

104TH CONGRESS
2^D SESSION

H. R. 3816

AN ACT

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

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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,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 fiscal year ending September 30, 1997, for energy and
4 water development, and for other purposes, namely:

5

TITLE I

6

DEPARTMENT OF DEFENSE—CIVIL

7

DEPARTMENT OF THE ARMY

8

CORPS OF ENGINEERS—CIVIL

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

15

GENERAL INVESTIGATIONS

16

For expenses necessary for the collection and study
17 of basic information pertaining to river and harbor, flood
18 control, shore protection, and related projects, restudy of
19 authorized projects, miscellaneous investigations, and,
20 when authorized by laws, surveys and detailed studies and
21 plans and specifications of projects prior to construction,
22 \$153,628,000, to remain available until expended, of
23 which funds are provided for the following projects in the
24 amounts specified:

25

Norco Bluffs, California, \$180,000;

1 San Joaquin River Basin, Caliente Creek, Cali-
2 fornia, \$150,000;

3 Tampa Harbor, Alafia Channel, Florida,
4 \$200,000;

5 Lake George, Hobart, Indiana, \$100,000;

6 Little Calumet River Basin, Cady Marsh Ditch,
7 Indiana, \$200,000;

8 Barnegat Inlet to Little Egg Harbor Inlet, New
9 Jersey, \$558,000;

10 Brigantine Inlet to Great Egg Harbor Inlet,
11 New Jersey, \$600,000;

12 Great Egg Harbor Inlet to Townsends Inlet,
13 New Jersey, \$400,000;

14 Manasquan Inlet to Barnegat Inlet, New Jer-
15 sey, \$400,000;

16 Townsends Inlet to Cape May Inlet, New Jer-
17 sey, \$375,000;

18 South Shore of Staten Island, New York,
19 \$300,000;

20 Mussers Dam, Middle Creek, Snyder County,
21 Pennsylvania, \$450,000;

22 Monongahela River, West Virginia, \$500,000;

23 Monongahela River, Fairmont, West Virginia,
24 \$250,000; and

1 Tygart River Basin, Philippi, West Virginia,
2 \$250,000.

3 CONSTRUCTION, GENERAL

4 For the prosecution of river and harbor, flood control,
5 shore protection, and related projects authorized by laws;
6 and detailed studies, and plans and specifications, of
7 projects (including those for development with participa-
8 tion or under consideration for participation by States,
9 local governments, or private groups) authorized or made
10 eligible for selection by law (but such studies shall not con-
11 stitute a commitment of the Government to construction),
12 \$1,035,394,000, to remain available until expended, of
13 which such sums as are necessary pursuant to Public Law
14 99-662 shall be derived from the Inland Waterways Trust
15 Fund, for one-half of the costs of construction and reha-
16 bilitation of inland waterways projects, including rehabili-
17 tation costs for the Lock and Dam 25, Mississippi River,
18 Illinois and Missouri, Lock and Dam 14, Mississippi
19 River, Iowa, and Lock and Dam 24, Mississippi River, Illi-
20 nois and Missouri, projects, and of which funds are pro-
21 vided for the following projects in the amounts specified:

22 San Timoteo Creek (Santa Ana River
23 Mainstem), California, \$7,000,000;

24 Ohio River Flood Protection, Indiana,
25 \$1,800,000;

1 Indianapolis Central Waterfront, Indiana,
2 \$8,000,000;

3 Indiana Shoreline Erosion, Indiana,
4 \$2,200,000;

5 Harlan (Levisa and Tug Forks of the Big
6 Sandy River and Upper Cumberland River), Ken-
7 tucky, \$18,500,000;

8 Martin County (Levisa and Tug Forks of the
9 Big Sandy River and Upper Cumberland River),
10 Kentucky, \$350,000;

11 Middlesboro (Levisa and Tug Forks of the Big
12 Sandy River and Upper Cumberland River), Ken-
13 tucky, \$2,000,000;

14 Pike County (Levisa and Tug Forks of the Big
15 Sandy River and Upper Cumberland River), Ken-
16 tucky, \$2,000,000;

17 Town of Martin (Levisa and Tug Forks of the
18 Big Sandy River and Upper Cumberland River),
19 Kentucky, \$300,000;

20 Williamsburg (Levisa and Tug Forks of the Big
21 Sandy River and Upper Cumberland River), Ken-
22 tucky, \$4,050,000;

23 Salyersville, Kentucky, \$3,500,000;

24 Lake Pontchartrain and Vicinity, Louisiana,
25 \$18,525,000;

1 Red River below Denison Dam Levee and Bank
2 Stabilization, Louisiana, Arkansas, and Texas,
3 \$100,000;

4 Glen Foerd, Pennsylvania, \$800,000;

5 South Central Pennsylvania Environmental
6 Restoration Infrastructure and Resource Protection
7 Development Pilot Program, Pennsylvania,
8 \$10,000,000;

9 Wallisville Lake, Texas, \$10,000,000;

10 Richmond Filtration Plant, Virginia,
11 \$3,500,000; and

12 Virginia Beach, Virginia, \$8,000,000:

13 *Provided*, That the Secretary of the Army, acting through
14 the Chief of Engineers, is directed to use \$1,000,000 of
15 the funds appropriated in Public Law 104–46 for con-
16 struction of the Ohio River Flood Protection, Indiana,
17 project: *Provided further*, That the Secretary of the Army,
18 acting through the Chief of Engineers, is directed, in co-
19 operation with State, county, and city officials and in con-
20 sultation with the Des Moines River Greenbelt Advisory
21 Committee, to provide highway and other signs appro-
22 priate to direct the public to the bike trail which runs from
23 downtown Des Moines, Iowa, to the Big Creek Recreation
24 area at the Corps of Engineers Saylorville Lake project
25 and the wildlife refuge in Jasper and Marion Counties in

1 Iowa authorized in Public Law 101–302: *Provided further*,
2 That using \$500,000 of the funds appropriated for the
3 Passaic River Mainstem, New Jersey, project under the
4 heading “General Investigations” in Public Law 103–126,
5 the Secretary of the Army, acting through the Chief of
6 Engineers, is directed to begin implementation of the Pas-
7 saic River Preservation of Natural Storage Areas sepa-
8 rable element of the Passaic River Flood Reduction
9 Project, New Jersey.

10 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBU-
11 TARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISI-
12 ANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

13 For expenses necessary for prosecuting work of flood
14 control, and rescue work, repair, restoration, or mainte-
15 nance of flood control projects threatened or destroyed by
16 flood, as authorized by law (33 U.S.C. 702a, 702g–1),
17 \$302,990,000, to remain available until expended.

18 OPERATION AND MAINTENANCE, GENERAL

19 For expenses necessary for the preservation, oper-
20 ation, maintenance, and care of existing river and harbor,
21 flood control, and related works, including such sums as
22 may be necessary for the maintenance of harbor channels
23 provided by a State, municipality or other public agency,
24 outside of harbor lines, and serving essential needs of gen-
25 eral commerce and navigation; surveys and charting of
26 northern and northwestern lakes and connecting waters;

1 clearing and straightening channels; and removal of ob-
2 structions to navigation, \$1,701,180,000, to remain avail-
3 able until expended, of which such sums as become avail-
4 able in the Harbor Maintenance Trust Fund, pursuant to
5 Public Law 99–662, may be derived from that fund, and
6 of which such sums as become available from the special
7 account established by the Land and Water Conservation
8 Act of 1965, as amended (16 U.S.C. 460l), may be derived
9 from that fund for construction, operation, and mainte-
10 nance of outdoor recreation facilities, and of which funds
11 are provided for the following projects in the amounts
12 specified:

13 Raystown Lake, Pennsylvania, \$4,190,000; and

14 Cooper Lake and Channels, Texas, \$2,601,000:

15 *Provided*, That using \$1,000,000 of the funds appro-
16 priated herein, the Secretary of the Army, acting through
17 the Chief of Engineers, is directed to design and construct
18 a landing at Guntersville, Alabama, as described in the
19 Master Plan Report of the Nashville District titled
20 “Guntersville Landing” dated June, 1996.

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.

1 FLOOD CONTROL AND COASTAL EMERGENCIES

2 For expenses necessary for emergency flood control,
3 hurricane, and shore protection activities, as authorized
4 by section 5 of the Flood Control Act approved August
5 18, 1941, as amended, \$10,000,000, to remain available
6 until expended: *Provided*, That the Secretary of the Army,
7 acting through the Chief of Engineers, is directed to use
8 up to \$8,000,000 of the funds appropriated herein and
9 under this heading in Public Law 104–134 to rehabilitate
10 non-Federal flood control levees along the Puyallup and
11 Carbon Rivers in Pierce County, Washington.

12 GENERAL EXPENSES

13 For expenses necessary for general administration
14 and related functions in the Office of the Chief of Engi-
15 neers and offices of the Division Engineers; activities of
16 the Coastal Engineering Research Board, the Humphreys
17 Engineer Center Support Activity, the Engineering Stra-
18 tegic Studies Center, and the Water Resources Support
19 Center, and for costs of implementing the Secretary of the
20 Army’s plan to reduce the number of division offices as
21 directed in title I, Public Law 104–46, \$145,000,000, to
22 remain available until expended: *Provided*, That no part
23 of any other appropriation provided in title I of this Act
24 shall be available to fund the activities of the Office of
25 the Chief of Engineers or the executive direction and man-
26 agement activities of the Division Offices.

1 ADMINISTRATIVE PROVISIONS

2 Appropriations in this title shall be available for offi-
3 cial reception and representation expenses (not to exceed
4 \$5,000); and during the current fiscal year the revolving
5 fund, Corps of Engineers, shall be available for purchase
6 (not to exceed 100 for replacement only) and hire of pas-
7 senger motor vehicles.

8 GENERAL PROVISIONS

9 CORPS OF ENGINEERS—CIVIL

10 SEC. 101. (a) In fiscal year 1997, the Secretary of
11 the Army shall advertise for competitive bid at least
12 10,000,000 cubic yards of the hopper dredge volume ac-
13 complished with government owned dredges in fiscal year
14 1992.

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

23 SEC. 102. None of the funds appropriated in this Act
24 may be used to study, design, or undertake improvements
25 of the Federal vessel, McFARLAND.

1 TITLE II
2 DEPARTMENT OF THE INTERIOR
3 CENTRAL UTAH PROJECT

4 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

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

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

22 BUREAU OF RECLAMATION

23 For carrying out the functions of the Bureau of Rec-
24 lamation as provided in the Federal reclamation laws (Act
25 of June 17, 1902, 32 Stat. 388, and Acts amendatory

1 thereof or supplementary thereto) and other Acts applica-
2 ble to that Bureau as follows:

3 GENERAL INVESTIGATIONS

4 For engineering and economic investigations of pro-
5 posed Federal reclamation projects and studies of water
6 conservation and development plans and activities prelimi-
7 nary to the reconstruction, rehabilitation and betterment,
8 financial adjustment, or extension of existing projects,
9 \$14,548,000, to remain available until expended: *Pro-*
10 *vided*, That of the total appropriated, the amount for pro-
11 gram activities which can be financed by the reclamation
12 fund shall be derived from that fund: *Provided further*,
13 That funds contributed by non-Federal entities for pur-
14 poses similar to this appropriation shall be available for
15 expenditure for the purposes for which contributed as
16 though specifically appropriated for said purposes, and
17 such amounts shall remain available until expended: *Pro-*
18 *vided further*, That of the total appropriated, \$500,000
19 shall be available to complete the appraisal study and initi-
20 ate preconstruction engineering and design for the Del
21 Norte County and Crescent City, California, Wastewater
22 Reclamation Project, and \$500,000 shall be available to
23 complete the appraisal study and initiate preconstruction
24 engineering and design for the Fort Bragg, California,
25 Water Supply Project.

1 CONSTRUCTION PROGRAM

2 (INCLUDING TRANSFER OF FUNDS)

3 For construction and rehabilitation of projects and
4 parts thereof (including power transmission facilities for
5 Bureau of Reclamation use) and for other related activi-
6 ties as authorized by law, \$377,496,000 (reduced by
7 \$10,000,000), to remain available until expended, of which
8 \$23,410,000 (reduced by \$9,500,000) shall be available
9 for transfer to the Upper Colorado River Basin Fund au-
10 thorized by section 5 of the Act of April 11, 1956 (43
11 U.S.C. 620d), and \$51,155,000 shall be available for
12 transfer to the Lower Colorado River Basin Development
13 Fund authorized by section 403 of the Act of September
14 30, 1968 (43 U.S.C. 1543), and such amounts as may
15 be necessary shall be considered as though advanced to
16 the Colorado River Dam Fund for the Boulder Canyon
17 Project as authorized by the Act of December 21, 1928,
18 as amended: *Provided*, That of the total appropriated, the
19 amount for program activities which can be financed by
20 the reclamation fund shall be derived from that fund: *Pro-*
21 *vided further*, That transfers to the Upper Colorado River
22 Basin Fund and Lower Colorado River Basin Develop-
23 ment Fund may be increased or decreased by transfers
24 within the overall appropriation under this heading: *Pro-*
25 *vided further*, That funds contributed by non-Federal enti-
26 ties for purposes similar to this appropriation shall be

1 available for expenditure for the purposes for which con-
2 tributed as though specifically appropriated for said pur-
3 poses, and such funds shall remain available until ex-
4 pended: *Provided further*, That all costs of the safety of
5 dams modification work at Coolidge Dam, San Carlos Irri-
6 gation Project, Arizona, performed under the authority of
7 the Reclamation Safety of Dams Act of 1978 (43 U.S.C.
8 506), as amended, are in addition to the amount author-
9 ized in section 5 of said Act: *Provided further*, That utiliz-
10 ing funds appropriated for the Tucson Aqueduct System
11 Reliability Investigation, the Bureau of Reclamation is di-
12 rected to complete, by the end of fiscal year 1997, the
13 environmental impact statement being conducted on the
14 proposed surface reservoir. The Bureau of Reclamation is
15 further directed to work with the City of Tucson on any
16 outstanding issues related to the preferred alternative.

17 OPERATION AND MAINTENANCE

18 For operation and maintenance of reclamation
19 projects or parts thereof and other facilities, as authorized
20 by law; and for a soil and moisture conservation program
21 on lands under the jurisdiction of the Bureau of Reclama-
22 tion, pursuant to law, \$286,232,000, to remain available
23 until expended: *Provided*, That of the total appropriated,
24 the amount for program activities which can be financed
25 by the reclamation fund shall be derived from that fund,
26 and the amount for program activities which can be de-

1 rived from the special fee account established pursuant to
2 the Act of December 22, 1987 (16 U.S.C. 460l–6a, as
3 amended), may be derived from that fund: *Provided fur-*
4 *ther*, That funds advanced by water users for operation
5 and maintenance of reclamation projects or parts thereof
6 shall be deposited to the credit of this appropriation and
7 may be expended for the same purpose and in the same
8 manner as sums appropriated herein may be expended,
9 and such advances shall remain available until expended:
10 *Provided further*, That revenues in the Upper Colorado
11 River Basin Fund shall be available for performing exam-
12 ination of existing structures on participating projects of
13 the Colorado River Storage Project.

14 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

15 For the cost of direct loans and/or grants,
16 \$12,290,000, to remain available until expended, as au-
17 thorized by the Small Reclamation Projects Act of August
18 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided*,
19 That such costs, including the cost of modifying such
20 loans, shall be as defined in section 502 of the Congres-
21 sional Budget Act of 1974: *Provided further*, That these
22 funds are available to subsidize gross obligations for the
23 principal amount of direct loans not to exceed
24 \$37,000,000.

25 In addition, for administrative expenses necessary to
26 carry out the program for direct loans and/or grants,

1 \$425,000: *Provided*, That of the total sums appropriated,
2 the amount of program activities which can be financed
3 by the reclamation fund shall be derived from the fund.

4 CENTRAL VALLEY PROJECT RESTORATION FUND

5 For carrying out the programs, projects, plans, and
6 habitat restoration, improvement, and acquisition provi-
7 sions of the Central Valley Project Improvement Act, such
8 sums as may be collected in the Central Valley Project
9 Restoration Fund pursuant to sections 3407(d),
10 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102-
11 575, to remain available until expended: *Provided*, That
12 the Bureau of Reclamation is directed to levy additional
13 mitigation and restoration payments totaling \$30,000,000
14 (October 1992 price levels) on a three-year rolling average
15 basis, as authorized by section 3407(d) of Public Law
16 102-575.

17 GENERAL ADMINISTRATIVE EXPENSES

18 For necessary expenses of general administration and
19 related functions in the office of the Commissioner, the
20 Denver office, and offices in the five regions of the Bureau
21 of Reclamation, to remain available until expended,
22 \$45,150,000, to be derived from the reclamation fund and
23 to be nonreimbursable pursuant to the Act of April 19,
24 1945 (43 U.S.C. 377): *Provided*, That no part of any
25 other appropriation in this Act shall be available for activi-

1 ties or functions budgeted for the current fiscal year as
2 general administrative expenses.

3 SPECIAL FUNDS

4 (TRANSFER OF FUNDS)

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

13 ADMINISTRATIVE PROVISION

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

17 TITLE III

18 DEPARTMENT OF ENERGY

19 ENERGY PROGRAMS

20 ENERGY SUPPLY, RESEARCH AND DEVELOPMENT

21 ACTIVITIES

22 For expenses of the Department of Energy activities
23 including the purchase, construction and acquisition of
24 plant and capital equipment and other expenses necessary
25 for energy supply, research and development activities in
26 carrying out the purposes of the Department of Energy

1 Organization Act (42 U.S.C. 7101, et seq.), including the
2 acquisition or condemnation of any real property or any
3 facility or for plant or facility acquisition, construction, or
4 expansion; purchase of passenger motor vehicles (not to
5 exceed 24 for replacement only), \$2,638,400,000 (reduced
6 by \$11,930,200) (increased by \$42,103,200), to remain
7 available until expended: *Provided*, That of the
8 \$13,102,000 made available to the Office of Energy Effi-
9 ciency and Renewable Energy for program direction,
10 \$1,440,000 is available only for termination expenses re-
11 lated to reducing FTEs of the headquarters staff of that
12 Office.

13 URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

14 For expenses of the Department of Energy in connec-
15 tion with operating expenses; the purchase, construction,
16 and acquisition of plant and capital equipment and other
17 expenses necessary for uranium supply and enrichment ac-
18 tivities in carrying out the purposes of the Department
19 of Energy Organization Act (42 U.S.C. 7101, et seq.) and
20 the Energy Policy Act (Public Law 102-486, section 901),
21 including the acquisition or condemnation of any real
22 property or any facility or for plant or facility acquisition,
23 construction, or expansion; purchase of electricity as nec-
24 essary; and the purchase of passenger motor vehicles (not
25 to exceed 3 for replacement only); \$53,972,000, to remain
26 available until expended: *Provided*, That revenues received

1 by the Department for uranium programs and estimated
2 to total \$42,200,000 in fiscal year 1997 shall be retained
3 and used for the specific purpose of offsetting costs in-
4 curred by the Department for such activities notwith-
5 standing the provisions of 31 U.S.C. 3302(b) and 42
6 U.S.C. 2296(b)(2): *Provided further*, That the sum herein
7 appropriated shall be reduced as revenues are received
8 during fiscal year 1997 so as to result in a final fiscal
9 year 1997 appropriation from the General Fund estimated
10 at not more than \$11,772,000.

11 URANIUM ENRICHMENT DECONTAMINATION AND
12 DECOMMISSIONING FUND

13 For necessary expenses in carrying out uranium en-
14 richment facility decontamination and decommissioning,
15 remedial actions and other activities of title II of the
16 Atomic Energy Act of 1954 and title X, subtitle A of the
17 Energy Policy Act of 1992, \$200,200,000, to be derived
18 from the Fund, to remain available until expended: *Pro-*
19 *vided*, That \$34,000,000 of amounts derived from the
20 Fund for such expenses shall be available in accordance
21 with title X, subtitle A, of the Energy Policy Act of 1992.

22 GENERAL SCIENCE AND RESEARCH ACTIVITIES

23 For expenses of the Department of Energy activities
24 including the purchase, construction and acquisition of
25 plant and capital equipment and other expenses necessary
26 for general science and research activities in carrying out

1 the purposes of the Department of Energy Organization
2 Act (42 U.S.C. 7101, et seq.), including the acquisition
3 or condemnation of any real property or facility or for
4 plant or facility acquisition, construction, or expansion,
5 \$996,000,000, to remain available until expended.

6 NUCLEAR WASTE DISPOSAL FUND

7 For nuclear waste disposal activities to carry out the
8 purposes of Public Law 97–425, as amended, including
9 the acquisition of real property or facility construction or
10 expansion, \$182,000,000, to remain available until ex-
11 pended, to be derived from the Nuclear Waste Fund, sub-
12 ject to authorization: *Provided*, That none of the funds
13 provided herein shall be distributed to the State of Nevada
14 or affected units of local government (as defined by Public
15 Law 97–425) by direct payment, grant, or other means,
16 for financial assistance under section 116 of the Nuclear
17 Waste Policy Act of 1982, as amended: *Provided further*,
18 That the foregoing proviso shall not apply to payments
19 in lieu of taxes under section 116(c)(3)(A) of the Nuclear
20 Waste Policy Act of 1982, as amended.

21 DEPARTMENTAL ADMINISTRATION

22 For salaries and expenses of the Department of En-
23 ergy necessary for Departmental Administration in carry-
24 ing out the purposes of the Department of Energy Organi-
25 zation Act (42 U.S.C. 7101, et seq.), including the hire
26 of passenger motor vehicles and official reception and rep-

1 resentation expenses (not to exceed \$35,000),
2 \$195,000,000 (reduced by \$1,000,000), to remain avail-
3 able until expended, plus such additional amounts as nec-
4 essary to cover increases in the estimated amount of cost
5 of work for others notwithstanding the provisions of the
6 Anti-Deficiency Act (31 U.S.C. 1511, et seq.): *Provided*,
7 That such increases in cost of work are offset by revenue
8 increases of the same or greater amount, to remain avail-
9 able until expended: *Provided further*, That moneys re-
10 ceived by the Department for miscellaneous revenues esti-
11 mated to total \$125,388,000 in fiscal year 1997 may be
12 retained and used for operating expenses within this ac-
13 count, and may remain available until expended, as au-
14 thorized by section 201 of Public Law 95–238, notwith-
15 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
16 *ther*, That the sum herein appropriated shall be reduced
17 by the amount of miscellaneous revenues received during
18 fiscal year 1997 so as to result in a final fiscal year 1997
19 appropriation from the General Fund estimated at not
20 more than \$69,612,000: *Provided further*, That end of
21 year employee levels for fiscal year 1997 may not exceed
22 the following by organization: Board of Contract Appeals,
23 6; Chief Financial Officer, 192; Congressional, Public, and
24 Intergovernmental Affairs, 35; Economic Impact and Di-
25 versity, 30; Field Management, 20; General Counsel, 153;

1 Human Resources and Administration, 550; Office of the
2 Secretary, 23; and Policy, 20.

3 OFFICE OF THE INSPECTOR GENERAL

4 For necessary expenses of the Office of the Inspector
5 General in carrying out the provisions of the Inspector
6 General Act of 1978, as amended, \$24,000,000 (increased
7 by \$1,000,000), to remain available until expended.

8 ATOMIC ENERGY DEFENSE ACTIVITIES

9 WEAPONS ACTIVITIES

10 For Department of Energy expenses, including the
11 purchase, construction and acquisition of plant and capital
12 equipment and other expenses necessary for atomic energy
13 defense weapons activities in carrying out the purposes of
14 the Department of Energy Organization Act (42 U.S.C.
15 7101, et seq.), including the acquisition or condemnation
16 of any real property or any facility or for plant or facility
17 acquisition, construction, or expansion; and the purchase
18 of passenger motor vehicles (not to exceed 94 for replace-
19 ment only), \$3,684,378,000, to remain available until ex-
20 pended.

21 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE

22 MANAGEMENT

23 For Department of Energy expenses, including the
24 purchase, construction and acquisition of plant and capital
25 equipment and other expenses necessary for atomic energy
26 defense environmental restoration and waste management

1 activities in carrying out the purposes of the Department
2 of Energy Organization Act (42 U.S.C. 7101, et seq.), in-
3 cluding the acquisition or condemnation of any real prop-
4 erty or any facility or for plant or facility acquisition, con-
5 struction, or expansion; and the purchase of passenger
6 motor vehicles (not to exceed 20, of which 19 are for re-
7 placement only), \$5,409,310,000, to remain available until
8 expended: *Provided*, That an additional amount of
9 \$134,500,000 is available for privatization initiatives.

10 OTHER DEFENSE ACTIVITIES

11 For Department of Energy expenses, including the
12 purchase, construction and acquisition of plant and capital
13 equipment and other expenses necessary for atomic energy
14 defense, other defense activities, in carrying out the pur-
15 poses of the Department of Energy Organization Act (42
16 U.S.C. 7101, et seq.), including the acquisition or con-
17 demnation of any real property or any facility or for plant
18 or facility acquisition, construction, or expansion, and the
19 purchase of passenger motor vehicles (not to exceed 2 for
20 replacement only), \$1,459,533,000, to remain available
21 until expended.

22 DEFENSE NUCLEAR WASTE DISPOSAL

23 For nuclear waste disposal activities to carry out the
24 purposes of Public Law 97-425, as amended, including
25 the acquisition of real property or facility construction or

1 expansion, \$200,000,000, to remain available until ex-
2 pended.

3 POWER MARKETING ADMINISTRATIONS
4 OPERATION AND MAINTENANCE, ALASKA POWER
5 ADMINISTRATION

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

9 BONNEVILLE POWER ADMINISTRATION FUND

10 Expenditures from the Bonneville Power Administra-
11 tion Fund, established pursuant to Public Law 93-454,
12 are approved for official reception and representation ex-
13 penses in an amount not to exceed \$3,000.

14 During fiscal year 1997, no new direct loan obliga-
15 tions may be made.

16 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
17 ADMINISTRATION

18 For necessary expenses of operation and maintenance
19 of power transmission facilities and of marketing electric
20 power and energy pursuant to the provisions of section
21 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
22 applied to the southeastern power area, \$18,859,000, to
23 remain available until expended.

1 OPERATION AND MAINTENANCE, SOUTHWESTERN POWER
2 ADMINISTRATION

3 For necessary expenses of operation and maintenance
4 of power transmission facilities and of marketing electric
5 power and energy, and for construction and acquisition of
6 transmission lines, substations and appurtenant facilities,
7 and for administrative expenses, including official recep-
8 tion and representation expenses in an amount not to ex-
9 ceed \$1,500 in carrying out the provisions of section 5
10 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
11 applied to the southwestern power area, \$25,210,000, to
12 remain available until expended; in addition, notwith-
13 standing the provisions of 31 U.S.C. 3302, not to exceed
14 \$3,787,000 in reimbursements, to remain available until
15 expended.

16 CONSTRUCTION, REHABILITATION, OPERATION AND
17 MAINTENANCE, WESTERN AREA POWER ADMINISTRATION
18 (INCLUDING TRANSFER OF FUNDS)

19 For carrying out the functions authorized by title III,
20 section 302(a)(1)(E) of the Act of August 4, 1977 (42
21 U.S.C. 7101, et seq.), and other related activities includ-
22 ing conservation and renewable resources programs as au-
23 thorized, including official reception and representation
24 expenses in an amount not to exceed \$1,500,
25 \$211,582,000, to remain available until expended, of
26 which \$203,687,000 shall be derived from the Department

1 of the Interior Reclamation Fund: *Provided*, That of the
2 amount herein appropriated, \$5,432,000 is for deposit
3 into the Utah Reclamation Mitigation and Conservation
4 Account pursuant to title IV of the Reclamation Projects
5 Authorization and Adjustment Act of 1992: *Provided fur-*
6 *ther*, That the Secretary of the Treasury is authorized to
7 transfer from the Colorado River Dam Fund to the West-
8 ern Area Power Administration \$3,774,000 to carry out
9 the power marketing and transmission activities of the
10 Boulder Canyon project as provided in section 104(a)(4)
11 of the Hoover Power Plant Act of 1984, to remain avail-
12 able until expended.

13 FALCON AND AMISTAD OPERATING AND MAINTENANCE
14 FUND

15 For operation, maintenance, and emergency costs for
16 the hydroelectric facilities at the Falcon and Amistad
17 Dams, \$970,000, to remain available until expended, and
18 to be derived from the Falcon and Amistad Operating and
19 Maintenance Fund of the Western Area Power Adminis-
20 tration, as provided in section 423 of the Foreign Rela-
21 tions Authorization Act, fiscal years 1994 and 1995.

22 FEDERAL ENERGY REGULATORY COMMISSION
23 SALARIES AND EXPENSES

24 For necessary expenses of the Federal Energy Regu-
25 latory Commission to carry out the provisions of the De-
26 partment of Energy Organization Act (42 U.S.C. 7101,

1 et seq.), including services as authorized by 5 U.S.C.
2 3109, the hire of passenger motor vehicles, and official
3 reception and representation expenses (not to exceed
4 \$3,000), \$141,290,000, to remain available until ex-
5 pended: *Provided*, That notwithstanding any other provi-
6 sion of law, not to exceed \$141,290,000 of revenues from
7 fees and annual charges, and other services and collections
8 in fiscal year 1997 shall be retained and used for nec-
9 essary expenses in this account, and shall remain available
10 until expended: *Provided further*, That the sum herein ap-
11 propriated shall be reduced as revenues are received dur-
12 ing fiscal year 1997 so as to result in a final fiscal year
13 1997 appropriation from the General Fund estimated at
14 not more than \$0.

15 **GENERAL PROVISION**

16 **SEC. 301. PRIORITY PLACEMENT, JOB PLACEMENT, RE-**
17 **TRAINING, AND COUNSELING PROGRAMS**
18 **FOR UNITED STATES DEPARTMENT OF EN-**
19 **ERGY EMPLOYEES AFFECTED BY A REDUC-**
20 **TION IN FORCE.**

21 (a) DEFINITIONS.—

22 (1) for the purposes of this section, the term
23 “agency” means the United States Department of
24 Energy.

1 (2) For the purposes of this section, the term
2 “eligible employee” means any employee of the agen-
3 cy who—

4 (A) is scheduled to be separated from serv-
5 ice due to a reduction in force under—

6 (i) regulations prescribed under sec-
7 tion 3502 of title 5, United States Code; or

8 (ii) procedures established under sec-
9 tion 3595 of title 5, United States Code; or

10 (B) is separated from service due to such
11 a reduction in force, but does not include—

12 (i) an employee separated from service
13 for cause on charges of misconduct or de-
14 linquency; or

15 (ii) an employee who, at the time of
16 separation, meets the age and service re-
17 quirements for an immediate annuity
18 under subchapter III of chapter 83 or
19 chapter 84 of title 5, United States Code.

20 (b) PRIORITY PLACEMENT AND RETRAINING PRO-
21 GRAM.—Not later than 30 days after the date of the en-
22 actment of this Act, the United States Department of En-
23 ergy shall establish an agency-wide priority placement and
24 retraining program for eligible employees.

1 (c) The priority placement program established under
2 subsection (b) shall include provisions under which a va-
3 cant position shall not be filled by the appointment or
4 transfer of any individual from outside of the agency if—

5 (1) there is then available any eligible employee
6 who applies for the position within 30 days of the
7 agency issuing a job announcement and is qualified
8 (or can be trained or retrained to become qualified
9 within 90 days of assuming the position) for the po-
10 sition; and

11 (2) the position is within the same commuting
12 area as the eligible employee's last-held position or
13 residence.

14 (d) JOB PLACEMENT AND COUNSELING SERVICES.—
15 The head of the agency may establish a program to pro-
16 vide job placement and counseling services to eligible em-
17 ployees.

18 (1) TYPES OF SERVICES.—A program estab-
19 lished under subsection (d) may include, but is not
20 limited to, such services as—

21 (A) career and personal counseling;

22 (B) training and job search skills; and

23 (C) job placement assistance, including as-
24 sistance provided through cooperative arrange-

1 ments with State and local employment services
2 offices.

3 TITLE IV

4 INDEPENDENT AGENCIES

5 APPALACHIAN REGIONAL COMMISSION

6 For expenses necessary to carry out the programs au-
7 thorized by the Appalachian Regional Development Act of
8 1965, as amended, notwithstanding section 405 of said
9 Act, and for necessary expenses for the Federal Co-Chair-
10 man and the alternate on the Appalachian Regional Com-
11 mission and for payment of the Federal share of the ad-
12 ministrative expenses of the Commission, including serv-
13 ices as authorized by 5 U.S.C. 3109, and hire of passenger
14 motor vehicles, \$155,331,000, to remain available until ex-
15 pended.

16 DEFENSE NUCLEAR FACILITIES SAFETY

17 BOARD

18 SALARIES AND EXPENSES

19 For necessary expenses of the Defense Nuclear Fa-
20 cilities Safety Board in carrying out activities authorized
21 by the Atomic Energy Act of 1954, as amended by Public
22 Law 100–456, section 1441, \$12,000,000, to remain
23 available until expended.

1 NUCLEAR REGULATORY COMMISSION
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the Commission in carry-
5 ing out the purposes of the Energy Reorganization Act
6 of 1974, as amended, and the Atomic Energy Act of 1954,
7 as amended, including the employment of aliens; services
8 authorized by 5 U.S.C. 3109; publication and dissemina-
9 tion of atomic information; purchase, repair, and cleaning
10 of uniforms; official representation expenses (not to exceed
11 \$20,000); reimbursements to the General Services Admin-
12 istration for security guard services; hire of passenger
13 motor vehicles and aircraft, \$471,800,000, to remain
14 available until expended: *Provided*, That of the amount ap-
15 propriated herein, \$11,000,000 shall be derived from the
16 Nuclear Waste Fund, subject to the authorization required
17 in this bill under the heading, "Nuclear Waste Disposal
18 Fund": *Provided further*, That from this appropriation,
19 transfer of sums may be made to other agencies of the
20 Government for the performance of the work for which
21 this appropriation is made, and in such cases the sums
22 so transferred may be merged with the appropriation to
23 which transferred: *Provided further*, That moneys received
24 by the Commission for the cooperative nuclear safety re-
25 search program, services rendered to foreign governments

1 and international organizations, and the material and in-
2 formation access authorization programs, including crimi-
3 nal history checks under section 149 of the Atomic Energy
4 Act may be retained and used for salaries and expenses
5 associated with those activities, notwithstanding 31 U.S.C.
6 3302, and shall remain available until expended: *Provided*
7 *further*, That revenues from licensing fees, inspection serv-
8 ices, and other services and collections estimated at
9 \$457,300,000 in fiscal year 1997 shall be retained and
10 used for necessary salaries and expenses in this account,
11 notwithstanding 31 U.S.C. 3302, and shall remain avail-
12 able until expended: *Provided further*, That the funds here-
13 in appropriated for regulatory reviews and other activities
14 pertaining to waste stored at the Hanford site, Washing-
15 ton, shall be excluded from license fee revenues, notwith-
16 standing 42 U.S.C. 2214: *Provided further*, That the sum
17 herein appropriated shall be reduced by the amount of rev-
18 enues received during fiscal year 1997 from licensing fees,
19 inspection services and other services and collections, ex-
20 cluding those moneys received for the cooperative nuclear
21 safety research program, services rendered to foreign gov-
22 ernments and international organizations, and the mate-
23 rial and information access authorization programs, so as
24 to result in a final fiscal year 1997 appropriation esti-
25 mated at not more than \$14,500,000.

1 OFFICE OF INSPECTOR GENERAL
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses of the Office of Inspector
4 General in carrying out the provisions of the Inspector
5 General Act of 1978, as amended, including services au-
6 thorized by 5 U.S.C. 3109, \$5,000,000, to remain avail-
7 able until expended; and in addition, an amount not to
8 exceed 5 percent of this sum may be transferred from Sal-
9 aries and Expenses, Nuclear Regulatory Commission: *Pro-*
10 *vided*, That notice of such transfers shall be given to the
11 Committees on Appropriations of the House and Senate:
12 *Provided further*, That from this appropriation, transfers
13 of sums may be made to other agencies of the Government
14 for the performance of the work for which this appropria-
15 tion is made, and in such cases the sums so transferred
16 may be merged with the appropriation to which trans-
17 ferred: *Provided further*, That revenues from licensing
18 fees, inspection services, and other services and collections
19 shall be retained and used for necessary salaries and ex-
20 penses in this account, notwithstanding 31 U.S.C. 3302,
21 and shall remain available until expended: *Provided fur-*
22 *ther*, That the sum herein appropriated shall be reduced
23 by the amount of revenues received during fiscal year
24 1997 from licensing fees, inspection services, and other

1 services and collections, so as to result in a final fiscal
2 year 1997 appropriation estimated at not more than \$0.

3 NUCLEAR WASTE TECHNICAL REVIEW BOARD

4 SALARIES AND EXPENSES

5 For necessary expenses of the Nuclear Waste Tech-
6 nical Review Board, as authorized by Public Law 100-
7 203, section 5051, \$2,531,000, to be derived from the Nu-
8 clear Waste Fund, subject to the authorization required
9 in this bill under the heading, "Nuclear Waste Disposal
10 Fund", and to remain available until expended.

11 TENNESSEE VALLEY AUTHORITY

12 For the purpose of carrying out the provisions of the
13 Tennessee Valley Authority Act of 1933, as amended (16
14 U.S.C. ch. 12A), including hire, maintenance, and oper-
15 ation of aircraft, and purchase and hire of passenger
16 motor vehicles, \$97,169,000, to remain available until ex-
17 pended: *Provided*, That none of the funds provided herein
18 shall be available for activities of the Environmental Re-
19 search Center in Muscle Shoals, Alabama, except for nec-
20 essary termination expenses: *Provided further*, That of the
21 funds provided herein, not more than \$5,000,000 shall be
22 made available for operation, maintenance, improvement,
23 and surveillance of Land Between the Lakes: *Provided fur-*
24 *ther*, That of the amount provided herein, not more than

1 \$16,000,000 shall be available for Economic Development
2 activities.

3 TITLE V—GENERAL PROVISIONS

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

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

15 (c) PROHIBITION OF CONTRACTS WITH PERSONS
16 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—
17 If it has been finally determined by a court or Federal
18 agency that any person intentionally affixed a label bear-
19 ing a “Made in America” inscription, or any inscription
20 with the same meaning, to any product sold in or shipped
21 to the United States that is not made in the United
22 States, the person shall be ineligible to receive any con-
23 tract or subcontract made with funds made available in
24 this Act, pursuant to the debarment, suspension, and ineli-

1 gibility procedures described in sections 9.400 through
2 9.409 of title 48, Code of Federal Regulations.

3 SEC. 502. Section 508(f) of Public Law 104–46, the
4 Energy and Water Development Appropriations Act,
5 1996, is repealed.

6 SEC. 503. 42 U.S.C. 7262 is repealed.

7 SEC. 504. Public Law 101–514, the Energy and
8 Water Development Appropriations Act, 1991, is amended
9 by striking “: *Provided*” and all that follows through “non-
10 reimbursable” under the heading, “Construction, Reha-
11 bilitation, Operation and Maintenance, Western Area
12 Power Administration”.

13 SEC. 505. (a) None of the funds appropriated or oth-
14 erwise made available by this Act may be used to deter-
15 mine the final point of discharge for the interceptor drain
16 for the San Luis Unit until development by the Secretary
17 of the Interior and the State of California of a plan, which
18 shall conform to the water quality standards of the State
19 of California as approved by the Administrator of the En-
20 vironmental Protection Agency, to minimize any detrimen-
21 tal effect of the San Luis drainage waters.

22 (b) The costs of the Kesterson Reservoir Cleanup
23 Program and the costs of the San Joaquin Valley Drain-
24 age Program shall be classified by the Secretary of the
25 Interior as reimbursable or nonreimbursable and collected

1 until fully repaid pursuant to the “Cleanup Program—
2 Alternative Repayment plan” and the “SJVDP—Alter-
3 native Repayment Plan” described in the report entitled
4 “Repayment Report, Kesterson Reservoir Cleanup Pro-
5 gram and San Joaquin Valley Drainage Program, Feb-
6 ruary 1995”, prepared by the Department of the Interior,
7 Bureau of Reclamation. Any future obligations of funds
8 by the United States relating to, or providing for, drainage
9 service or drainage studies for the San Luis Unit shall
10 be fully reimbursable by San Luis Unit beneficiaries of
11 such service or studies pursuant to Federal Reclamation
12 law.

13 SEC. 506. (a) DENIAL OF FUNDS FOR PREVENTING
14 ROTC ACCESS TO CAMPUS.—None of the funds made
15 available in this Act may be provided by contract or by
16 grant (including a grant of funds to be available for stu-
17 dent aid) to an institution of higher education when it is
18 made known to the Federal official having authority to
19 obligate or expend such funds that the institution (or any
20 subelement thereof) has a policy or practice (regardless
21 of when implemented) that prohibits, or in effect pre-
22 vents—

23 (1) the maintaining, establishing, or operation
24 of a unit of the Senior Reserve Officer Training
25 Corps (in accordance with section 654 of title 10,

1 United States Code, and other applicable Federal
2 laws) at the institution (or subelement); or

3 (2) a student at the institution (or subelement)
4 from enrolling in a unit of the Senior Reserve Offi-
5 cer Training Corps at another institution of higher
6 education.

7 (b) EXCEPTION.—The limitation established in sub-
8 section (a) shall not apply to an institution of higher edu-
9 cation when it is made known to the Federal official hav-
10 ing authority to obligate or expend such funds that—

11 (1) the institution (or subelement) has ceased
12 the policy or practice described in such subsection;
13 or

14 (2) the institution has a longstanding policy of
15 pacifism based on historical religious affiliation.

16 SEC. 507. (a) DENIAL OF FUNDS FOR PREVENTING
17 FEDERAL MILITARY RECRUITING ON CAMPUS.—None of
18 the funds made available in this Act may be provided by
19 contract or grant (including a grant of funds to be avail-
20 able for student aid) to any institution of higher education
21 when it is made known to the Federal official having au-
22 thority to obligate or expend such funds that the institu-
23 tion (or any subelement thereof) has a policy or practice
24 (regardless of when implemented) that prohibits, or in ef-
25 fect prevents—

1 (1) entry to campuses, or access to students
2 (who are 17 years of age or older) on campuses, for
3 purposes of Federal military recruiting; or

4 (2) access to the following information pertain-
5 ing to students (who are 17 years of age or older)
6 for purposes of Federal military recruiting: student
7 names, addresses, telephone listings, dates and
8 places of birth, levels of education, degrees received,
9 prior military experience, and the most recent pre-
10 vious educational institutions enrolled in by the stu-
11 dents.

12 (b) EXCEPTION.—The limitation established in sub-
13 section (a) shall not apply to an institution of higher edu-
14 cation when it is made known to the Federal official hav-
15 ing authority to obligate or expend such funds that—

16 (1) the institution (or subelement) has ceased
17 the policy or practice described in such subsection;
18 or

19 (2) the institution has a longstanding policy of
20 pacifism based on historical religious affiliation.

21 SEC. 508. None of the funds made available in this
22 Act may be obligated or expended to enter into or renew
23 a contract with an entity when it is made known to the
24 Federal official having authority to obligate or expend
25 such funds that—

1 (1) such entity is otherwise a contractor with
2 the United States and is subject to the requirement
3 in section 4212(d) of title 38, United States Code,
4 regarding submission of an annual report to the Sec-
5 retary of Labor concerning employment of certain
6 veterans; and

7 (2) such entity has not submitted a report as
8 required by that section for the most recent year for
9 which such requirement was applicable to such en-
10 tity.

11 SEC. 509. None of the funds made available in this
12 Act may be used to revise the Missouri River Master
13 Water Control Manual when it is made known to the Fed-
14 eral entity or official to which the funds are made available
15 that such revision provides for an increase in the spring-
16 time water release program during the spring heavy rain-
17 fall and snow melt period in States that have rivers drain-
18 ing into the Missouri River below the Gavins Point Dam.

19 SEC. 510. None of the funds made available to the
20 Tennessee Valley Authority by this Act may be appro-
21 priated when it is made known to the Federal official hav-
22 ing authority to obligate or expend such funds that the
23 Tennessee Valley Authority is imposing a performance de-
24 posit on persons constructing docks or making other resi-
25 dential shoreline alterations.

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

Passed the House of Representatives July 25, 1996.

Attest:

Clerk.