  
5 control, and rescue work, repair, restoration, or mainte-  
6 nance of flood control projects threatened or destroyed by  
7 flood, as authorized by law (33 U.S.C. 702a, 702g-1),  
8 \$312,513,000, to remain available until expended: *Pro-*  
9 *vided*, That the President of the Mississippi River Com-  
10 mission is directed henceforth to use the variable cost re-  
11 covery rate set forth in OMB Circular A-126 for use of  
12 the Commission aircraft authorized by the Flood Control  
13 Act of 1946, Public Law 526.

14 OPERATION AND MAINTENANCE, GENERAL

15 For expenses necessary for the preservation, oper-  
16 ation, maintenance, and care of existing river and harbor,  
17 flood control, and related works, including such sums as  
18 may be necessary for the maintenance of harbor channels  
19 provided by a State, municipality or other public agency,  
20 outside of harbor lines, and serving essential needs of gen-  
21 eral commerce and navigation; surveys and charting of  
22 northern and northwestern lakes and connecting waters;  
23 clearing and straightening channels; and removal of ob-  
24 structions to navigation, \$1,700,358,000, to remain avail-  
25 able until expended, of which such sums as become avail-  
26 able in the Harbor Maintenance Trust Fund, pursuant to

1 Public Law 99–662, may be derived from that fund, and  
2 of which such sums as become available from the special  
3 account established by the Land and Water Conservation  
4 Act of 1965, as amended (16 U.S.C. 4601), may be derived  
5 from that fund for construction, operation, and mainte-  
6 nance of outdoor recreation facilities: *Provided*, That the  
7 Secretary of the Army is directed to design and implement  
8 at full Federal expense an early flood warning system for  
9 the Greenbrier and Cheat River Basins, West Virginia  
10 within eighteen months from the date of enactment of this  
11 Act: *Provided further*, That the Secretary of the Army is  
12 directed during fiscal year 1997 to maintain a minimum  
13 conservation pool level of 475.5 at Wister Lake in Okla-  
14 homa: *Provided further*, That no funds, whether appro-  
15 priated, contributed, or otherwise provided, shall be avail-  
16 able to the United States Army Corps of Engineers for  
17 the purpose of acquiring land in Jasper County, South  
18 Carolina, in connection with the Savannah Harbor naviga-  
19 tion project.

20 REGULATORY PROGRAM

21 For expenses necessary for administration of laws  
22 pertaining to regulation of navigable waters and wetlands,  
23 \$101,000,000, to remain available until expended.

24 FLOOD CONTROL AND COASTAL EMERGENCIES

25 For expenses necessary for emergency flood control,  
26 hurricane, and shore protection activities, as authorized

1 by section 5 of the Flood Control Act approved August  
2 18, 1941, as amended, \$10,000,000, to remain available  
3 until expended.

#### 4 GENERAL EXPENSES

5 For expenses necessary for general administration  
6 and related functions in the Office of the Chief of Engi-  
7 neers and offices of the Division Engineers; activities of  
8 the Coastal Engineering Research Board, the Humphreys  
9 Engineer Center Support Activity, the Engineering Stra-  
10 tegic Studies Center, and the Water Resources Support  
11 Center, and for costs of implementing the Secretary of the  
12 Army's plan to reduce the number of division offices as  
13 directed in title I, Public Law 104-46, \$153,000,000, to  
14 remain available until expended: *Provided*, That no part  
15 of any other appropriation provided in title I of this Act  
16 shall be available to fund the activities of the Office of  
17 the Chief of Engineers or the executive direction and man-  
18 agement activities of the Division Offices: *Provided fur-*  
19 *ther*, That the Secretary of the Army may not obligate any  
20 funds available to the Department of the Army for the  
21 closure of the Pacific Ocean Division Office of the Army  
22 Corps of Engineers.

#### 23 ADMINISTRATIVE PROVISIONS

24 Appropriations in this title shall be available for offi-  
25 cial reception and representation expenses (not to exceed  
26 \$5,000); and during the current fiscal year the revolving

1 fund, Corps of Engineers, shall be available for purchase  
2 (not to exceed 100 for replacement only) and hire of pas-  
3 senger motor vehicles.

4 GENERAL PROVISIONS

5 SEC. 101. The flood control project for Arkansas  
6 City, Kansas authorized by section 401(a) of the Water  
7 Resources Development Act of 1986 (Public Law 99-662,  
8 100 Stat. 4116) is modified to authorize the Secretary of  
9 the Army to construct the project at a total cost of  
10 \$38,500,000, with an estimated first Federal cost of  
11 \$19,250,000 and an estimated first non-Federal cost of  
12 \$19,250,000.

13 SEC. 102. Funds previously provided under the Fiscal  
14 Year 1993 Energy and Water Development Act, Public  
15 Law 102-377, for the Elk Creek Dam, Oregon project,  
16 are hereby made available to plan and implement long  
17 term management measures at Elk Creek Dam to main-  
18 tain the project in an uncompleted state and to take nec-  
19 essary steps to provide passive fish passage through the  
20 project.

21 SEC. 103. The flood control project for Moorefield,  
22 West Virginia, authorized by section 101(a)(25) of the  
23 Water Resources Development Act of 1990 (Public Law  
24 101-640, 104 Stat. 4610) is modified to authorize the  
25 Secretary of the Army to construct the project at a total  
26 cost of \$26,200,000, with an estimated first Federal cost

1 of \$20,300,000 and an estimated first non-Federal cost  
2 of \$5,900,000.

3       SEC. 104. The project for navigation, Grays Landing  
4 Lock and Dam, Monongahela River, Pennsylvania (Lock  
5 and Dam 7 Replacement), authorized by section 301(a)  
6 of the Water Resources Development Act of 1986 (Public  
7 Law 99–662, 100 Stat. 4110) is modified to authorize the  
8 Secretary of the Army to construct the project at a total  
9 cost of \$181,000,000, with an estimated first Federal cost  
10 of \$181,000,000.

11       SEC. 105. From the date of enactment of this Act,  
12 flood control measures implemented under Section 202(a)  
13 of Public Law 96–367 shall prevent future losses that  
14 would occur from a flood equal in magnitude to the April  
15 1977 level by providing protection from the April 1977  
16 level or the 100-year frequency event, whichever is greater.

17       SEC. 106. Notwithstanding any other provision of  
18 law, the Secretary of the Army, acting through the Chief  
19 of Engineers, is authorized to reprogram, obligate and ex-  
20 pend such additional sums as are necessary to continue  
21 construction and cover anticipated contract earnings of  
22 any water resources project that received an appropriation  
23 or allowance for construction in or through an appropria-  
24 tions Act or resolution of the then-current fiscal year or  
25 the two fiscal years immediately prior to that fiscal year,

1 in order to prevent the termination of a contract or the  
2 delay of scheduled work.

3       SEC. 107. (a) In fiscal year 1997, the Secretary of  
4 the Army shall advertise for competitive bid at least  
5 7,500,000 cubic yards of the hooper dredge volume accom-  
6 plished with government owned dredges in fiscal year  
7 1996.

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

16       SEC. 108. The Corps of Engineers is hereby directed  
17 to complete the Charleston Riverfront (Haddad) Park  
18 Project, West Virginia, as described in the design memo-  
19 randum approved November, 1992, on a 50–50 cost-share  
20 basis with the City. The Corps of Engineers shall pay one-  
21 half of all costs for settling contractor claims on the com-  
22 pleted project and for completing the wharf. The Federal  
23 portion of these costs shall be obtained by reprogramming  
24 available Operations & Maintenance funds. The project  
25 cost limitation in the Project Cooperation Agreement shall

1 be increased to reflect the actual costs of the completed  
2 project.

3 TITLE II

4 DEPARTMENT OF THE INTERIOR

5 CENTRAL UTAH PROJECT

6 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

7 For the purpose of carrying out provisions of the  
8 Central Utah Project Completion Act, Public Law 102–  
9 575 (106 Stat. 4605), and for feasibility studies of alter-  
10 natives to the Uintah and Upalco Units, \$42,527,000, to  
11 remain available until expended, of which \$16,700,000  
12 shall be deposited into the Utah Reclamation Mitigation  
13 and Conservation Account: *Provided*, That of the amounts  
14 deposited into the Account, \$5,000,000 shall be considered  
15 the Federal contribution authorized by paragraph  
16 402(b)(2) of the Act and \$11,700,000 shall be available  
17 to the Utah Reclamation Mitigation and Conservation  
18 Commission to carry out activities authorized under the  
19 Act.

20 In addition, for necessary expenses incurred in carry-  
21 ing out responsibilities of the Secretary of the Interior  
22 under the Act, \$1,100,000, to remain available until ex-  
23 pended.

## 1 BUREAU OF RECLAMATION

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

## 7 GENERAL INVESTIGATIONS

8 For engineering and economic investigations of pro-  
9 posed Federal reclamation projects and studies of water  
10 conservation and development plans and activities prelimi-  
11 nary to the reconstruction, rehabilitation and betterment,  
12 financial adjustment, or extension of existing projects,  
13 \$18,105,000, to remain available until expended: *Pro-*  
14 *vided*, That of the total appropriated, the amount for pro-  
15 gram activities which can be financed by the reclamation  
16 fund shall be derived from that fund: *Provided further*,  
17 That funds contributed by non-Federal entities for pur-  
18 poses similar to this appropriation shall be available for  
19 expenditure for the purposes for which contributed as  
20 though specifically appropriated for said purposes, and  
21 such amounts shall remain available until expended.

## 22 CONSTRUCTION PROGRAM

23 (INCLUDING TRANSFER OF FUNDS)

24 For construction and rehabilitation of projects and  
25 parts thereof (including power transmission facilities for  
26 Bureau of Reclamation use) and for other related activi-

1 ties as authorized by law, \$410,499,000, to remain avail-  
2 able until expended, of which \$23,410,000 shall be avail-  
3 able for transfer to the Upper Colorado River Basin Fund  
4 authorized by section 5 of the Act of April 11, 1956 (43  
5 U.S.C. 620d), and \$71,728,000 shall be available for  
6 transfer to the Lower Colorado River Basin Development  
7 Fund authorized by section 403 of the Act of September  
8 30, 1968 (43 U.S.C. 1543), and such amounts as may  
9 be necessary shall be considered as though advanced to  
10 the Colorado River Dam Fund for the Boulder Canyon  
11 Project as authorized by the Act of December 21, 1928,  
12 as amended: *Provided*, That of the total appropriated, the  
13 amount for program activities which can be financed by  
14 the reclamation fund shall be derived from that fund: *Pro-*  
15 *vided further*, That transfers to the Upper Colorado River  
16 Basin Fund and Lower Colorado River Basin Develop-  
17 ment Fund may be increased or decreased by transfers  
18 within the overall appropriation under this heading: *Pro-*  
19 *vided further*, That funds contributed by non-Federal enti-  
20 ties for purposes similar to this appropriation shall be  
21 available for expenditure for the purposes for which con-  
22 tributed as though specifically appropriated for said pur-  
23 poses, and such funds shall remain available until ex-  
24 pended: *Provided further*, That all costs of the safety of  
25 dams modification work at Coolidge Dam, San Carlos Irri-

1 gation Project, Arizona, performed under the authority of  
2 the Reclamation Safety of Dams Act of 1978 (43 U.S.C.  
3 506), as amended, are in addition to the amount author-  
4 ized in section 5 of said Act: *Provided further*, That section  
5 301 of Public Law 102–250, Reclamation States Emer-  
6 gency Drought Relief Act of 1991, is amended by inserting  
7 “1996, and 1997” in lieu of “and 1996”: *Provided further*,  
8 That the amount authorized by section 210 of Public Law  
9 100–557 (102 Stat. 2791), is amended to \$56,362,000  
10 (October 1996 prices plus or minus cost indexing), and  
11 funds are authorized to be appropriated through the  
12 twelfth fiscal year after conservation funds are first made  
13 available.

14 OPERATION AND MAINTENANCE

15 For operation and maintenance of reclamation  
16 projects or parts thereof and other facilities, as authorized  
17 by law; and for a soil and moisture conservation program  
18 on lands under the jurisdiction of the Bureau of Reclama-  
19 tion, pursuant to law, \$280,876,000, to remain available  
20 until expended: *Provided*, That of the total appropriated,  
21 the amount for program activities which can be financed  
22 by the reclamation fund shall be derived from that fund,  
23 and the amount for program activities which can be de-  
24 rived from the special fee account established pursuant to  
25 the Act of December 22, 1987 (16 U.S.C. 460l–6a, as  
26 amended), may be derived from that fund: *Provided fur-*

1 *ther*, That funds advanced by water users for operation  
2 and maintenance of reclamation projects or parts thereof  
3 shall be deposited to the credit of this appropriation and  
4 may be expended for the same purpose and in the same  
5 manner as sums appropriated herein may be expended,  
6 and such advances shall remain available until expended:  
7 *Provided further*, That revenues in the Upper Colorado  
8 River Basin Fund shall be available for performing exam-  
9 ination of existing structures on participating projects of  
10 the Colorado River Storage Project.

11 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

12 For the cost of direct loans and/or grants,  
13 \$12,290,000, to remain available until expended, as au-  
14 thorized by the Small Reclamation Projects Act of August  
15 6, 1956, as amended (43 U.S.C. 422a-422l): *Provided*,  
16 That such costs, including the cost of modifying such  
17 loans, shall be as defined in section 502 of the Congres-  
18 sional Budget Act of 1974: *Provided further*, That these  
19 funds are available to subsidize gross obligations for the  
20 principal amount of direct loans not to exceed  
21 \$37,000,000.

22 In addition, for administrative expenses necessary to  
23 carry out the program for direct loans and/or grants,  
24 \$425,000: *Provided*, That of the total sums appropriated,  
25 the amount of program activities which can be financed  
26 by the reclamation fund shall be derived from the fund.

## 1           CENTRAL VALLEY PROJECT RESTORATION FUND

2           For carrying out the programs, projects, plans, and  
3 habitat restoration, improvement, and acquisition provi-  
4 sions of the Central Valley Project Improvement Act, such  
5 sums as may be collected in the Central Valley Project  
6 Restoration Fund pursuant to sections 3407(d),  
7 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102-  
8 575, to remain available until expended: *Provided*, That  
9 the Bureau of Reclamation is directed to levy additional  
10 mitigation and restoration payments totaling \$30,000,000  
11 (October 1992 price levels) on a three-year rolling average  
12 basis, as authorized by section 3407(d) of Public Law  
13 102-575.

## 14                           GENERAL ADMINISTRATIVE EXPENSES

15           For necessary expenses of general administration and  
16 related functions in the office of the Commissioner, the  
17 Denver office, and offices in the five regions of the Bureau  
18 of Reclamation, to remain available until expended,  
19 \$48,971,000, to be derived from the reclamation fund and  
20 to be nonreimbursable pursuant to the Act of April 19,  
21 1945 (43 U.S.C. 377): *Provided*, That no part of any  
22 other appropriation in this Act shall be available for activi-  
23 ties or functions budgeted for the current fiscal year as  
24 general administrative expenses.

1                                   SPECIAL FUNDS  
2                                   (TRANSFER OF FUNDS)

3           Sums herein referred to as being derived from the  
4 reclamation fund or special fee account are appropriated  
5 from the special funds in the Treasury created by the Act  
6 of June 17, 1902 (43 U.S.C. 391) or the Act of December  
7 22, 1987 (16 U.S.C. 4601-6a, as amended), respectively.  
8 Such sums shall be transferred, upon request of the Sec-  
9 retary, to be merged with and expended under the heads  
10 herein specified.

11                                 ADMINISTRATIVE PROVISION

12           Appropriations for the Bureau of Reclamation shall  
13 be available for purchase of not to exceed 6 passenger  
14 motor vehicles for replacement only.

15                                   TITLE III  
16                                 DEPARTMENT OF ENERGY  
17                                   ENERGY PROGRAMS

18           ENERGY SUPPLY, RESEARCH AND DEVELOPMENT  
19                                   ACTIVITIES

20           For expenses of the Department of Energy activities  
21 including the purchase, construction and acquisition of  
22 plant and capital equipment and other expenses necessary  
23 for energy supply, research and development activities in  
24 carrying out the purposes of the Department of Energy  
25 Organization Act (42 U.S.C. 7101, et seq.), including the  
26 acquisition or condemnation of any real property or any

1 facility or for plant or facility acquisition, construction, or  
2 expansion; purchase of passenger motor vehicles (not to  
3 exceed 24 for replacement only), \$2,749,043,000, to re-  
4 main available until expended.

5 URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

6 For expenses of the Department of Energy in connec-  
7 tion with operating expenses; the purchase, construction,  
8 and acquisition of plant and capital equipment and other  
9 expenses necessary for uranium supply and enrichment ac-  
10 tivities in carrying out the purposes of the Department  
11 of Energy Organization Act (42 U.S.C. 7101, et seq.) and  
12 the Energy Policy Act (Public Law 102-486, section 901),  
13 including the acquisition or condemnation of any real  
14 property or any facility or for plant or facility acquisition,  
15 construction, or expansion; purchase of electricity as nec-  
16 essary; and the purchase of passenger motor vehicles (not  
17 to exceed 3 for replacement only); \$42,200,000, to remain  
18 available until expended: *Provided*, That revenues received  
19 by the Department for uranium programs and estimated  
20 to total \$42,200,000 in fiscal year 1997 shall be retained  
21 and used for the specific purpose of offsetting costs in-  
22 curred by the Department for such activities notwith-  
23 standing the provisions of 31 U.S.C. 3302(b) and 42  
24 U.S.C. 2296(b)(2): *Provided further*, That the sum herein  
25 appropriated shall be reduced as revenues are received  
26 during fiscal year 1997 so as to result in a final fiscal

1 year 1997 appropriation from the General Fund estimated  
2 at not more than \$0.

3 URANIUM ENRICHMENT DECONTAMINATION AND  
4 DECOMMISSIONING FUND

5 For necessary expenses in carrying out uranium en-  
6 richment facility decontamination and decommissioning,  
7 remedial actions and other activities of title II of the  
8 Atomic Energy Act of 1954 and title X, subtitle A of the  
9 Energy Policy Act of 1992, \$220,200,000, to be derived  
10 from the Fund, to remain available until expended.

11 GENERAL SCIENCE AND RESEARCH ACTIVITIES

12 For expenses of the Department of Energy activities  
13 including the purchase, construction and acquisition of  
14 plant and capital equipment and other expenses necessary  
15 for general science and research activities in carrying out  
16 the purposes of the Department of Energy Organization  
17 Act (42 U.S.C. 7101, et seq.), including the acquisition  
18 or condemnation of any real property or facility or for  
19 plant or facility acquisition, construction, or expansion,  
20 \$1,000,626,000, to remain available until expended.

21 NUCLEAR WASTE DISPOSAL FUND

22 For nuclear waste disposal activities to carry out the  
23 purposes of Public Law 97-425, as amended, including  
24 the acquisition of real property or facility construction or  
25 expansion, \$200,028,000, to remain available until ex-  
26 pended, to be derived from the Nuclear Waste Fund: *Pro-*

1 *vided*, That no later than June 30, 1998, the Secretary  
2 shall provide to the President and to the Congress a viabil-  
3 ity assessment of the Yucca Mountain site. The viability  
4 assessment shall include:

5 (1) the preliminary design concept for the criti-  
6 cal elements for the repository and waste package;

7 (2) a total system performance assessment,  
8 based upon the design concept and the scientific  
9 data and analysis available by June 30, 1998, de-  
10 scribing the probable behavior of the repository in  
11 the Yucca Mountain geological setting relative to the  
12 overall system performance standards;

13 (3) a plan and cost estimate for the remaining  
14 work required to complete a license application; and

15 (4) an estimate of the costs to construct and  
16 operate the repository in accordance with the design  
17 concept.

18 DEPARTMENTAL ADMINISTRATION

19 For salaries and expenses of the Department of En-  
20 ergy necessary for Departmental Administration in carry-  
21 ing out the purposes of the Department of Energy Organi-  
22 zation Act (42 U.S.C. 7101, et seq.), including the hire  
23 of passenger motor vehicles and official reception and rep-  
24 resentation expenses (not to exceed \$35,000),  
25 \$218,017,000, to remain available until expended, plus  
26 such additional amounts as necessary to cover increases

1 in the estimated amount of cost of work for others not-  
2 withstanding the provisions of the Anti-Deficiency Act (31  
3 U.S.C. 1511, et seq.): *Provided*, That such increases in  
4 cost of work are offset by revenue increases of the same  
5 or greater amount, to remain available until expended:  
6 *Provided further*, That moneys received by the Department  
7 for miscellaneous revenues estimated to total  
8 \$125,388,000 in fiscal year 1997 may be retained and  
9 used for operating expenses within this account, and may  
10 remain available until expended, as authorized by section  
11 201 of Public Law 95-238, notwithstanding the provisions  
12 of 31 U.S.C. 3302: *Provided further*, That the sum herein  
13 appropriated shall be reduced by the amount of mis-  
14 cellaneous revenues received during fiscal year 1997 so as  
15 to result in a final fiscal year 1997 appropriation from  
16 the General Fund estimated at not more than  
17 \$92,629,000.

18 OFFICE OF THE INSPECTOR GENERAL

19 For necessary expenses of the Office of the Inspector  
20 General in carrying out the provisions of the Inspector  
21 General Act of 1978, as amended, \$23,103,000, to remain  
22 available until expended.

23 ATOMIC ENERGY DEFENSE ACTIVITIES

24 WEAPONS ACTIVITIES

25 For Department of Energy expenses, including the  
26 purchase, construction and acquisition of plant and capital

1 equipment and other expenses necessary for atomic energy  
2 defense weapons activities in carrying out the purposes of  
3 the Department of Energy Organization Act (42 U.S.C.  
4 7101, et seq.), including the acquisition or condemnation  
5 of any real property or any facility or for plant or facility  
6 acquisition, construction, or expansion; and the purchase  
7 of passenger motor vehicles (not to exceed 94 for replace-  
8 ment only), \$3,978,602,000, to remain available until ex-  
9 pended.

10 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE

11 MANAGEMENT

12 For Department of Energy expenses, including the  
13 purchase, construction and acquisition of plant and capital  
14 equipment and other expenses necessary for atomic energy  
15 defense environmental restoration and waste management  
16 activities in carrying out the purposes of the Department  
17 of Energy Organization Act (42 U.S.C. 7101, et seq.), in-  
18 cluding the acquisition or condemnation of any real prop-  
19 erty or any facility or for plant or facility acquisition, con-  
20 struction, or expansion; and the purchase of passenger  
21 motor vehicles (not to exceed 20, of which 19 are for re-  
22 placement only), \$5,615,210,000, to remain available until  
23 expended: *Provided*, That an additional amount of  
24 \$182,000,000 is available for privatization initiatives.

## 1 OTHER DEFENSE ACTIVITIES

2 For Department of Energy expenses, including the  
3 purchase, construction and acquisition of plant and capital  
4 equipment and other expenses necessary for atomic energy  
5 defense, other defense activities, in carrying out the pur-  
6 poses of the Department of Energy Organization Act (42  
7 U.S.C. 7101, et seq.), including the acquisition or con-  
8 demnation of any real property or any facility or for plant  
9 or facility acquisition, construction, or expansion, and the  
10 purchase of passenger motor vehicles (not to exceed 2 for  
11 replacement only), \$1,606,833,000, to remain available  
12 until expended.

## 13 DEFENSE NUCLEAR WASTE DISPOSAL

14 For nuclear waste disposal activities to carry out the  
15 purposes of Public Law 97-425, as amended, including  
16 the acquisition of real property or facility construction or  
17 expansion, \$200,000,000, to remain available until ex-  
18 pended.

## 19 POWER MARKETING ADMINISTRATIONS

## 20 OPERATION AND MAINTENANCE, ALASKA POWER

## 21 ADMINISTRATION

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



1 remain available until expended; in addition, notwith-  
2 standing the provisions of 31 U.S.C. 3302, not to exceed  
3 \$3,787,000 in reimbursements, to remain available until  
4 expended.

5 CONSTRUCTION, REHABILITATION, OPERATION AND  
6 MAINTENANCE, WESTERN AREA POWER ADMINISTRATION  
7 (INCLUDING TRANSFER OF FUNDS)

8 For carrying out the functions authorized by title III,  
9 section 302(a)(1)(E) of the Act of August 4, 1977 (42  
10 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 expenses in an amount not to exceed \$1,500,  
14 \$201,582,000, to remain available until expended, of  
15 which \$172,378,000 shall be derived from the Department  
16 of the Interior Reclamation Fund: *Provided*, That of the  
17 amount herein appropriated, \$5,432,000 is for deposit  
18 into the Utah Reclamation Mitigation and Conservation  
19 Account pursuant to title IV of the Reclamation Projects  
20 Authorization and Adjustment Act of 1992: *Provided fur-*  
21 *ther*, That the Secretary of the Treasury is authorized to  
22 transfer from the Colorado River Dam Fund to the West-  
23 ern Area Power Administration \$3,774,000 to carry out  
24 the power marketing and transmission activities of the  
25 Boulder Canyon project as provided in section 104(a)(4)

1 of the Hoover Power Plant Act of 1984, to remain avail-  
2 able until expended.

3 FALCON AND AMISTAD OPERATING AND MAINTENANCE  
4 FUND

5 For operation, maintenance, and emergency costs for  
6 the hydroelectric facilities at the Falcon and Amistad  
7 Dams, \$970,000, to remain available until expended, and  
8 to be derived from the Falcon and Amistad Operating and  
9 Maintenance Fund of the Western Area Power Adminis-  
10 tration, as provided in section 423 of the Foreign Rela-  
11 tions Authorization Act, fiscal years 1994 and 1995.

12 FEDERAL ENERGY REGULATORY COMMISSION  
13 SALARIES AND EXPENSES

14 For necessary expenses of the Federal Energy Regu-  
15 latory Commission to carry out the provisions of the De-  
16 partment of Energy Organization Act (42 U.S.C. 7101,  
17 et seq.), including services as authorized by 5 U.S.C.  
18 3109, the hire of passenger motor vehicles, and official  
19 reception and representation expenses (not to exceed  
20 \$3,000), \$146,290,000, to remain available until ex-  
21 pended: *Provided*, That notwithstanding any other provi-  
22 sion of law, not to exceed \$146,290,000 of revenues from  
23 fees and annual charges, and other services and collections  
24 in fiscal year 1997 shall be retained and used for nec-  
25 essary expenses in this account, and shall remain available  
26 until expended: *Provided further*, That the sum herein ap-

1 appropriated shall be reduced as revenues are received dur-  
2 ing fiscal year 1997 so as to result in a final fiscal year  
3 1997 appropriation from the General Fund estimated at  
4 not more than \$0.

#### 5 TITLE IV

#### 6 INDEPENDENT AGENCIES

#### 7 APPALACHIAN REGIONAL COMMISSION

8 For expenses necessary to carry out the programs au-  
9 thorized by the Appalachian Regional Development Act of  
10 1965, as amended, notwithstanding section 405 of said  
11 Act, and for necessary expenses for the Federal Co-Chair-  
12 man and the alternate on the Appalachian Regional Com-  
13 mission and for payment of the Federal share of the ad-  
14 ministrative expenses of the Commission, including serv-  
15 ices as authorized by 5 U.S.C. 3109, and hire of passenger  
16 motor vehicles, \$165,000,000, to remain available until ex-  
17 pended.

#### 18 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

#### 19 SALARIES AND EXPENSES

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

## 1 DELAWARE RIVER BASIN COMMISSION

## 2 CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

3 For payment of the United States share of the cur-  
4 rent expenses of the Delaware River Basin Commission,  
5 as authorized by law (75 Stat. 706, 707), \$500,000.

## 6 INTERSTATE COMMISSION ON THE POTOMAC RIVER

## 7 BASIN

## 8 CONTRIBUTION TO INTERSTATE COMMISSION ON THE

## 9 POTOMAC RIVER BASIN

10 To enable the Secretary of the Treasury to pay in  
11 advance to the Interstate Commission on the Potomac  
12 River Basin the Federal contribution toward the expenses  
13 of the Commission during the current fiscal year in the  
14 administration of its business in the conservancy district  
15 established pursuant to the Act of July 11, 1940 (54 Stat.  
16 748), as amended by the Act of September 25, 1970 (Pub-  
17 lic Law 91-407), \$508,000.

## 18 NUCLEAR REGULATORY COMMISSION

## 19 SALARIES AND EXPENSES

## 20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses of the Commission in carry-  
22 ing out the purposes of the Energy Reorganization Act  
23 of 1974, as amended, and the Atomic Energy Act of 1954,  
24 as amended, including the employment of aliens; services  
25 authorized by 5 U.S.C. 3109; publication and dissemina-  
26 tion of atomic information; purchase, repair, and cleaning

1 of uniforms; official representation expenses (not to exceed  
2 \$20,000); reimbursements to the General Services Admin-  
3 istration for security guard services; hire of passenger  
4 motor vehicles and aircraft, \$471,800,000, to remain  
5 available until expended: *Provided*, That of the amount ap-  
6 propriated herein, \$11,000,000 shall be derived from the  
7 Nuclear Waste Fund, subject to the authorization required  
8 in this bill under the heading, "Nuclear Waste Disposal  
9 Fund": *Provided further*, That from this appropriation,  
10 transfer of sums may be made to other agencies of the  
11 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 which transferred: *Provided further*, That moneys received  
15 by the Commission for the cooperative nuclear safety re-  
16 search program, services rendered to foreign governments  
17 and international organizations, and the material and in-  
18 formation access authorization programs, including crimi-  
19 nal history checks under section 149 of the Atomic Energy  
20 Act may be retained and used for salaries and expenses  
21 associated with those activities, notwithstanding 31 U.S.C.  
22 3302, and shall remain available until expended: *Provided*  
23 *further*, That revenues from licensing fees, inspection serv-  
24 ices, and other services and collections estimated at  
25 \$457,300,000 in fiscal year 1997 shall be retained and

1 used for necessary salaries and expenses in this account,  
2 notwithstanding 31 U.S.C. 3302, and shall remain avail-  
3 able until expended: *Provided further*, That the funds here-  
4 in appropriated for regulatory reviews and other activities  
5 pertaining to waste stored at the Hanford site, Washing-  
6 ton, shall be excluded from license fee revenues, notwith-  
7 standing 42 U.S.C. 2214: *Provided further*, That the sum  
8 herein appropriated shall be reduced by the amount of rev-  
9 enues received during fiscal year 1997 from licensing fees,  
10 inspection services and other services and collections, ex-  
11 cluding those moneys received for the cooperative nuclear  
12 safety research program, services rendered to foreign gov-  
13 ernments and international organizations, and the mate-  
14 rial and information access authorization programs, so as  
15 to result in a final fiscal year 1997 appropriation esti-  
16 mated at not more than \$14,500,000.

17 OFFICE OF INSPECTOR GENERAL

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses of the Office of Inspector  
20 General in carrying out the provisions of the Inspector  
21 General Act of 1978, as amended, including services au-  
22 thorized by 5 U.S.C. 3109, \$5,000,000, to remain avail-  
23 able until expended; and in addition, an amount not to  
24 exceed 5 percent of this sum may be transferred from Sal-  
25 aries and Expenses, Nuclear Regulatory Commission: *Pro-*

1 *vided*, That notice of such transfers shall be given to the  
2 Committees on Appropriations of the House and Senate:  
3 *Provided further*, That from this appropriation, transfers  
4 of sums may be made to other agencies of the Government  
5 for the performance of the work for which this appropria-  
6 tion is made, and in such cases the sums so transferred  
7 may be merged with the appropriation to which trans-  
8 ferred: *Provided further*, That revenues from licensing  
9 fees, inspection services, and other services and collections  
10 shall be retained and used for necessary salaries and ex-  
11 penses in this account, notwithstanding 31 U.S.C. 3302,  
12 and shall remain available until expended: *Provided fur-*  
13 *ther*, That the sum herein appropriated shall be reduced  
14 by the amount of revenues received during fiscal year  
15 1997 from licensing fees, inspection services, and other  
16 services and collections, so as to result in a final fiscal  
17 year 1997 appropriation estimated at not more than \$0.

18           NUCLEAR WASTE TECHNICAL REVIEW BOARD

19                           SALARIES AND EXPENSES

20           For necessary expenses of the Nuclear Waste Tech-  
21 nical Review Board, as authorized by Public Law 100-  
22 203, section 5051, \$2,531,000, to be transferred from the  
23 Nuclear Waste Fund and to remain available until ex-  
24 pended.

1           SUSQUEHANNA RIVER BASIN COMMISSION  
2           CONTRIBUTION TO SUSQUEHANNA RIVER BASIN  
3           COMMISSION

4           For payment of the United States share of the cur-  
5 rent expenses of the Susquehanna River Basin Commis-  
6 sion, as authorized by law (84 Stat. 1530, 1531),  
7 \$300,000.

8           TENNESSEE VALLEY AUTHORITY

9           For the purpose of carrying out the provisions of the  
10 Tennessee Valley Authority Act of 1933, as amended (16  
11 U.S.C. ch. 12A), including hire, maintenance, and oper-  
12 ation of aircraft, and purchase and hire of passenger  
13 motor vehicles, \$113,000,000, to remain available until ex-  
14 pended: *Provided*, That of the funds provided herein, not  
15 more than \$20,000,000 shall be made available for the  
16 Environmental Research Center in Muscle Shoals, Ala-  
17 bama: *Provided further*, That of the funds provided herein,  
18 not more than \$8,000,000 shall be made available for op-  
19 eration, maintenance, improvement, and surveillance of  
20 Land Between the Lakes: *Provided further*, That of the  
21 amount provided herein, not more than \$9,000,000 shall  
22 be available for Economic Development activities: *Pro-*  
23 *vided further*, That none of the funds provided herein,  
24 shall be available for detailed engineering and design or

1 constructing a replacement for Chickamauga Lock and  
2 Dam on the Tennessee River System.

3 TITLE V

4 GENERAL PROVISIONS

5 SEC. 501. (a) PURCHASE OF AMERICAN-MADE EQUIP-  
6 MENT AND PRODUCTS.—It is the sense of the Congress  
7 that, to the greatest extent practicable, all equipment and  
8 products purchased with funds made available in this Act  
9 should be American-made.

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

16 SEC. 502. The Secretary of the Interior shall extend  
17 the construction repayment and water service contracts  
18 for the following projects, entered into by the Secretary  
19 of the Interior under subsections (d) and (e) of section  
20 9 of the Reclamation Project Act of 1939 (43 U.S.C.  
21 485h) and section 9(c) of the Act of December 22, 1944  
22 (58 Stat. 891, chapter 665), for a period of 1 additional  
23 year after the dates on which each of the contracts, respec-  
24 tively, would expire but for this section:

1           (1) The Bostwick District (Kansas portion),  
2           Missouri River Basin Project, consisting of the  
3           project constructed and operated under the Act of  
4           December 22, 1944 (58 Stat. 887, chapter 665), as  
5           a component of the Pick-Sloan Missouri Basin Pro-  
6           gram, situated in Republic County, Jewell County,  
7           and Cloud County, Kansas.

8           (2) The Bostwick District (Nebraska portion),  
9           Missouri River Basin Project, consisting of the  
10          project constructed and operated under the Act of  
11          December 22, 1944 (58 Stat. 887, chapter 665), as  
12          a component of the Pick-Sloan Missouri Basin Pro-  
13          gram, situated in Harlan County, Franklin County,  
14          Webster County, and Nuckolls County, Nebraska.

15          (3) The Frenchman-Cambridge District, Mis-  
16          souri River Basin Project, consisting of the project  
17          constructed and operated under the Act of December  
18          22, 1944 (58 Stat. 887, chapter 665), as a compo-  
19          nent of the Pick-Sloan Missouri Basin Program, sit-  
20          uated in Chase County, Frontier County, Hitchcock  
21          County, Furnas County, and Harlan County, Ne-  
22          braska.

23          SEC. 503. Notwithstanding the provisions of 31  
24          U.S.C., funds made available by this Act to the Depart-  
25          ment of Energy shall be available only for the purposes

1 for which they have been made available by this Act and  
2 only in accordance with the recommendations contained  
3 in this report.

4       SEC. 504. Following section 4(g)(3) of the Northwest  
5 Power Planning and Conservation Act, insert the following  
6 new section:

7       “(4)(g)(4)   INDEPENDENT   SCIENTIFIC   REVIEW  
8 PANEL.—(i) The Northwest Power Planning Council  
9 (Council) shall appoint an Independent Scientific Review  
10 Panel (Panel), which shall be comprised of five members,  
11 to review projects proposed to be funded through that por-  
12 tion of the Bonneville Power Administration’s (BPA) an-  
13 nual fish and wildlife budget that implements the Coun-  
14 cil’s annual fish and wildlife program. Members shall be  
15 appointed from a list submitted by the National Academy  
16 of Sciences, provided that Pacific Northwest scientists  
17 with expertise in Columbia river anadromous and non-  
18 anadromous fish and wildlife and ocean experts shall be  
19 represented on the Panel. The Council shall appoint mem-  
20 bers to the Panel that do not have a financial interest in  
21 the projects to be reviewed, other than any compensation  
22 that may be provided for performing its functions on the  
23 Panel. Panel employees may be compensated and shall be  
24 considered as special government employees subject to 45  
25 CFR 684.10 through 684.22.

1       “(ii) The Panel shall review projects proposed to be  
2 funded through BPA’s annual fish and wildlife budget and  
3 make recommendations on matters related to each project  
4 to the Council. Project recommendations shall be based  
5 on a determination that each project: is based on sound  
6 science principles; benefits fish and wildlife; has a clearly  
7 defined objective and outcome with provisions for monitor-  
8 ing and evaluation of results; and employs cost effective  
9 measures to achieve its objective. The Panel shall review,  
10 on an annual basis, prior year expenditures based upon  
11 these criteria and submit its findings to the Council for  
12 its review.

13       “(iii) The Council shall fully consider the findings of  
14 the Panel when making its final recommendations for  
15 projects to be funded through BPA’s annual fish and wild-  
16 life budget, and if the Council does not incorporate a rec-  
17 ommendation of the Panel, the Council shall explain in  
18 writing its reasons for not accepting the Panel’s rec-  
19 ommendations. The Council shall also take into consider-  
20 ation the impact of ocean conditions on fish and wildlife  
21 populations in making its recommendations to the BPA.  
22 The Council, after consideration of the recommendations  
23 of the Panel and other entities, shall be responsible for  
24 making the final recommendations of projects to be funded  
25 through BPA’s annual fish and wildlife budget.”.

1           This Act may be cited as the “Energy and Water De-  
2 velopment Appropriations Act, 1997”.