

12-13-1995

# Energy and Water Development Appropriations Act of 1996, Title V, General Provisions, Sec 507

United States 104th Congress

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PL 104-46, Title V, § 507, 109 Stat. 402, 419

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PUBLIC LAW 104-46—NOV. 13, 1995

**ENERGY AND WATER DEVELOPMENT  
APPROPRIATIONS ACT, 1996**

Public Law 104-46  
104th Congress

An Act

Nov. 13, 1995  
[H.R. 1905]

Making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

Energy and  
Water  
Development  
Appropriations  
Act, 1996.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, \$121,767,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Norco Bluffs, California, \$375,000;  
Ohio River Greenway, Indiana, \$500,000;  
Kentucky Lock and Dam, Kentucky, \$2,000,000;  
Mussers Dam, Middle Creek, Snyder County, Pennsylvania,  
\$300,000; and

West Virginia Port Development, West Virginia, \$300,000:  
*Provided,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake a study of water supply and associated needs in the vicinity of Hazard, Kentucky, using \$500,000 of the funds appropriated under this heading in Public Law 103-316 for Hazard, Kentucky.

## CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$804,573,000, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri, Lock and Dam 14, Mississippi River, Iowa, Lock and Dam 24, Mississippi River, Illinois and Missouri, and GIWW-Brazos River Floodgates, Texas, projects, and of which funds are provided for the following projects in the amounts specified:

Homer Spit, Alaska, repair and extend project, \$3,800,000;  
McClellan-Kerr Arkansas River Navigation System, Arkansas, \$6,000,000: *Provided*, That \$4,900,000 of such amount shall be used for activities relating to Montgomery Point Lock and Dam, Arkansas;  
Red River Emergency Bank Protection, Arkansas and Louisiana, \$6,600,000;  
Sacramento River Flood Control Project (Glenn-Colusa Irrigation District), California, \$300,000;  
San Timoteo Creek (Santa Ana River Mainstem), California, \$5,000,000;  
Indiana Shoreline Erosion, Indiana, \$1,500,000;  
Arkansas City flood control project, Kansas, \$700,000, except that for the purposes of the project, section 902 of Public Law 99-662 is waived;  
Winfield, Kansas, \$670,000;  
Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$12,000,000;  
Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$4,100,000;  
Middlesboro (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$1,600,000;  
Salyersville, Kentucky, \$500,000;  
Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, \$13,348,000;  
Ouachita River Levees, Louisiana, \$2,300,000;  
Red River below Denison Dam Levee and Bank Stabilization, Louisiana, Arkansas, and Texas, \$2,500,000;  
Roughans Point, Massachusetts, \$710,000;  
Marshall, Minnesota, \$850,000;  
Ste. Genevieve, Missouri, \$1,000,000;  
Broad Top Region, Pennsylvania, \$4,100,000;  
Glen Foerd, Pennsylvania, \$200,000;  
South Central Pennsylvania Environmental Restoration, Pennsylvania, \$3,500,000;  
Wallisville Lake, Texas, \$5,000,000;  
Virginia Beach Erosion Control and Hurricane Protection, Virginia, \$1,100,000;

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

Upper Mingo (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, \$2,000,000: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, shall transfer \$1,120,000 of the Construction, General funds appropriated in this Act to the Secretary of the Interior and the Secretary of the Interior shall accept and expend such funds for performing operation and maintenance activities at the Columbia River Fishing Access Sites to be constructed by the Department of the Army at Cascade Locks, Oregon; Lone Pine, Oregon; Underwood, Washington; and the Bonneville Treaty Fishing Access Site, Washington: *Provided further*, That using funds appropriated in Public Law 103-316 for the Sacramento River Flood Control Project (Deficiency Correction), California, project and funds appropriated herein for the Sacramento Urban Area Levee Reconstruction, California, project, the Secretary of the Army, acting through the Chief of Engineers, is directed to acquire all or part of the Little Holland Tract, with any and all appurtenant water rights, for wetland and fish and wildlife activities pursuant to the authority of section 906 of Public Law 99-662 and conditioned on a determination made by the Secretary, pursuant to section 906, that acquisition is in the Federal interest.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), \$307,885,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, \$1,703,697,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that fund for construction, operation, and maintenance of outdoor recreation facilities: *Provided*, That not to exceed \$5,000,000 shall be available for obligation for national emergency preparedness programs: *Provided further*, That \$5,926,000 of the funds appropriated herein are provided for the Raystown Lake, Pennsylvania, project: *Provided further*, That the Secretary of the Army is directed during

fiscal year 1996 to maintain a minimum conservation pool level of 475.5 at Wister Lake in Oklahoma.

#### REGULATORY PROGRAM

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

#### FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, \$10,000,000, to remain available until expended.

#### OIL SPILL RESEARCH

For expenses necessary to carry out the purposes of the Oil Spill Liability Trust Fund, pursuant to title VII of the Oil Pollution Act of 1990, \$850,000, to be derived from the Fund and to remain available until expended.

#### GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Engineering Strategic Studies Center, and the Water Resources Support Center, \$151,500,000, to remain available until expended: *Provided*, That not to exceed \$62,000,000 of the funds provided in this Act shall be available for general administration and related functions in the Office of the Chief of Engineers: *Provided further*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the Division Offices: *Provided further*, That with funds provided herein and notwithstanding any other provision of law, the Secretary of the Army shall develop and submit to the Congress (including the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives) within 60 days of enactment of this Act, a plan which reduces the number of division offices within the United States Army Corps of Engineers to no less than 6 and no more than 8, with each division responsible for at least 4 district offices, but does not close or change any civil function of any district office: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Army is directed to begin implementing the division office plan on August 15, 1996, and such plan shall be implemented prior to October 1, 1997.

#### ADMINISTRATIVE PROVISIONS

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

## GENERAL PROVISIONS

## CORPS OF ENGINEERS—CIVIL

Contracts.

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

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

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

(d) If any of the four Corps of Engineers hopper dredges is removed from normal service for repair or rehabilitation and such repair prevents the dredge from accomplishing its volume of work regularly carried out in each of the past three years, the Secretary shall not significantly alter the operating schedules of the remaining Federal hopper dredges established in accordance with the requirements of subsection (a) above.

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

(b) PROJECT DEPTH.—The project described in subsection (a) is modified to provide for an authorized depth of 12.5 feet.

(c) NAVIGATION CHANNEL (MODIFIED).—The reauthorized project navigation channel shall be defined by the following coordinates: 2911N-2239E, 3240N-2504E, 3964N-2874E, 4182N-2891E, 4469N-2808E, 4692N-2720E, 4879N-2615E, 4952N-2778E, 4438N-2980E, 4227N-3097E, 3720N-3068E, 3076N-2798E, 2996N-2706E, 2783N-2450E.

(d) HARBOR OF REFUGE.—The project described in subsection (a), including the breakwalls, pier and authorized depth of the project (as modified by subsection (b)), shall continue to be maintained as a harbor of refuge.

SEC. 103. With the exception of the use of funds to process any required Department of the Army permits, none of the funds appropriated herein or otherwise available to the Army Corps of Engineers may be used to assist, guide, coordinate, administer, prepare for occupancy of, or acquire furnishings for or in preparation of a movement to the Southeast Federal Center.

SEC. 104. The project for flood control for Petersburg, West Virginia, authorized by section 101(a)(26) of the Water Resources Development Act of 1990 (Public Law 101-640, 104 Stat. 4611) is modified to authorize the Secretary of the Army to construct the project at a total cost not to exceed \$26,600,000, with an estimated first Federal cost of \$19,195,000 and an estimated first non-Federal cost of \$7,405,000.

SEC. 105. (a) The Secretary of the Army is authorized to accept from a non-Federal sponsor an amount of additional lands not to exceed 300 acres which are contiguous to the Cooper Lake and Channels Project, Texas, authorized by the River and Harbor Act of 1965 and the Water Resources Development Act of 1986, and which provide habitat value at least equal to that provided by the lands authorized to be redesignated in subsection (b).

(b) Upon the completion of subsection (a), the Secretary is further authorized to redesignate an amount of mitigation land not to exceed 300 acres to recreation purposes.

(c) The cost of all work to be undertaken pursuant to this section, including but not limited to real estate appraisals, cultural and environmental surveys, and all development necessary to avoid net mitigation losses, to the extent such actions are required, shall be borne by the donating sponsor.

SEC. 106. Using \$2,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake the Indianapolis, Indiana, project, authorized in section 5 of Public Law 74-738, as amended, and as modified to include certain riverfront alterations as described in the Central Indianapolis Waterfront Concept Master Plan, dated February, 1994, at a total cost of \$65,975,000 with an estimated first Federal cost of \$39,975,000 and an estimated first non-Federal cost of \$26,000,000.

#### SEC. 107. SOUTH CENTRAL PENNSYLVANIA.

(a) IN GENERAL.—Section 313 of the Water Resources Development Act of 1992 (106 Stat. 4845-4847) is amended—

(1) in the heading to subsection (c) by striking “With SARCD COUNCIL”;

(2) in subsection (c) by inserting “with State, regional, and local officials, including, where applicable,” after “consult”;

(3) in subsection (d)(2)(A) by inserting “,where applicable,” after “Council”;

(4) in subsection (g)(1) by striking “\$17,000,000” and inserting “\$50,000,000”; and

(5) in subsection (h)(2) by striking “Bedford, Blair, Cambria, Fulton, Huntingdon, and Somerset” and inserting “Armstrong, Bedford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder, and Westmoreland”.

(b) COST SHARING.—Section 313(d)(3) of the Water Resources Development Act of 1992 (106 Stat. 4846) is amended to read as follows:

“(3) COST SHARING.—

“(A) IN GENERAL.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for the reasonable costs of design work completed by such



interest prior to entering into a local cooperation agreement with the Secretary for a project. The Federal share may in the form of grants or reimbursements of project costs.

“(B) INTEREST.—In the event of delays in reimbursement of the non-Federal share of a project, the non-Federal interest shall receive credit for reasonable interest to provide the non-Federal share of a project’s cost.

“(C) LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, including direct costs associated with obtaining permits necessary for the placement of such project on public owned or controlled lands, but not to exceed 25 percent of total project costs.

“(D) OPERATION AND MAINTENANCE CREDIT.—Operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent non-Federal.”.

SEC. 108. Using \$2,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to proceed with engineering, design, and construction of projects to provide for flood control and improvements to rainfall drainage systems in Jefferson, Orleans, and St. Tammany Parishes, Louisiana, in accordance with the following reports of the New Orleans District Engineer: Jefferson and Orleans Parishes, Louisiana, Urban Flood Control and Water Quality Management, July 1992; Tangipahoa, Techefuncte and Tickfaw Rivers, Louisiana, June 1991; and Schneider Canal, Slidell, Louisiana, Hurricane Protection, May 1990. There is authorized to be appropriated \$25,000,000 for the initiation and partial accomplishment of projects described in these reports. The cost of any work performed by the non-Federal interests subsequent to the above cited reports, as determined by the Secretary of the Army to be a compatible and integral part of the projects, shall be credited toward the non-Federal share of the projects.

Public lands.  
Kentucky.

SEC. 109. (a) IN GENERAL.—Subject to the provisions of this section, the Secretary of the Army shall convey to the City of Prestonsburg, Kentucky, all right, title, and interest of the United States, in and to the land described in the Supplemental Agreement—Modification No. 2 to the Department of the Army lease #DACW69-1-76-0186, executed by and between the Department of the Army and the Commonwealth of Kentucky, together with any improvements thereon.

(b) CONDITIONS.—The conveyance authorized by this section is subject to the following conditions:

(1) The City shall ensure that the land conveyed by this section will be used for public use recreational purposes and to further the regional economic development.

(2) The City shall use all proceeds derived from the sale or lease of any mineral rights conveyed pursuant to this section for the development, operation, and maintenance of recreational facilities on the lands conveyed in accordance with this section.

(3) The City shall accept the property in its condition at the time of the conveyance. The Secretary shall not be required to make any improvements in the property’s condition, and the City shall hold and save the United States free from any claims or damages arising from any activities on the con-

veyed land either on the date of the conveyance or any subsequent date.

(4) If the City uses the land conveyed under this section for any purpose other than those specified in this paragraph, the Secretary shall notify the City of such failure. If the City does not correct such nonconforming use during the 1-year period beginning on the date of such notification, the Secretary shall have a right of reverter to reclaim possession and title to the land conveyed under this section.

SEC. 110. Using funds appropriated herein the Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake the Coos Bay, Oregon project in accordance with the Report of the Chief of Engineers, dated June 30, 1994, at a total cost of \$14,541,000, with an estimated Federal cost of \$10,777,000 and an estimated non-Federal cost of \$3,764,000.

## TITLE II

### DEPARTMENT OF THE INTERIOR

#### CENTRAL UTAH PROJECT

##### CENTRAL UTAH PROJECT COMPLETION ACCOUNT

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

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

#### BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

##### GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, \$12,684,000: *Provided*, That, of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contrib-

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

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, \$411,046,000, of which \$27,049,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and \$94,225,000 shall be available for transfer to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further*, That all costs of the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, performed under the authority of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506), as amended, are in addition to the amount authorized in section 5 of said Act.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, \$273,076,000: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 4601-6a, as amended), may be derived from that fund: *Provided further*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same purpose and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further*, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project.

## BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

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

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

## CENTRAL VALLEY PROJECT RESTORATION FUND

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

## GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, \$48,150,000, of which \$1,400,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

## SPECIAL FUNDS

## (TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987 (16 U.S.C. 4601-6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the reclamation fund.

## ADMINISTRATIVE PROVISION

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

## TITLE III

## DEPARTMENT OF ENERGY

## ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 25, of which 19 are for replacement only), \$2,727,407,000, to remain available until expended.

## URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.) and the Energy Policy Act (Public Law 102-486, section 901), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity as necessary; \$64,197,000, to remain available until expended: *Provided*, That revenues received by the Department for uranium programs and estimated to total \$34,903,000 in fiscal year 1996 shall be retained and used for the specific purpose of offsetting costs incurred by the Department for such activities notwithstanding the provisions of 31 U.S.C. 3302(b) and 42 U.S.C. 2296(b)(2): *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than \$29,294,000.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING  
FUND

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

## GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 12 for replacement only), \$981,000,000, to remain available until expended.

## NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$151,600,000, to remain available until expended, to be derived from the Nuclear Waste Fund.

## ATOMIC ENERGY DEFENSE ACTIVITIES

## WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 79, of which 76 are for replacement only, including one police-type vehicle), \$3,460,314,000, to remain available until expended.

## DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 7 for replacement only), \$5,557,532,000, to remain available until expended.

## OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, other defense activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,373,212,000, to remain available until expended.

## DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$248,400,000, to remain available until expended: *Provided*, That of the amount herein appropriated, \$85,000,000 shall be available for obligation and expenditure only for an interim storage facility and only upon the enactment of specific statutory authority.

## DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$366,697,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$122,306,000 in fiscal year 1996 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than \$244,391,000.

## OFFICE OF THE INSPECTOR GENERAL

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

## POWER MARKETING ADMINISTRATIONS

## OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

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

## BONNEVILLE POWER ADMINISTRATION FUND

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

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

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER  
ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$19,843,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER  
ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$29,778,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed \$4,272,000 in reimbursements, to remain available until expended.

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

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7101, et seq.), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500, \$257,652,000, to remain available until expended, of which \$245,151,000 shall be derived from the Department of the Interior Reclamation fund: *Provided*, That of the amount herein appropriated, \$5,283,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration \$4,556,000 to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

## FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

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



## FEDERAL ENERGY REGULATORY COMMISSION

## SALARIES AND EXPENSES

42 USC 7171  
note.

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed \$3,000); \$131,290,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$131,290,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1996, shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than \$0.

## TITLE IV

## INDEPENDENT AGENCIES

## APPALACHIAN REGIONAL COMMISSION

40 USC app. 401  
note.

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, \$170,000,000.

## DEFENSE NUCLEAR FACILITIES SAFETY BOARD

## SALARIES AND EXPENSES

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

## DELAWARE RIVER BASIN COMMISSION

## SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), \$343,000.

## CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), \$428,000.

## INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER  
BASIN

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

## NUCLEAR REGULATORY COMMISSION

## SALARIES AND EXPENSES

## (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed \$20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$468,300,000, to remain available until expended, of which \$11,000,000 shall be derived from the Nuclear Waste Fund: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$457,300,000 in fiscal year 1996 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1996 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1996 appropriation estimated at not more than \$11,000,000.

OFFICE OF INSPECTOR GENERAL  
(INCLUDING TRANSFER OF FUNDS)

Notice.

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by section 3109 of title 5, United States Code, \$5,000,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1996 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1996 appropriation estimated at not more than \$0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

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

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), \$318,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), \$250,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft,

and purchase and hire of passenger motor vehicles, \$109,169,000, to remain available until expended. The Tennessee Valley Authority shall, not later than March 30, 1996, submit to Congress a preliminary plan for funding the environmental research center from sources other than direct appropriations to the Tennessee Valley Authority after fiscal year 1996.

## TITLE V

### GENERAL PROVISIONS

SEC. 501. Section 510 of Public Law 101-514, the Fiscal Year 1991 Energy and Water Development Appropriations Act, is repealed.

42 USC 7133  
note.

SEC. 502. Notwithstanding the provisions of any other law, the report referred to in title 30 of Public Law 102-575 shall be submitted within five years from the date of enactment of that Act.

Reports.  
43 USC 371 note.

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

42 USC 10262  
note.

SEC. 504. Section 4(a) of the Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2723), is amended—

(a) in paragraph (1), by striking "October 1, 1995" and inserting in lieu thereof "October 1, 1996"; and

(b) in paragraph (2), by striking "ten-year" and inserting in lieu thereof "eleven-year".

SEC. 505. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

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

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

SEC. 507. In order to ensure the timely implementation of the Colorado Ute Indian Water Rights Settlement Act of 1988, the Secretary of the Interior is directed to proceed without delay with construction of those facilities in conformance with the final Biological Opinion for the Animas-La Plata project, Colorado and New Mexico, dated October 25, 1991.

SEC. 508. (a) DEFINITIONS.—In this section:

16 USC 832m.

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Bonneville Power Administration.

(2) COUNCIL.—The term “Council” means the Northwest Power and Conservation Planning Council.

(3) EXCESS FEDERAL POWER.—The term “excess Federal power” means such electric power that has become surplus to the firm contractual obligations of the Administrator under section 5(f) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839c(f)) due to either—

(A) any reduction in the quantity of electric power that the Administrator is contractually required to supply under subsections (b) and (d) of section 5 of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839c), due to the election by customers of the Bonneville Power Administration to purchase electric power from other suppliers, as compared to the quantity of electric power that the Administrator was contractually required to supply as of January 1, 1995; or

(B) those operations of the Federal Columbia River Power System that are primarily for the benefit of fish and wildlife affected by the development, operation, or management of the System.

(b) SALE OF EXCESS FEDERAL POWER.—Notwithstanding section 2, subsections (a), (b), and (c) of section 3, and section 7 of Public Law 88-552 (16 U.S.C. 837a, 837b, and 837f), and section 9(c) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839f(c)), the Administrator may, as permitted by otherwise applicable law, sell or otherwise dispose of excess Federal power—

(1) outside the Pacific Northwest on a firm basis for a contract term of not to exceed 7 years, if the excess Federal power is first offered for a reasonable period of time and under the same essential rate, terms and conditions to those Pacific Northwest public body, cooperative and investor-owned utilities and those direct service industrial customers identified in subsection (b) or (d)(1)(A) of section 5 of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839c); and

(2) in any region without the prohibition on resale established by the second sentence of section 5(a) of the Act entitled “An Act to authorize the completion, maintenance, and operation of Bonneville project for navigation, and for other purposes”, approved August 20, 1937 (commonly known as the “Bonneville Project Act of 1937”) (16 U.S.C. 832d(a)).

Reports.

(c) STUDY BY COUNCIL.—(1) Within 180 days of enactment of this Act, the Council shall review and report to Congress regarding the most appropriate governance structure to allow more effective regional control over efforts to conserve and enhance anadromous and resident fish and wildlife within the Federal Columbia River Power System.

(d) CORPS OF ENGINEERS PROCUREMENT.—The Assistant Secretary of the Army for Civil Works, acting through the North Pacific Division of the Corps of Engineers, is authorized to place orders for goods and services related to facilities for electric power generation and fish and wildlife mitigation associated with the Federal Columbia River Power System with and through the Administrator using the authorities available to the Administrator.

(e) RESIDENTIAL EXCHANGE.—Notwithstanding the establishment, confirmation and approval of rates pursuant to 16 U.S.C.

839e, and notwithstanding the provisions of 16 U.S.C. 839c(c), the cost benefits of eligible utilities' total purchase and exchange sales under 16 U.S.C. 839c(c)(1) shall be \$145,000,000 for fiscal year 1997, and the net benefits paid to each eligible electric utility shall be \$145,000,000 multiplied by the percentage of the total of such net benefits paid by the Administrator to such utility for fiscal year 1995.

(f) **PERSONNEL FLEXIBILITY.**—The Administrator may offer employees voluntary separation incentives as deemed necessary which shall not exceed \$25,000. Recipients who accept employment with the United States within five years after separation shall repay the entire amount to the Bonneville Power Administration.

(g) **SAVINGS.**—Unless superseded by an Act of Congress, the authority provided by this section is expressly intended to extend beyond the fiscal year.

**SEC. 509.** Section 7 of the Magnetic Fusion Energy Engineering Act (42 U.S.C. 9396) is repealed.

42 USC 9306.

**SEC. 510. WATER LEVELS IN RAINY LAKE AND NAMAKAN LAKE.**—

(a) **FINDINGS.**—Congress finds that—

(1) the Rainy Lake and Namakan Reservoir Water Level International Steering Committee conducted a 2-year analysis in which public comments on the water levels in Rainy Lake and Namakan Lake revealed significant problems with the current regulation of water levels and resulted in Steering Committee recommendations in November 1993; and

(2) maintaining water levels closer to those recommended by the Steering Committee will help ensure the enhancement of water quality, fish and wildlife, and recreational resources in Rainy Lake and Namakan Lake.

(b) **DEFINITIONS.**—In this section:

(1) **EXISTING RULE CURVE.**—The term “existing rule curve” means each of the rule curves promulgated by the International Joint Commission to regulate water levels in Rainy Lake and Namakan Lake in effect as of the date of enactment of this Act.

(2) **PROPOSED RULE CURVE.**—The term “proposed rule curve” means each of the rule curves recommended by the Rainy Lake and Namakan Reservoir International Steering Committee for regulation of water levels in Rainy Lake and Namakan Lake in the publication entitled “Final Report and Recommendations” published in November 1993.

(c) **WATER LEVELS.**—The dams at International Falls and Kettle Falls, Minnesota, in Rainy Lake and Namakan Lake, respectively, shall be operated so as to maintain water levels as follows:

(1) **COINCIDENT RULE CURVES.**—In each instance in which an existing rule curve coincides with a proposed rule curve, the water level shall be maintained within the range of such coincidence.

(2) **NONCOINCIDENT RULE CURVES.**—In each instance in which an existing rule curve does not coincide with a proposed rule curve, the water level shall be maintained at the limit of the existing rule curve that is closest to the proposed rule curve.

(d) **ENFORCEMENT.**—

(1) **IN GENERAL.**—The Federal Energy Regulatory Commission shall enforce this section as though the provisions were

included in the license issued by the Commission on December 31, 1987, for Commission Project No. 5223-001.

(2) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to require the Commission to alter the license for Commission Project No. 5223-001 in any way.

(e) **SUNSET.**—This section shall remain in effect until the International Joint Commission review of and decision on the Steering Committee's recommendations are completed.

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

Approved November 13, 1995.

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**LEGISLATIVE HISTORY—H.R. 1905:**

**HOUSE REPORTS:** Nos. 104-149 (Comm. on Appropriations) and 104-293 (Comm. of Conference).

**SENATE REPORTS:** No. 104-120 (Comm. on Appropriations).

**CONGRESSIONAL RECORD**, Vol. 141 (1995):

July 11, 12, considered and passed House.

July 31, Aug. 1, considered and passed Senate, amended.

Oct. 31, House and Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS**, Vol. 31 (1995):

Nov. 13, Presidential statement.

