

Union Calendar No. 350

104TH CONGRESS
2^D SESSION

H. R. 3816

[Report No. 104-679]

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

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 1996

Mr. MYERS of Indiana, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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 \$153,628,000, to remain available until expended, of
19 which funds are provided for the following projects in the
20 amounts specified:

21 Norco Bluffs, California, \$180,000;

22 San Joaquin River Basin, Caliente Creek, Cali-
23 fornia, \$150,000;

24 Tampa Harbor, Alafia Channel, Florida,
25 \$200,000;

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

1 Little Calumet River Basin, Cady Marsh Ditch,
2 Indiana, \$200,000;

3 Barnegat Inlet to Little Egg Harbor Inlet, New
4 Jersey, \$558,000;

5 Brigantine Inlet to Great Egg Harbor Inlet,
6 New Jersey, \$600,000;

7 Great Egg Harbor Inlet to Townsends Inlet,
8 New Jersey, \$400,000;

9 Manasquan Inlet to Barnegat Inlet, New Jer-
10 sey, \$400,000;

11 Townsends Inlet to Cape May Inlet, New Jer-
12 sey, \$375,000;

13 South Shore of Staten Island, New York,
14 \$300,000;

15 Mussers Dam, Middle Creek, Snyder County,
16 Pennsylvania, \$450,000;

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

18 Monongahela River, Fairmont, West Virginia,
19 \$250,000; and

20 Tygart River Basin, Philippi, West Virginia,
21 \$250,000.

22 CONSTRUCTION, GENERAL

23 For the prosecution of river and harbor, flood control,
24 shore protection, and related projects authorized by laws;
25 and detailed studies, and plans and specifications, of
26 projects (including those for development with participa-

1 tion or under consideration for participation by States,
2 local governments, or private groups) authorized or made
3 eligible for selection by law (but such studies shall not con-
4 stitute a commitment of the Government to construction),
5 \$1,035,394,000, to remain available until expended, of
6 which such sums as are necessary pursuant to Public Law
7 99-662 shall be derived from the Inland Waterways Trust
8 Fund, for one-half of the costs of construction and reha-
9 bilitation of inland waterways projects, including rehabili-
10 tation costs for the Lock and Dam 25, Mississippi River,
11 Illinois and Missouri, Lock and Dam 14, Mississippi
12 River, Iowa, and Lock and Dam 24, Mississippi River, Illi-
13 nois and Missouri, projects, and of which funds are pro-
14 vided for the following projects in the amounts specified:

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

17 Ohio River Flood Protection, Indiana,
18 \$1,800,000;

19 Indianapolis Central Waterfront, Indiana,
20 \$8,000,000;

21 Indiana Shoreline Erosion, Indiana,
22 \$2,200,000;

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

1 Martin County (Levisa and Tug Forks of the
2 Big Sandy River and Upper Cumberland River),
3 Kentucky, \$350,000;

4 Middlesboro (Levisa and Tug Forks of the Big
5 Sandy River and Upper Cumberland River), Ken-
6 tucky, \$2,000,000;

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

10 Town of Martin (Levisa and Tug Forks of the
11 Big Sandy River and Upper Cumberland River),
12 Kentucky, \$300,000;

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

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

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

19 Red River below Denison Dam Levee and Bank
20 Stabilization, Louisiana, Arkansas, and Texas,
21 \$100,000;

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

23 South Central Pennsylvania Environmental
24 Restoration Infrastructure and Resource Protection

1 Development Pilot Program, Pennsylvania,
2 \$10,000,000;

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

4 Richmond Filtration Plant, Virginia,
5 \$3,500,000; and

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

7 *Provided*, That the Secretary of the Army, acting through
8 the Chief of Engineers, is directed to use \$1,000,000 of
9 the funds appropriated in Public Law 104–46 for con-
10 struction of the Ohio River Flood Protection, Indiana,
11 project: *Provided further*, That the Secretary of the Army,
12 acting through the Chief of Engineers, is directed, in co-
13 operation with State, county, and city officials and in con-
14 sultation with the Des Moines River Greenbelt Advisory
15 Committee, to provide highway and other signs appro-
16 priate to direct the public to the bike trail which runs from
17 downtown Des Moines, Iowa, to the Big Creek Recreation
18 area at the Corps of Engineers Saylorville Lake project
19 and the wildlife refuge in Jasper and Marion Counties in
20 Iowa authorized in Public Law 101–302: *Provided further*,
21 That using \$500,000 of the funds appropriated for the
22 Passaic River Mainstem, New Jersey, project under the
23 heading “General Investigations” in Public Law 103–126,
24 the Secretary of the Army, acting through the Chief of
25 Engineers, is directed to begin implementation of the Pas-

1 saic River Preservation of Natural Storage Areas sepa-
2 rable element of the Passaic River Flood Reduction
3 Project, New Jersey.

4 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBU-
5 TARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISI-
6 ANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

7 For expenses necessary for prosecuting work of flood
8 control, and rescue work, repair, restoration, or mainte-
9 nance of flood control projects threatened or destroyed by
10 flood, as authorized by law (33 U.S.C. 702a, 702g-1),
11 \$302,990,000, to remain available until expended.

12 OPERATION AND MAINTENANCE, GENERAL

13 For expenses necessary for the preservation, oper-
14 ation, maintenance, and care of existing river and harbor,
15 flood control, and related works, including such sums as
16 may be necessary for the maintenance of harbor channels
17 provided by a State, municipality or other public agency,
18 outside of harbor lines, and serving essential needs of gen-
19 eral commerce and navigation; surveys and charting of
20 northern and northwestern lakes and connecting waters;
21 clearing and straightening channels; and removal of ob-
22 structions to navigation, \$1,701,180,000, to remain avail-
23 able until expended, of which such sums as become avail-
24 able in the Harbor Maintenance Trust Fund, pursuant to
25 Public Law 99-662, may be derived from that fund, and
26 of which such sums as become available from the special

1 account established by the Land and Water Conservation
2 Act of 1965, as amended (16 U.S.C. 460l), may be derived
3 from that fund for construction, operation, and mainte-
4 nance of outdoor recreation facilities, and of which funds
5 are provided for the following projects in the amounts
6 specified:

7 Raystown Lake, Pennsylvania, \$4,190,000; and
8 Cooper Lake and Channels, Texas, \$2,601,000:
9 *Provided*, That using \$1,000,000 of the funds appro-
10 priated herein, the Secretary of the Army, acting through
11 the Chief of Engineers, is directed to design and construct
12 a landing at Guntersville, Alabama, as described in the
13 Master Plan Report of the Nashville District titled
14 “Guntersville Landing” dated June, 1996.

15 REGULATORY PROGRAM

16 For expenses necessary for administration of laws
17 pertaining to regulation of navigable waters and wetlands,
18 \$101,000,000, to remain available until expended.

19 FLOOD CONTROL AND COASTAL EMERGENCIES

20 For expenses necessary for emergency flood control,
21 hurricane, and shore protection activities, as authorized
22 by section 5 of the Flood Control Act approved August
23 18, 1941, as amended, \$10,000,000, to remain available
24 until expended: *Provided*, That the Secretary of the Army,
25 acting through the Chief of Engineers, is directed to use
26 up to \$8,000,000 of the funds appropriated herein and

1 under this heading in Public Law 104–134 to rehabilitate
2 non-Federal flood control levees along the Puyallup and
3 Carbon Rivers in Pierce County, Washington.

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, \$145,000,000, 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.

19 ADMINISTRATIVE PROVISIONS

20 Appropriations in this title shall be available for offi-
21 cial reception and representation expenses (not to exceed
22 \$5,000); and during the current fiscal year the revolving
23 fund, Corps of Engineers, shall be available for purchase
24 (not to exceed 100 for replacement only) and hire of pas-
25 senger motor vehicles.

1 GENERAL PROVISIONS

2 CORPS OF ENGINEERS—CIVIL

3 SEC. 101. (a) In fiscal year 1997, the Secretary of
4 the Army shall advertise for competitive bid at least
5 10,000,000 cubic yards of the hopper dredge volume ac-
6 complished with government owned dredges in fiscal year
7 1992.

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. 102. None of the funds appropriated in this Act
17 may be used to study, design, or undertake improvements
18 of the Federal vessel, McFARLAND.

19 TITLE II

20 DEPARTMENT OF THE INTERIOR

21 CENTRAL UTAH PROJECT

22 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

23 For the purpose of carrying out provisions of the
24 Central Utah Project Completion Act, Public Law 102-
25 575 (106 Stat. 4605), and for feasibility studies of alter-

1 natives to the Uintah and Upalco Units, \$42,527,000, to
2 remain available until expended, of which \$16,700,000
3 shall be deposited into the Utah Reclamation Mitigation
4 and Conservation Account: *Provided*, That of the amounts
5 deposited into the Account, \$5,000,000 shall be considered
6 the Federal contribution authorized by paragraph
7 402(b)(2) of the Act and \$11,700,000 shall be available
8 to the Utah Reclamation Mitigation and Conservation
9 Commission to carry out activities authorized under the
10 Act.

11 In addition, for necessary expenses incurred in carry-
12 ing out responsibilities of the Secretary of the Interior
13 under the Act, \$1,100,000, to remain available until ex-
14 pended.

15 BUREAU OF RECLAMATION

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

21 GENERAL INVESTIGATIONS

22 For engineering and economic investigations of pro-
23 posed Federal reclamation projects and studies of water
24 conservation and development plans and activities prelimi-
25 nary to the reconstruction, rehabilitation and betterment,
26 financial adjustment, or extension of existing projects,

1 \$14,548,000, to remain available until expended: *Pro-*
2 *vided*, That of the total appropriated, the amount for pro-
3 gram activities which can be financed by the reclamation
4 fund shall be derived from that fund: *Provided further*,
5 That funds contributed by non-Federal entities for pur-
6 poses similar to this appropriation shall be available for
7 expenditure for the purposes for which contributed as
8 though specifically appropriated for said purposes, and
9 such amounts shall remain available until expended: *Pro-*
10 *vided further*, That of the total appropriated, \$500,000
11 shall be available to complete the appraisal study and initi-
12 ate preconstruction engineering and design for the Del
13 Norte County and Crescent City, California, Wastewater
14 Reclamation Project, and \$500,000 shall be available to
15 complete the appraisal study and initiate preconstruction
16 engineering and design for the Fort Bragg, California,
17 Water Supply Project.

18 CONSTRUCTION PROGRAM

19 (INCLUDING TRANSFER OF FUNDS)

20 For construction and rehabilitation of projects and
21 parts thereof (including power transmission facilities for
22 Bureau of Reclamation use) and for other related activi-
23 ties as authorized by law, \$398,069,000, to remain avail-
24 able until expended, of which \$23,410,000 shall be avail-
25 able for transfer to the Upper Colorado River Basin Fund
26 authorized by section 5 of the Act of April 11, 1956 (43

1 U.S.C. 620d), and \$71,728,000 shall be available for
2 transfer to the Lower Colorado River Basin Development
3 Fund authorized by section 403 of the Act of September
4 30, 1968 (43 U.S.C. 1543), and such amounts as may
5 be necessary shall be considered as though advanced to
6 the Colorado River Dam Fund for the Boulder Canyon
7 Project as authorized by the Act of December 21, 1928,
8 as amended: *Provided*, That of the total appropriated, the
9 amount for program activities which can be financed by
10 the reclamation fund shall be derived from that fund: *Pro-*
11 *vided further*, That transfers to the Upper Colorado River
12 Basin Fund and Lower Colorado River Basin Develop-
13 ment Fund may be increased or decreased by transfers
14 within the overall appropriation under this heading: *Pro-*
15 *vided further*, That funds contributed by non-Federal enti-
16 ties for purposes similar to this appropriation shall be
17 available for expenditure for the purposes for which con-
18 tributed as though specifically appropriated for said pur-
19 poses, and such funds shall remain available until ex-
20 pended: *Provided further*, That all costs of the safety of
21 dams modification work at Coolidge Dam, San Carlos Irri-
22 gation Project, Arizona, performed under the authority of
23 the Reclamation Safety of Dams Act of 1978 (43 U.S.C.
24 506), as amended, are in addition to the amount author-
25 ized in section 5 of said Act: *Provided further*, That utiliz-

1 ing funds appropriated for the Tucson Aqueduct System
2 Reliability Investigation, the Bureau of Reclamation is di-
3 rected to complete, by the end of fiscal year 1997, the
4 environmental impact statement being conducted on the
5 proposed surface reservoir. The Bureau of Reclamation is
6 further directed to work with the City of Tucson on any
7 outstanding issues related to the preferred alternative.

8 OPERATION AND MAINTENANCE

9 For operation and maintenance of reclamation
10 projects or parts thereof and other facilities, as authorized
11 by law; and for a soil and moisture conservation program
12 on lands under the jurisdiction of the Bureau of Reclama-
13 tion, pursuant to law, \$286,232,000, to remain available
14 until expended: *Provided*, That of the total appropriated,
15 the amount for program activities which can be financed
16 by the reclamation fund shall be derived from that fund,
17 and the amount for program activities which can be de-
18 rived from the special fee account established pursuant to
19 the Act of December 22, 1987 (16 U.S.C. 460l-6a, as
20 amended), may be derived from that fund: *Provided fur-*
21 *ther*, That funds advanced by water users for operation
22 and maintenance of reclamation projects or parts thereof
23 shall be deposited to the credit of this appropriation and
24 may be expended for the same purpose and in the same
25 manner as sums appropriated herein may be expended,
26 and such advances shall remain available until expended:

1 *Provided further*, That revenues in the Upper Colorado
2 River Basin Fund shall be available for performing exam-
3 ination of existing structures on participating projects of
4 the Colorado River Storage Project.

5 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

6 For the cost of direct loans and/or grants,
7 \$12,290,000, to remain available until expended, as au-
8 thorized by the Small Reclamation Projects Act of August
9 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided*,
10 That such costs, including the cost of modifying such
11 loans, shall be as defined in section 502 of the Congres-
12 sional Budget Act of 1974: *Provided further*, That these
13 funds are available to subsidize gross obligations for the
14 principal amount of direct loans not to exceed
15 \$37,000,000.

16 In addition, for administrative expenses necessary to
17 carry out the program for direct loans and/or grants,
18 \$425,000: *Provided*, That of the total sums appropriated,
19 the amount of program activities which can be financed
20 by the reclamation fund shall be derived from the fund.

21 CENTRAL VALLEY PROJECT RESTORATION FUND

22 For carrying out the programs, projects, plans, and
23 habitat restoration, improvement, and acquisition provi-
24 sions of the Central Valley Project Improvement Act, such
25 sums as may be collected in the Central Valley Project
26 Restoration Fund pursuant to sections 3407(d),

1 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102–
2 575, to remain available until expended: *Provided*, That
3 the Bureau of Reclamation is directed to levy additional
4 mitigation and restoration payments totaling \$30,000,000
5 (October 1992 price levels) on a three-year rolling average
6 basis, as authorized by section 3407(d) of Public Law
7 102–575.

8 GENERAL ADMINISTRATIVE EXPENSES

9 For necessary expenses of general administration and
10 related functions in the office of the Commissioner, the
11 Denver office, and offices in the five regions of the Bureau
12 of Reclamation, to remain available until expended,
13 \$45,150,000, to be derived from the reclamation fund and
14 to be nonreimbursable pursuant to the Act of April 19,
15 1945 (43 U.S.C. 377): *Provided*, That no part of any
16 other appropriation in this Act shall be available for activi-
17 ties or functions budgeted for the current fiscal year as
18 general administrative expenses.

19 SPECIAL FUNDS

20 (TRANSFER OF FUNDS)

21 Sums herein referred to as being derived from the
22 reclamation fund or special fee account are appropriated
23 from the special funds in the Treasury created by the Act
24 of June 17, 1902 (43 U.S.C. 391) or the Act of December
25 22, 1987 (16 U.S.C. 4601–6a, as amended), respectively.
26 Such sums shall be transferred, upon request of the Sec-

1 retary, to be merged with and expended under the heads
2 herein specified.

3 ADMINISTRATIVE PROVISION

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

7 TITLE III

8 DEPARTMENT OF ENERGY

9 ENERGY PROGRAMS

10 ENERGY SUPPLY, RESEARCH AND DEVELOPMENT

11 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 energy supply, research and development activities in
16 carrying out the purposes of the Department of Energy
17 Organization Act (42 U.S.C. 7101, et seq.), including the
18 acquisition or condemnation of any real property or any
19 facility or for plant or facility acquisition, construction, or
20 expansion; purchase of passenger motor vehicles (not to
21 exceed 24 for replacement only), \$2,648,000,000, to re-
22 main available until expended: *Provided*, That of the
23 \$13,102,000 made available to the Office of Energy Effi-
24 ciency and Renewable Energy for program direction,
25 \$1,440,000 is available only for termination expenses re-

1 lated to reducing FTEs of the headquarters staff of that
2 Office.

3 URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

4 For expenses of the Department of Energy in connec-
5 tion with operating expenses; the purchase, construction,
6 and acquisition of plant and capital equipment and other
7 expenses necessary for uranium supply and enrichment ac-
8 tivities in carrying out the purposes of the Department
9 of Energy Organization Act (42 U.S.C. 7101, et seq.) and
10 the Energy Policy Act (Public Law 102-486, section 901),
11 including the acquisition or condemnation of any real
12 property or any facility or for plant or facility acquisition,
13 construction, or expansion; purchase of electricity as nec-
14 essary; and the purchase of passenger motor vehicles (not
15 to exceed 3 for replacement only); \$53,972,000, to remain
16 available until expended: *Provided*, That revenues received
17 by the Department for uranium programs and estimated
18 to total \$42,200,000 in fiscal year 1997 shall be retained
19 and used for the specific purpose of offsetting costs in-
20 curred by the Department for such activities notwith-
21 standing the provisions of 31 U.S.C. 3302(b) and 42
22 U.S.C. 2296(b)(2): *Provided further*, That the sum herein
23 appropriated shall be reduced as revenues are received
24 during fiscal year 1997 so as to result in a final fiscal
25 year 1997 appropriation from the General Fund estimated
26 at not more than \$11,772,000.

1 URANIUM ENRICHMENT DECONTAMINATION AND
2 DECOMMISSIONING FUND

3 For necessary expenses in carrying out uranium en-
4 richment facility decontamination and decommissioning,
5 remedial actions and other activities of title II of the
6 Atomic Energy Act of 1954 and title X, subtitle A of the
7 Energy Policy Act of 1992, \$200,200,000, to be derived
8 from the Fund, to remain available until expended: *Pro-*
9 *vided*, That \$34,000,000 of amounts derived from the
10 Fund for such expenses shall be available in accordance
11 with title X, subtitle A, of the Energy Policy Act of 1992.

12 GENERAL SCIENCE AND RESEARCH ACTIVITIES

13 For expenses of the Department of Energy activities
14 including the purchase, construction and acquisition of
15 plant and capital equipment and other expenses necessary
16 for general science and research activities in carrying out
17 the purposes of the Department of Energy Organization
18 Act (42 U.S.C. 7101, et seq.), including the acquisition
19 or condemnation of any real property or facility or for
20 plant or facility acquisition, construction, or expansion,
21 \$996,000,000, to remain available until expended.

22 NUCLEAR WASTE DISPOSAL FUND

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
26 expansion, \$182,000,000, to remain available until ex-

1 pended, to be derived from the Nuclear Waste Fund, sub-
2 ject to authorization: *Provided*, That none of the funds
3 provided herein shall be distributed to the State of Nevada
4 or affected units of local government (as defined by Public
5 Law 97-425) by direct payment, grant, or other means,
6 for financial assistance under section 116 of the Nuclear
7 Waste Policy Act of 1982, as amended: *Provided further*,
8 That the foregoing proviso shall not apply to payments
9 in lieu of taxes under section 116(c)(3)(A) of the Nuclear
10 Waste Policy Act of 1982, as amended.

11 DEPARTMENTAL ADMINISTRATION

12 For salaries and expenses of the Department of En-
13 ergy necessary for Departmental Administration in carry-
14 ing out the purposes of the Department of Energy Organi-
15 zation Act (42 U.S.C. 7101, et seq.), including the hire
16 of passenger motor vehicles and official reception and rep-
17 resentation expenses (not to exceed \$35,000),
18 \$195,000,000, to remain available until expended, plus
19 such additional amounts as necessary to cover increases
20 in the estimated amount of cost of work for others not-
21 withstanding the provisions of the Anti-Deficiency Act (31
22 U.S.C. 1511, et seq.): *Provided*, That such increases in
23 cost of work are offset by revenue increases of the same
24 or greater amount, to remain available until expended:
25 *Provided further*, That moneys received by the Department
26 for miscellaneous revenues estimated to total

1 \$125,388,000 in fiscal year 1997 may be retained and
2 used for operating expenses within this account, and may
3 remain available until expended, as authorized by section
4 201 of Public Law 95–238, notwithstanding the provisions
5 of 31 U.S.C. 3302: *Provided further*, That the sum herein
6 appropriated shall be reduced by the amount of mis-
7 cellaneous revenues received during fiscal year 1997 so as
8 to result in a final fiscal year 1997 appropriation from
9 the General Fund estimated at not more than
10 \$69,612,000: *Provided further*, That end of year employee
11 levels for fiscal year 1997 may not exceed the following
12 by organization: Board of Contract Appeals, 6; Chief Fi-
13 nancial Officer, 192; Congressional, Public, and Intergov-
14 ernmental Affairs, 35; Economic Impact and Diversity,
15 30; Field Management, 20; General Counsel, 153; Human
16 Resources and Administration, 550; Office of the Sec-
17 retary, 23; and Policy, 20.

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, \$24,000,000, 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), \$3,684,378,000, 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), \$5,409,310,000, to remain available until
23 expended: *Provided*, That an additional amount of
24 \$134,500,000 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), \$1,459,533,000, 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 BONNEVILLE POWER ADMINISTRATION FUND

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

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

8 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
9 ADMINISTRATION

10 For necessary expenses of operation and maintenance
11 of power transmission facilities and of marketing electric
12 power and energy pursuant to the provisions of section
13 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
14 applied to the southeastern power area, \$18,859,000, to
15 remain available until expended.

16 OPERATION AND MAINTENANCE, SOUTHWESTERN POWER
17 ADMINISTRATION

18 For necessary expenses of operation and maintenance
19 of power transmission facilities and of marketing electric
20 power and energy, and for construction and acquisition of
21 transmission lines, substations and appurtenant facilities,
22 and for administrative expenses, including official recep-
23 tion and representation expenses in an amount not to ex-
24 ceed \$1,500 in carrying out the provisions of section 5
25 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
26 applied to the southwestern power area, \$25,210,000, to

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 \$211,582,000, to remain available until expended, of
15 which \$203,687,000 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), \$141,290,000, to remain available until ex-
21 pended: *Provided*, That notwithstanding any other provi-
22 sion of law, not to exceed \$141,290,000 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 GENERAL PROVISION

6 **SEC. 301. PRIORITY PLACEMENT, JOB PLACEMENT, RE-**
7 **TRAINING, AND COUNSELING PROGRAMS**
8 **FOR UNITED STATES DEPARTMENT OF EN-**
9 **ERGY EMPLOYEES AFFECTED BY A REDUC-**
10 **TION IN FORCE.**

11 (a) DEFINITIONS.—

12 (1) for the purposes of this section, the term
13 “agency” means the United States Department of
14 Energy.

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

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

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

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

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

1 (i) an employee separated from service
2 for cause on charges of misconduct or de-
3 linquency; or

4 (ii) an employee who, at the time of
5 separation, meets the age and service re-
6 quirements for an immediate annuity
7 under subchapter III of chapter 83 or
8 chapter 84 of title 5, United States Code.

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

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

18 (1) there is then available any eligible employee
19 who applies for the position within 30 days of the
20 agency issuing a job announcement and is qualified
21 (or can be trained or retrained to become qualified
22 within 90 days of assuming the position) for the po-
23 sition; and

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

4 (d) JOB PLACEMENT AND COUNSELING SERVICES.—

5 The head of the agency may establish a program to pro-
6 vide job placement and counseling services to eligible em-
7 ployees.

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

11 (A) career and personal counseling;

12 (B) training and job search skills; and

13 (C) job placement assistance, including as-
14 sistance provided through cooperative arrange-
15 ments with State and local employment services
16 offices.

17 TITLE IV

18 INDEPENDENT AGENCIES

19 APPALACHIAN REGIONAL COMMISSION

20 For expenses necessary to carry out the programs au-
21 thorized by the Appalachian Regional Development Act of
22 1965, as amended, notwithstanding section 405 of said
23 Act, and for necessary expenses for the Federal Co-Chair-
24 man and the alternate on the Appalachian Regional Com-
25 mission and for payment of the Federal share of the ad-

1 ministrative expenses of the Commission, including serv-
2 ices as authorized by 5 U.S.C. 3109, and hire of passenger
3 motor vehicles, \$155,331,000, to remain available until ex-
4 pended.

5 DEFENSE NUCLEAR FACILITIES SAFETY

6 BOARD

7 SALARIES AND EXPENSES

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

13 NUCLEAR REGULATORY COMMISSION

14 SALARIES AND EXPENSES

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses of the Commission in carry-
17 ing out the purposes of the Energy Reorganization Act
18 of 1974, as amended, and the Atomic Energy Act of 1954,
19 as amended, including the employment of aliens; services
20 authorized by 5 U.S.C. 3109; publication and dissemina-
21 tion of atomic information; purchase, repair, and cleaning
22 of uniforms; official representation expenses (not to exceed
23 \$20,000); reimbursements to the General Services Admin-
24 istration for security guard services; hire of passenger
25 motor vehicles and aircraft, \$471,800,000, to remain

1 available until expended: *Provided*, That of the amount ap-
2 propriated herein, \$11,000,000 shall be derived from the
3 Nuclear Waste Fund, subject to the authorization required
4 in this bill under the heading, “Nuclear Waste Disposal
5 Fund”: *Provided further*, That from this appropriation,
6 transfer of sums may be made to other agencies of the
7 Government for the performance of the work for which
8 this appropriation is made, and in such cases the sums
9 so transferred may be merged with the appropriation to
10 which transferred: *Provided further*, That moneys received
11 by the Commission for the cooperative nuclear safety re-
12 search program, services rendered to foreign governments
13 and international organizations, and the material and in-
14 formation access authorization programs, including crimi-
15 nal history checks under section 149 of the Atomic Energy
16 Act may be retained and used for salaries and expenses
17 associated with those activities, notwithstanding 31 U.S.C.
18 3302, and shall remain available until expended: *Provided*
19 *further*, That revenues from licensing fees, inspection serv-
20 ices, and other services and collections estimated at
21 \$457,300,000 in fiscal year 1997 shall be retained and
22 used for necessary salaries and expenses in this account,
23 notwithstanding 31 U.S.C. 3302, and shall remain avail-
24 able until expended: *Provided further*, That the funds here-
25 in appropriated for regulatory reviews and other activities

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

13 OFFICE OF INSPECTOR GENERAL

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses of the Office of Inspector
16 General in carrying out the provisions of the Inspector
17 General Act of 1978, as amended, including services au-
18 thorized by 5 U.S.C. 3109, \$5,000,000, to remain avail-
19 able until expended; and in addition, an amount not to
20 exceed 5 percent of this sum may be transferred from Sal-
21 aries and Expenses, Nuclear Regulatory Commission: *Pro-*
22 *vided*, That notice of such transfers shall be given to the
23 Committees on Appropriations of the House and Senate:
24 *Provided further*, That from this appropriation, transfers
25 of sums may be made to other agencies of the Government

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

14 NUCLEAR WASTE TECHNICAL REVIEW BOARD

15 SALARIES AND EXPENSES

16 For necessary expenses of the Nuclear Waste Tech-
 17 nical Review Board, as authorized by Public Law 100-
 18 203, section 5051, \$2,531,000, to be derived from the Nu-
 19 clear Waste Fund, subject to the authorization required
 20 in this bill under the heading, "Nuclear Waste Disposal
 21 Fund", and to remain available until expended.

22 TENNESSEE VALLEY AUTHORITY

23 For the purpose of carrying out the provisions of the
 24 Tennessee Valley Authority Act of 1933, as amended (16
 25 U.S.C. ch. 12A), including hire, maintenance, and oper-

1 ation of aircraft, and purchase and hire of passenger
2 motor vehicles, \$97,169,000, to remain available until ex-
3 pended: *Provided*, That none of the funds provided herein
4 shall be available for activities of the Environmental Re-
5 search Center in Muscle Shoals, Alabama, except for nec-
6 essary termination expenses: *Provided further*, That of the
7 funds provided herein, not more than \$5,000,000 shall be
8 made available for operation, maintenance, improvement,
9 and surveillance of Land Between the Lakes: *Provided fur-*
10 *ther*, That of the amount provided herein, not more than
11 \$16,000,000 shall be available for Economic Development
12 activities.

13 TITLE V—GENERAL PROVISIONS

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

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

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

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

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

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

20 (b) The costs of the Kesterson Reservoir Cleanup
21 Program and the costs of the San Joaquin Valley Drain-
22 age Program shall be classified by the Secretary of the
23 Interior as reimbursable or nonreimbursable and collected
24 until fully repaid pursuant to the “Cleanup Program—
25 Alternative Repayment plan” and the “SJVDP—Alter-

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

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

Union Calendar No. 350

104TH CONGRESS
2^D SESSION

H. R. 3816

[Report No. 104-679]

A BILL

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

JULY 16, 1996

Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed