

108TH CONGRESS
1ST SESSION

H. R. 2754

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 2003

Ordered to be printed with the amendment of the Senate

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

Making appropriations for energy and water development for the fiscal year ending September 30, 2004, 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, 2004, 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, shore protection, aquatic eco-
10 system restoration, and related purposes.

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, aquatic ecosystem restoration,
15 and related projects, restudy of authorized projects, mis-
16 cellaneous investigations, and, when authorized by law,
17 surveys and detailed studies and plans and specifications
18 of projects prior to construction, \$117,788,000, to remain
19 available until expended: *Provided*, That for the Ohio
20 Riverfront, Cincinnati, Ohio, project, the cost of planning
21 and design undertaken by non-Federal interests shall be
22 credited toward the non-Federal share of project design
23 costs.

CONSTRUCTION, GENERAL

1
2 For the prosecution of river and harbor, flood control,
3 shore protection, aquatic ecosystem restoration, and re-
4 lated projects authorized by law; and detailed studies, and
5 plans and specifications, of projects authorized or made
6 eligible for selection by law, \$1,642,911,000, to remain
7 available until expended; of which such sums as are nec-
8 essary to cover the Federal share of construction costs for
9 facilities under the Dredged Material Disposal Facilities
10 program shall be derived from the Harbor Maintenance
11 Trust Fund; and of which such sums as are necessary to
12 cover one-half of the costs of construction and rehabilita-
13 tion of inland waterways projects (including rehabilitation
14 costs for the Lock and Dam 11, Mississippi River, Iowa;
15 Lock and Dam 24, Mississippi River, Illinois and Mis-
16 souri; and Lock and Dam 3, Mississippi River, Minnesota;
17 projects) shall be derived from the Inland Waterways
18 Trust Fund: *Provided*, That the Secretary of the Army,
19 acting through the Chief of Engineers, is directed to pro-
20 ceed with the construction of the New York and New Jer-
21 sey Harbor project, 50-foot deepening element, upon exe-
22 cution of the Project Cooperation Agreement: *Provided*
23 *further*, That no funds made available under this Act or
24 any other Act for any fiscal year may be used by the Sec-
25 retary of the Army to carry out the construction of the

1 Port Jersey element of the New York and New Jersey
2 Harbor or reimbursement to the Local Sponsor for the
3 construction of the Port Jersey element until commit-
4 ments for construction of container handling facilities are
5 obtained from the non-Federal sponsor for a second user
6 along the Port Jersey element: *Provided further*, That
7 funds appropriated in this Act for the preservation and
8 restoration of the Florida Everglades shall be made avail-
9 able for expenditure unless (1) the Secretary of the Army,
10 not later than 30 days after the date of enactment of this
11 Act, transmits to the State of Florida and the Committees
12 on Appropriations of the House of Representatives and the
13 Senate a report containing a finding and supporting mate-
14 rials indicating that the waters entering the A.R.M.
15 Loxahatchee National Wildlife Refuge and Everglades Na-
16 tional Park do not meet the water quality requirements
17 set forth in the Consent Decree entered in United States
18 v. South Florida Water Management District, (2) the
19 State fails to submit a satisfactory plan to bring the wa-
20 ters into compliance with the water quality requirements
21 within 45 days of the date of the report, (3) the Secretary
22 transmits to the State and the Committees a follow-up re-
23 port containing a finding that the State has not submitted
24 such a plan, and (4) either the Committee on Appropria-
25 tions of the House of Representatives or the Senate issues

1 a written notice disapproving of further expenditure of the
2 funds: *Provided further*, That the Secretary of the Army
3 shall provide the State of Florida with notice and an op-
4 portunity to respond to any determination of the Secretary
5 under the preceding proviso before the determination be-
6 comes final.

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

10 For expenses necessary for the flood damage reduc-
11 tion program for the Mississippi River alluvial valley below
12 Cape Girardeau, Missouri, as authorized by law,
13 \$301,054,000, to remain available until expended.

14 OPERATION AND MAINTENANCE, GENERAL

15 For expenses necessary for the operation, mainte-
16 nance, and care of existing river and harbor, flood and
17 storm damage reduction, aquatic ecosystem restoration,
18 and related projects; for providing security for infrastruc-
19 ture owned and operated by, or on behalf of, the U.S.
20 Army Corps of Engineers, including administrative build-
21 ings and facilities, laboratories, and the Washington Aque-
22 duct; for the maintenance of harbor channels provided by
23 a State, municipality, or other public agency that serve
24 essential navigation needs of general commerce, where au-
25 thorized by law; and for surveys and charting of northern

1 and northwestern lakes and connecting waters, clearing
2 and straightening channels, and removal of obstructions
3 to navigation, ~~\$1,932,575,000~~, to remain available until
4 expended, of which such sums as become available in the
5 Harbor Maintenance Trust Fund, pursuant to Public Law
6 99-662 may be derived from that fund, and of which such
7 sums as become available from the special account for the
8 U.S. Army Corps of Engineers established by the Land
9 and Water Conservation Act of 1965, as amended (~~16~~
10 ~~U.S.C. 4601-6a(i)~~), may be derived from that account for
11 resource protection, research, interpretation, and mainte-
12 nance activities related to resource protection in the areas
13 at which outdoor recreation is available; and of which such
14 sums as become available under section 217 of the Water
15 Resources Development Act of 1996, Public Law ~~104-~~
16 ~~303~~, shall be used to cover the cost of operation and main-
17 tenance of the dredged material disposal facilities for
18 which fees have been collected.

19 **REGULATORY PROGRAM**

20 For expenses necessary for administration of laws
21 pertaining to regulation of navigable waters and wetlands,
22 ~~\$144,000,000~~, to remain available until expended.

1 agement activities of the division offices: *Provided further,*
2 That none of these funds shall be available to support an
3 office of congressional affairs within the executive office
4 of the Chief of Engineers.

5 ADMINISTRATIVE PROVISIONS

6 Appropriations in this title shall be available for offi-
7 cial reception and representation expenses (not to exceed
8 \$5,000); and during the current fiscal year the Revolving
9 Fund, Corps of Engineers, shall be available for purchase
10 (not to exceed 100 for replacement only) and hire of pas-
11 senger motor vehicles.

12 GENERAL PROVISIONS

13 CORPS OF ENGINEERS—CIVIL

14 SEC. 101. Agreements proposed for execution by the
15 Assistant Secretary of the Army for Civil Works or the
16 United States Army Corps of Engineers after the date of
17 the enactment of this Act pursuant to section 4 of the
18 Rivers and Harbor Act of 1915, Public Law 64-291; sec-
19 tion 11 of the River and Harbor Act of 1925, Public Law
20 68-585; the Civil Functions Appropriations Act, 1936,
21 Public Law 75-208; section 215 of the Flood Control Act
22 of 1968, as amended, Public Law 90-483; sections 104,
23 203, and 204 of the Water Resources Development Act
24 of 1986, as amended, Public Law 99-662; section 206 of
25 the Water Resources Development Act of 1992, as amend-

1 section (a) shall be deemed to be a reference to the “C.W.
2 ‘Bill’ Young Lock and Dam”.

3 TITLE II

4 DEPARTMENT OF THE INTERIOR

5 CENTRAL UTAH PROJECT

6 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

7 For carrying out activities authorized by the Central
8 Utah Project Completion Act, \$36,463,000, to remain
9 available until expended, of which \$9,423,000 shall be de-
10 posited into the Utah Reclamation Mitigation and Con-
11 servation Account for use by the Utah Reclamation Miti-
12 gation and Conservation Commission.

13 In addition, for necessary expenses incurred in ear-
14 rying out related responsibilities of the Secretary of the
15 Interior, \$1,728,000, to remain available until expended.

16 BUREAU OF RECLAMATION

17 WATER AND RELATED RESOURCES

18 (INCLUDING TRANSFER OF FUNDS)

19 For management, development, and restoration of
20 water and related natural resources and for related activi-
21 ties, including the operation, maintenance, and rehabilita-
22 tion of reclamation and other facilities, participation in
23 fulfilling related Federal responsibilities to Native Ameri-
24 cans, and related grants to, and cooperative and other
25 agreements with, State and local governments, Indian
26 tribes, and others, \$817,913,000, to remain available until

1 expended, of which \$57,330,000 shall be available for
2 transfer to the Upper Colorado River Basin Fund and
3 ~~\$33,570,000~~ shall be available for transfer to the Lower
4 Colorado River Basin Development Fund; of which such
5 amounts as may be necessary may be advanced to the Col-
6 orado River Dam Fund; and of which not more than
7 \$500,000 is for high priority projects which shall be ear-
8 ried out by the Youth Conservation Corps, as authorized
9 by 16 U.S.C. 1706: *Provided*, That such transfers may
10 be increased or decreased within the overall appropriation
11 under this heading: *Provided further*, That of the total ap-
12 propriated, the amount for program activities that can be
13 financed by the Reclamation Fund or the Bureau of Rec-
14 lamation special fee account established by 16 U.S.C.
15 4601-6a(i) shall be derived from that Fund or account:
16 *Provided further*, That funds contributed under 43 U.S.C.
17 395 are available until expended for the purposes for
18 which contributed: *Provided further*, That funds advanced
19 under 43 U.S.C. 397a shall be credited to this account
20 and are available until expended for the same purposes
21 as the sums appropriated under this heading: *Provided*
22 *further*, That funds available for expenditure for the De-
23 partmental Irrigation Drainage Program may be expended
24 by the Bureau of Reclamation for site remediation on a
25 non-reimbursable basis: *Provided further*, That

1 \$10,000,000 of the funds appropriated herein shall be de-
2 posited in the San Gabriel Basin Restoration Fund estab-
3 lished by section 110 of division B, title I of Public Law
4 106-554, as amended: *Provided further*, That section 301
5 of Public Law 102-250, Reclamation States Emergency
6 Drought Relief Act of 1991, as amended, is amended fur-
7 ther by inserting “2003, and 2004” in lieu of “and 2003”.

8 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

9 For administrative expenses necessary to carry out
10 the program for direct loans and/or grants, \$200,000, to
11 remain available until expended, of which the amount that
12 can be financed by the Reclamation Fund shall be derived
13 from that fund.

14 CENTRAL VALLEY PROJECT RESTORATION FUND

15 For carrying out the programs, projects, plans, and
16 habitat restoration, improvement, and acquisition provi-
17 sions of the Central Valley Project Improvement Act,
18 \$39,600,000, to be derived from such sums as may be col-
19 lected in the Central Valley Project Restoration Fund pur-
20 suant to sections 3407(d), 3404(e)(3), 3405(f), and
21 3406(e)(1) of Public Law 102-575, to remain available
22 until expended: *Provided*, That the Bureau of Reclamation
23 is directed to assess and collect the full amount of the
24 additional mitigation and restoration payments authorized
25 by section 3407(d) of Public Law 102-575: *Provided fur-*
26 *ther*, That none of the funds made available under this

1 heading may be used for the acquisition or leasing of water
 2 for in-stream purposes if the water is already committed
 3 to in-stream purposes by a court adopted decree or order.

4 **POLICY AND ADMINISTRATION**

5 For necessary expenses of policy, administration, and
 6 related functions in the office of the Commissioner, the
 7 Denver office, and offices in the five regions of the Bureau
 8 of Reclamation, to remain available until expended,
 9 ~~\$56,525,000~~, to be derived from the Reclamation Fund
 10 and be nonreimbursable as provided in ~~43~~ U.S.C. 377:
 11 *Provided*, That no part of any other appropriation in this
 12 Act shall be available for activities or functions budgeted
 13 as policy and administration expenses.

14 **WORKING CAPITAL FUND**

15 **(RESCISSION)**

16 From unobligated balances under this heading,
 17 ~~\$4,525,000~~ are rescinded.

18 **ADMINISTRATIVE PROVISION**

19 Appropriations for the Bureau of Reclamation shall
 20 be available for purchase of not to exceed ~~14~~ passenger
 21 motor vehicles, of which ~~12~~ are for replacement only.

22 **GENERAL PROVISIONS**

23 **DEPARTMENT OF THE INTERIOR**

24 **SEC. 201.** (a) None of the funds appropriated or oth-
 25 erwise made available by this Act may be used to deter-
 26 mine the final point of discharge for the interceptor drain

1 for the San Luis Unit until development by the Secretary
2 of the Interior and the State of California of a plan, which
3 shall conform to the water quality standards of the State
4 of California as approved by the Administrator of the En-
5 vironmental Protection Agency, to minimize any detri-
6 mental effect of the San Luis drainage waters.

7 (b) The costs of the Kesterson Reservoir Cleanup
8 Program and the costs of the San Joaquin Valley Drain-
9 age Program shall be classified by the Secretary of the
10 Interior as reimbursable or nonreimbursable and collected
11 until fully repaid pursuant to the “Cleanup Program-
12 ternative Repayment Plan” and the “SJVDP-Alternative
13 Repayment Plan” described in the report entitled “Repay-
14 ment Report, Kesterson Reservoir Cleanup Program and
15 San Joaquin Valley Drainage Program, February 1995”,
16 prepared by the Department of the Interior, Bureau of
17 Reclamation. Any future obligations of funds by the
18 United States relating to, or providing for, drainage serv-
19 ice or drainage studies for the San Luis Unit shall be fully
20 reimbursable by San Luis Unit beneficiaries of such serv-
21 ice or studies pursuant to Federal reclamation law.

22 ~~SEC. 202.~~ None of the funds appropriated or other-
23 wise made available by this or any other Act may be used
24 to pay the salaries and expenses of personnel to purchase
25 or lease water in the Middle Rio Grande or the Carlsbad

1 Projects in New Mexico unless said purchase or lease is
2 in compliance with the purchase requirements of section
3 202 of Public Law 106–60.

4 SEC. 203. Subsection 206(b) of Public Law 101–514
5 is amended as follows: In paragraph (1), strike “, with
6 annual quantities delivered under these contracts to be de-
7 termined by the Secretary based upon the quantity of
8 water actually needed within the Sacramento County
9 Water Agency service area and San Juan Suburban Water
10 District after considering reasonable efforts to: (i) pro-
11 mote full utilization of existing water entitlements within
12 Sacramento County; (ii) implement water conservation
13 and metering programs within the areas served by the con-
14 tract, and (iii) implement programs to maximize to the
15 extent feasible conjunctive use of surface water and
16 groundwater”.

17 SEC. 204. The Secretary of the Interior is authorized
18 and directed to amend the Central Valley Project water
19 supply contracts of the Sacramento County Water Agency
20 and the San Juan Suburban Water District by deleting
21 a provision requiring a determination of annual water
22 needs included pursuant to section 206 of Public Law
23 101–514.

24 LOWER COLORADO RIVER BASIN DEVELOPMENT

25 SEC. 205. (a) IN GENERAL.—Notwithstanding sec-
26 tion 403(f) of the Colorado River Basin Project Act (43

1 U.S.C. 1543(f)), no amount from the Lower Colorado
2 River Basin Development Fund shall be paid to the gen-
3 eral fund of the Treasury until each provision of the re-
4 vised Stipulation Regarding a Stay and for Ultimate
5 Judgment Upon the Satisfaction of Conditions, filed in
6 United States district court, in Central Arizona Water
7 Conservation District v. United States (No. CIV 95-625-
8 TUC-WDB (EHC), No. CIV 95-1720-OHX-EHC (Con-
9 solidated Action)); and any amendment or revision there-
10 of, is met.

11 (b) PAYMENT TO GENERAL FUND.—If any of the
12 provisions of the stipulation referred to in subsection (a)
13 are not met by the date that is ten years after the date
14 of enactment of this Act, payments to the general fund
15 of the Treasury shall resume in accordance with section
16 403(f) of the Colorado River Basin Project Act (43 U.S.C.
17 1543(f)).

18 (c) AUTHORIZATION.—Amounts in the Lower Colo-
19 rado River Basin Development Fund that but for this sec-
20 tion would be returned to the general fund of the Treasury
21 shall not be expended until further Act of Congress.

22 SEC. 206. The second paragraph under the heading
23 “Administrative Provisions” in Public Law 102-377 (43
24 U.S.C. 377b) is amended by inserting “, not to exceed

1 \$5,000,000 for each causal event giving rise to a claim
2 or claims” after “activities of the Bureau of Reclamation”.

3 TITLE III

4 DEPARTMENT OF ENERGY

5 ENERGY PROGRAMS

6 ENERGY SUPPLY

7 For Department of Energy expenses including the
8 purchase, construction, and acquisition of plant and cap-
9 ital equipment, and other expenses necessary for energy
10 supply activities in carrying out the purposes of the De-
11 partment of Energy Organization Act (42 U.S.C. 7101 et
12 seq.); including the acquisition or condemnation of any
13 real property or any facility or for plant or facility acquisi-
14 tion, construction, or expansion, and the purchase of not
15 to exceed 12 passenger motor vehicles for replacement
16 only, including two buses; \$691,534,000, to remain avail-
17 able until expended.

18 ~~NON-DEFENSE SITE ACCELERATION COMPLETION~~

19 For Department of Energy expenses, including the
20 purchase, construction, and acquisition of plant and cap-
21 ital equipment and other expenses necessary for non-de-
22 fense environmental management site acceleration activi-
23 ties in carrying out the purposes of the Department of
24 Energy Organization Act (42 U.S.C. 7101 et seq.); includ-
25 ing the acquisition or condemnation of any real property

1 or any facility or for plant or facility acquisition, construc-
2 tion, or expansion, \$170,875,000, to remain available until
3 expended.

4 NON-DEFENSE ENVIRONMENTAL SERVICES

5 For Department of Energy expenses necessary for
6 non-defense environmental services activities conducted as
7 a result of nuclear energy research and development activi-
8 ties that indirectly support the accelerated cleanup and
9 closure mission at environmental management sites, as
10 well as new work scope transferred to the Environmental
11 Management program, including the purchase, construc-
12 tion, and acquisition of plant and capital equipment and
13 other necessary expenses, \$320,468,000, to remain avail-
14 able until expended.

15 URANIUM ENRICHMENT DECONTAMINATION AND
16 DECOMMISSIONING FUND

17 For necessary expenses in carrying out uranium en-
18 richment facility decontamination and decommissioning,
19 remedial actions, and other activities of title II of the
20 Atomic Energy Act of 1954 and title X, subtitle A, of the
21 Energy Policy Act of 1992, \$392,002,000, to be derived
22 from the Fund, to remain available until expended, of
23 which \$51,000,000 shall be available in accordance with
24 title X, subtitle A, of the Energy Policy Act of 1992.

1 SCIENCE

2 For Department of Energy expenses including the
3 purchase, construction and acquisition of plant and capital
4 equipment, and other expenses necessary for science ac-
5 tivities in carrying out the purposes of the Department
6 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
7 cluding the acquisition or condemnation of any real prop-
8 erty or facility or for plant or facility acquisition, construc-
9 tion, or expansion, and purchase of not to exceed 15 pas-
10 senger motor vehicles for replacement only, including not
11 to exceed one ambulance, \$3,480,180,000, to remain avail-
12 able until expended.

13 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, \$335,000,000, to remain available until ex-
18 pended and to be derived from the Nuclear Waste Fund:
19 *Provided*, That of the funds made available in this Act,
20 \$70,000,000 shall be used to initiate development of a rail
21 line in the State of Nevada, connecting the existing na-
22 tional rail network with the repository site on the Nevada
23 Test Site: *Provided further*, That none of the funds pro-
24 vided in this or any other appropriations Act may be used
25 for the planning, design, or development of the rail cor-

1 ridors that pass near the Las Vegas Metropolitan Area,
2 specifically the Valley Modified Corridor and the Jean
3 Corridor, and variations thereof, as these corridors are de-
4 lineated in the Final Environmental Impact Statement for
5 a Geologic Repository for the Disposal of Spent Nuclear
6 Fuel and High-Level Radioactive Waste at Yucca Moun-
7 tain, Nye County, Nevada, dated February 2002: *Provided*
8 *further*, That \$65,000,000 of the \$70,000,000 made avail-
9 able in this Act for Nevada rail transportation shall be
10 available only if the Secretary designates rail as the pre-
11 ferred mode of transportation within Nevada and selects
12 a Nevada rail corridor within 60 days of enactment of this
13 Act and commences the necessary environmental and engi-
14 neering analysis to develop and issue a Record of Decision
15 for a specific rail alignment within the selected rail cor-
16 ridor by June 30, 2005: *Provided further*, That not to ex-
17 ceed \$2,500,000 shall be provided to the State of Nevada
18 solely for expenditures, other than salaries and expenses
19 of State employees, to conduct scientific oversight respon-
20 sibilities and participate in licensing activities pursuant to
21 the Nuclear Waste Policy Act of 1982 (Public Law 97-
22 425), as amended: *Provided further*, That not to exceed
23 \$6,500,000 shall be provided to affected units of local gov-
24 ernments, as defined in Public Law 97-425, to conduct
25 appropriate activities pursuant to the Act: *Provided fur-*

1 *ther*, That the distribution of funds to the State of Nevada
2 and affected units of local government shall be solely for
3 activities approved in advance by the Department of En-
4 ergy: *Provided further*, That the funds for the State of
5 Nevada shall be made available solely to the Nevada Divi-
6 sion of Emergency Management by direct payment and
7 to affected units of local government by direct payment:
8 *Provided further*, That within 90 days of the completion
9 of each Federal fiscal year, the Nevada Division of Emer-
10 gency Management, the Governor of the State of Nevada,
11 and each affected unit of local government receiving pay-
12 ments under this section shall provide certification to the
13 Department of Energy that all funds expended from such
14 payments have been expended for activities authorized by
15 Public Law 97-425 and this Act. Failure to provide such
16 certification shall cause such entity to be prohibited from
17 receiving any further Federal funding provided for similar
18 activities: *Provided further*, That none of the funds herein
19 appropriated may be: (1) used directly or indirectly to in-
20 fluence legislative action on any matter pending before
21 Congress or a State legislature or for lobbying activity as
22 provided in 18 U.S.C. 1913; (2) used for litigation ex-
23 penses; or (3) used to support multi-State efforts or other
24 coalition building activities: *Provided further*, That all pro-
25 ceeds and recoveries realized by the Secretary in carrying

1 out activities authorized by the Nuclear Waste Policy Act
2 of 1982, as amended, including but not limited to, any
3 proceeds from the sale of assets shall be available without
4 further appropriation and shall remain available until ex-
5 pended.

6 DEPARTMENTAL ADMINISTRATION

7 (INCLUDING TRANSFER OF FUNDS)

8 For salaries and expenses of the Department of En-
9 ergy necessary for departmental administration in ear-
10 rying out the purposes of the Department of Energy Orga-
11 nization Act (42 U.S.C. 7101 et seq.), including the hire
12 of passenger motor vehicles and official reception and rep-
13 resentation expenses (not to exceed \$35,000),
14 \$224,329,000, to remain available until expended, plus
15 such additional amounts as necessary to cover increases
16 in the estimated amount of cost of work for others not-
17 withstanding the provisions of the Anti-Deficiency Act (31
18 U.S.C. 1511 et seq.): *Provided*, That such increases in cost
19 of work are offset by revenue increases of the same or
20 greater amount, to remain available until expended: *Pro-*
21 *vided further*, That moneys received by the Department
22 for miscellaneous revenues estimated to total
23 \$123,000,000 in fiscal year 2004 may be retained and
24 used for operating expenses within this account, and may
25 remain available until expended, as authorized by section

1 201 of Public Law 95-238, notwithstanding the provisions
2 of 31 U.S.C. 3302: *Provided further*, That the sum herein
3 appropriated shall be reduced by the amount of miscella-
4 neous revenues received during fiscal year 2004, and any
5 related unappropriated receipt account balances remaining
6 from prior years' miscellaneous revenues, so as to result
7 in a final fiscal year 2004 appropriation from the General
8 Fund estimated at not more than \$101,329,000.

9 OFFICE OF THE INSPECTOR GENERAL

10 For necessary expenses of the Office of the Inspector
11 General in carrying out the provisions of the Inspector
12 General Act of 1978, as amended, \$39,462,000, to remain
13 available until expended.

14 ATOMIC ENERGY DEFENSE ACTIVITIES

15 NATIONAL NUCLEAR SECURITY

16 ADMINISTRATION

17 WEAPONS ACTIVITIES

18 For Department of Energy expenses, including the
19 purchase, construction, and acquisition of plant and cap-
20 ital equipment and other incidental expenses necessary for
21 atomic energy defense weapons activities in carrying out
22 the purposes of the Department of Energy Organization
23 Act (42 U.S.C. 7101 et seq.), including the acquisition or
24 condemnation of any real property or any facility or for
25 plant or facility acquisition, construction, or expansion;

1 one fixed wing aircraft for replacement only; and the pur-
2 chase of not to exceed six passenger motor vehicles, of
3 which four shall be for replacement only; including not to
4 exceed two buses; \$6,117,609,000, to remain available
5 until September 30, 2006.

6 DEFENSE NUCLEAR NONPROLIFERATION

7 For Department of Energy expenses, including the
8 purchase, construction and acquisition of plant and capital
9 equipment and other incidental expenses necessary for
10 atomic energy defense, defense nuclear nonproliferation
11 activities, in carrying out the purposes of the Department
12 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
13 cluding the acquisition or condemnation of any real prop-
14 erty or any facility or for plant or facility acquisition, con-
15 struction, or expansion; \$1,280,195,000, to remain avail-
16 able until September 30, 2006.

17 NAVAL REACTORS

18 For Department of Energy expenses necessary for
19 naval reactors activities to carry out the Department of
20 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
21 ing the acquisition (by purchase, condemnation, construc-
22 tion, or otherwise) of real property, plant, and capital
23 equipment, facilities, and facility expansion, and the pur-
24 chase of not to exceed one bus; \$768,400,000, to remain
25 available until expended.

1 OFFICE OF THE ADMINISTRATOR

2 For necessary expenses of the Office of the Adminis-
3 trator in the National Nuclear Security Administration,
4 including official reception and representation expenses
5 (not to exceed \$12,000), \$341,980,000, to remain avail-
6 able until September 30, 2006.

7 ENVIRONMENTAL AND OTHER DEFENSE

8 ACTIVITIES

9 DEFENSE SITE ACCELERATION COMPLETION

10 For Department of Energy expenses, including the
11 purchase, construction, and acquisition of plant and cap-
12 ital equipment and other expenses necessary for atomic
13 energy defense site acceleration completion activities in
14 carrying out the purposes of the Department of Energy
15 Organization Act (42 U.S.C. 7101 et seq.), including the
16 acquisition or condemnation of any real property or any
17 facility or for plant or facility acquisition, construction, or
18 expansion; \$5,758,278,000, to remain available until ex-
19 pended.

20 DEFENSE ENVIRONMENTAL SERVICES

21 For Department of Energy expenses necessary for
22 defense-related environmental services activities that indi-
23 rectly support the accelerated cleanup and closure mission
24 at environmental management sites, including the pur-
25 chase, construction, and acquisition of plant and capital

1 equipment and other necessary expenses, and the purchase
2 of not to exceed one ambulance for replacement only,
3 \$990,179,000, to remain available until expended.

4 OTHER DEFENSE ACTIVITIES

5 For Department of Energy expenses, including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment and other expenses necessary for atomic
8 energy defense, other defense activities, in carrying out the
9 purposes of the Department of Energy Organization Act
10 (42 U.S.C. 7101 et seq.), including the acquisition or con-
11 demnation of any real property or any facility or for plant
12 or facility acquisition, construction, or expansion,
13 \$666,516,000, to remain available until expended.

14 DEFENSE NUCLEAR WASTE DISPOSAL

15 For nuclear waste disposal activities to carry out the
16 purposes of Public Law 97-425, as amended, including
17 the acquisition of real property or facility construction or
18 expansion, \$430,000,000, to remain available until ex-
19 pended.

20 CERRO GRANDE FIRE ACTIVITIES

21 (RESCISSION)

22 From unobligated balances under this heading,
23 \$75,000,000 are cancelled.

1 POWER MARKETING ADMINISTRATIONS

2 BONNEVILLE POWER ADMINISTRATION FUND

3 Expenditures from the Bonneville Power Administra-
4 tion Fund, established pursuant to Public Law 93-454,
5 are approved for official reception and representation ex-
6 penses in an amount not to exceed \$1,500. During fiscal
7 year 2004, no new direct loan obligations 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, including transmission wheeling and
13 ancillary services, pursuant to the provisions of section 5
14 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
15 applied to the southeastern power area, \$5,100,000, to re-
16 main available until expended; in addition, notwith-
17 standing the provisions of 31 U.S.C. 3302, up to
18 \$19,000,000 collected by the Southeastern Power Admin-
19 istration pursuant to the Flood Control Act to recover pur-
20 chase power and wheeling expenses shall be credited to
21 this account as offsetting collections, to remain available
22 until expended for the sole purpose of making purchase
23 power and wheeling expenditures.

1 OPERATION AND MAINTENANCE, SOUTHWESTERN
2 POWER ADMINISTRATION

3 For necessary expenses of operation and maintenance
4 of power transmission facilities and of marketing electric
5 power and energy, for construction and acquisition of
6 transmission lines, substations and appurtenant facilities,
7 and for administrative expenses, including official recep-
8 tion and representation expenses in an amount not to ex-
9 ceed \$1,500 in carrying out the provisions of section 5
10 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
11 applied to the southwestern power area, \$28,600,000, to
12 remain available until expended: *Provided*, That, notwith-
13 standing the provisions of 31 U.S.C. 3302, up to
14 \$1,512,000 collected by the Southwestern Power Adminis-
15 tration pursuant to the Flood Control Act to recover pur-
16 chase power and wheeling expenses shall be credited to
17 this account as offsetting collections, to remain available
18 until expended for the sole purpose of making purchase
19 power and wheeling expenditures; in addition, notwith-
20 standing 31 U.S.C. 3302, beginning in fiscal year 2004
21 and thereafter, such funds as are received by the South-
22 western Power Administration from any State, munici-
23 pality, corporation, association, firm, district, or individual
24 as advance payment for work that is associated with
25 Southwestern's transmission facilities, consistent with

1 that authorized in section 5 of the Flood Control Act, shall
2 be credited to this account and be available until ex-
3 pended.

4 CONSTRUCTION, REHABILITATION, OPERATION AND
5 MAINTENANCE, WESTERN AREA POWER ADMINIS-
6 TRATION

7 For carrying out the functions authorized by title III,
8 section 302(a)(1)(E) of the Act of August 4, 1977 (42
9 U.S.C. 7152), and other related activities including con-
10 servation and renewable resources programs as author-
11 ized, including official reception and representation ex-
12 penses in an amount not to exceed \$1,500, \$171,000,000,
13 to remain available until expended, of which \$167,236,000
14 shall be derived from the Department of the Interior Rec-
15 lamation Fund: *Provided*, That up to \$166,000,000 col-
16 lected by the Western Area Power Administration pursu-
17 ant to the Flood Control Act of 1944 and the Reclamation
18 Project Act of 1939 to recover purchase power and wheel-
19 ing expenses shall be credited to this account as offsetting
20 collections, to remain available until expended for the sole
21 purpose of making purchase power and wheeling expendi-
22 tures.

1 FALCON AND AMISTAD OPERATING AND MAINTENANCE
2 FUND

3 For operation, maintenance, and emergency costs for
4 the hydroelectric facilities at the Falcon and Amistad
5 Dams, \$2,640,000, to remain available until expended,
6 and to be derived from the Falcon and Amistad Operating
7 and Maintenance Fund of the Western Area Power Ad-
8 ministration, as provided in section 423 of the Foreign
9 Relations Authorization Act, Fiscal Years 1994 and 1995.

10 FEDERAL ENERGY REGULATORY COMMISSION

11 SALARIES AND EXPENSES

12 For necessary expenses of the Federal Energy Regu-
13 latory Commission to carry out the provisions of the De-
14 partment of Energy Organization Act (42 U.S.C. 7101 et
15 seq.), including services as authorized by 5 U.S.C. 3109,
16 the hire of passenger motor vehicles, and official reception
17 and representation expenses (not to exceed \$3,000),
18 \$192,000,000, to remain available until expended: *Pro-*
19 *vided*, That notwithstanding any other provision of law,
20 not to exceed \$192,000,000 of revenues from fees and an-
21 nual charges, and other services and collections in fiscal
22 year 2004 shall be retained and used for necessary ex-
23 penses in this account, and shall remain available until
24 expended: *Provided further*, That the sum herein appro-
25 priated from the General Fund shall be reduced as reve-

1 nces are received during fiscal year 2004 so as to result
2 in a final fiscal year 2004 appropriation from the General
3 Fund estimated at not more than \$0.

4 GENERAL PROVISIONS

5 DEPARTMENT OF ENERGY

6 SEC. 301. (a) Notwithstanding any other provision
7 of law, including section 303(e)(1) of title III of the Fed-
8 eral Property and Administrative Services Act of 1949 (41
9 U.S.C. 253(e)(3)), none of the funds in this or any other
10 appropriations Act for fiscal year 2004 or any previous
11 fiscal year may be used to make payments for any man-
12 agement and operating contract of the Department of En-
13 ergy unless that contract was awarded using competitive
14 procedures within the past fifty fiscal years or unless the
15 Secretary of Energy, not later than sixty days after the
16 date of enactment of this Act, publishes in the Federal
17 Register and submits to the Committees on Appropria-
18 tions of the House of Representatives and the Senate a
19 notification of intent to use competitive procedures for the
20 procurement of each management and operating contract
21 when the current term of each such contract expires.

22 (b) The Secretary may not impose any conditions on
23 the competition of a management and operating contract
24 that is funded under this or any other appropriations Act
25 that may have the effect of biasing the competition in

1 favor of the incumbent contractor or otherwise providing
2 for anything less than full and open competition of such
3 contracts.

4 (c) For purposes of this section, the term “manage-
5 ment and operating contract” means a contract for the
6 management and operation of a Department of Energy
7 laboratory, facility, site, or plant as used in subpart
8 17.601 of the Federal Acquisition Regulation.

9 (d) For purposes of this section, the terms “competi-
10 tive procedures” and “full and open competition” have the
11 meanings provided in section 4 of the Office of Federal
12 Procurement Policy Act (41 U.S.C. 403).

13 (e) The provisions of subsection (a) in this section
14 apply to contracts awarded for a term of one year or more,
15 not to interim extensions of less than one year used to
16 extend contract performance until a long-term contract is
17 placed or to provide continuity of service between con-
18 tracts.

19 SEC. 302. None of the funds appropriated by this Act
20 may be used to—

21 (1) develop or implement a workforce restruc-
22 turing plan that covers employees of the Department
23 of Energy; or

24 (2) provide enhanced severance payments or
25 other benefits for employees of the Department of

1 Energy, under section 3161 of the National Defense
2 Authorization Act for Fiscal Year 1993 (Public Law
3 102-484; 42 U.S.C. 7274h).

4 SEC. 303. None of the funds appropriated by this Act
5 may be used to augment the \$15,000,000 made available
6 for obligation by this Act for severance payments and
7 other benefits and community assistance grants under sec-
8 tion 3161 of the National Defense Authorization Act for
9 Fiscal Year 1993 (Public Law 102-484; 42 U.S.C.
10 7274h) unless the Department of Energy submits a re-
11 programming request subject to approval by the appro-
12 priate congressional committees.

13 SEC. 304. None of the funds appropriated by this Act
14 may be used to prepare or initiate Requests For Proposals
15 (RFPs) for a program if the program has not been funded
16 by Congress.

17 (TRANSFERS OF UNEXPENDED BALANCES)

18 SEC. 305. The unexpended balances of prior appro-
19 priations provided for activities in this Act may be trans-
20 ferred to appropriation accounts for such activities estab-
21 lished pursuant to this title. Balances so transferred may
22 be merged with funds in the applicable established ac-
23 counts and thereafter may be accounted for as one fund
24 for the same time period as originally enacted.

25 SEC. 306. None of the funds in this or any other Act
26 for the Administrator of the Bonneville Power Administra-

1 tion may be used to enter into any agreement to perform
2 energy efficiency services outside the legally defined Bon-
3 neville service territory, with the exception of services pro-
4 vided internationally, including services provided on a re-
5 imburseable basis, unless the Administrator certifies in ad-
6 vance that such services are not available from private sec-
7 tor businesses.

8 SEC. 307. When the Department of Energy makes
9 a user facility available to universities and other potential
10 users, or seeks input from universities and other potential
11 users regarding significant characteristics or equipment in
12 a user facility or a proposed user facility, the Department
13 shall ensure broad public notice of such availability or
14 such need for input to universities and other potential
15 users. When the Department of Energy considers the par-
16 ticipation of a university or other potential user as a for-
17 mal partner in the establishment or operation of a user
18 facility, the Department shall employ full and open com-
19 petition in selecting such a partner. For purposes of this
20 section, the term “user facility” includes, but is not lim-
21 ited to: (1) a user facility as described in section
22 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C.
23 13503(a)(2)); (2) a National Nuclear Security Adminis-
24 tration Defense Programs Technology Deployment Cen-

1 ter/User Facility; and (3) any other Departmental facility
2 designated by the Department as a user facility.

3 SEC. 308. The Administrator of the National Nuclear
4 Security Administration may authorize the manager of a
5 covered nuclear weapons research, development, testing or
6 production facility to engage in research, development,
7 and demonstration activities with respect to the engineer-
8 ing and manufacturing capabilities at such facility in
9 order to maintain and enhance such capabilities at such
10 facility: *Provided*, That of the amount allocated to a cov-
11 ered nuclear weapons facility each fiscal year from
12 amounts available to the Department of Energy for such
13 fiscal year for national security programs, not more than
14 an amount equal to 2 percent of such amount may be used
15 for these activities: *Provided further*, That for purposes of
16 this section, the term “covered nuclear weapons facility”
17 means the following:

- 18 (1) the Kansas City Plant, Kansas City, Mis-
19 souri;
- 20 (2) the Y-12 Plant, Oak Ridge, Tennessee;
- 21 (3) the Pantex Plant, Amarillo, Texas;
- 22 (4) the Savannah River Plant, South Carolina;
- 23 and
- 24 (5) the Nevada Test Site.

1 SEC. 309. Funds appropriated by this or any other
2 Act, or made available by the transfer of funds in this
3 Act, for intelligence activities are deemed to be specifically
4 authorized by the Congress for purposes of section 504
5 of the National Security Act of 1947 (50 U.S.C. 414) dur-
6 ing fiscal year 2004 until the enactment of the Intelligence
7 Authorization Act for fiscal year 2004.

8 TITLE IV

9 INDEPENDENT AGENCIES

10 APPALACHIAN REGIONAL COMMISSION

11 For expenses necessary to carry out the programs au-
12 thorized by the Appalachian Regional Development Act of
13 1965, as amended, for necessary expenses for the Federal
14 Co-Chairman and the alternate on the Appalachian Re-
15 gional Commission, for payment of the Federal share of
16 the administrative expenses of the Commission, including
17 services as authorized by 5 U.S.C. 3109, and hire of pas-
18 senger motor vehicles, \$33,145,000, to remain available
19 until expended.

20 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

21 SALARIES AND EXPENSES

22 For necessary expenses of the Defense Nuclear Fa-
23 cilities Safety Board in carrying out activities authorized
24 by the Atomic Energy Act of 1954, as amended by Public

1 ~~Law 100-456, section 1441, \$19,559,000, to remain~~
2 ~~available until expended.~~

3 ~~DELTA REGIONAL AUTHORITY~~

4 ~~SALARIES AND EXPENSES~~

5 ~~For necessary expenses of the Delta Regional Author-~~
6 ~~ity and to carry out its activities, as authorized by the~~
7 ~~Delta Regional Authority Act of 2000, as amended, not-~~
8 ~~withstanding sections 382C(b)(2), 382F(d), and 382M(b)~~
9 ~~of said Act, \$2,000,000, to remain available until ex-~~
10 ~~pended.~~

11 ~~NUCLEAR REGULATORY COMMISSION~~

12 ~~SALARIES AND EXPENSES~~

13 ~~For necessary expenses of the Commission in car-~~
14 ~~rying out the purposes of the Energy Reorganization Act~~
15 ~~of 1974, as amended, and the Atomic Energy Act of 1954,~~
16 ~~as amended, including official representation expenses~~
17 ~~(not to exceed \$15,000), and purchase of promotional~~
18 ~~items for use in the recruitment of individuals for employ-~~
19 ~~ment, \$618,800,000, to remain available until expended:~~
20 ~~*Provided,* That of the amount appropriated herein,~~
21 ~~\$33,100,000 shall be derived from the Nuclear Waste~~
22 ~~Fund: *Provided further,* That revenues from licensing fees,~~
23 ~~inspection services, and other services and collections esti-~~
24 ~~mated at \$538,844,000 in fiscal year 2004 shall be re-~~
25 ~~tained and used for necessary salaries and expenses in this~~

1 account, notwithstanding 31 U.S.C. 3302, and shall re-
2 main available until expended: *Provided further*, That the
3 sum herein appropriated shall be reduced by the amount
4 of revenues received during fiscal year 2004 so as to result
5 in a final fiscal year 2004 appropriation estimated at not
6 more than \$79,956,000.

7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector
9 General in carrying out the Inspector General Act of 1978,
10 as amended, \$7,300,000, to remain available until Sep-
11 tember 30, 2005: *Provided*, That revenues from licensing
12 fees, inspection services, and other services and collections
13 estimated at \$6,716,000 in fiscal year 2004 shall be re-
14 tained and be available until expended, for necessary sala-
15 ries and expenses in this account notwithstanding 31
16 U.S.C. 3302: *Provided further*, That the sum herein ap-
17 propriated shall be reduced by the amount of revenues re-
18 ceived during fiscal year 2004 so as to result in a final
19 fiscal year 2004 appropriation estimated at not more than
20 \$584,000.

21 NUCLEAR WASTE TECHNICAL REVIEW BOARD

22 SALARIES AND EXPENSES

23 For necessary expenses of the Nuclear Waste Tech-
24 nical Review Board, as authorized by Public Law 100-

1 ~~203, section 5051, \$3,177,000, to be derived from the Nu-~~
2 ~~clear Waste Fund, and to remain available until expended.~~

3 ~~TITLE V~~

4 ~~GENERAL PROVISIONS~~

5 ~~SEC. 501. None of the funds appropriated by this Act~~
6 ~~may be used in any way, directly or indirectly, to influence~~
7 ~~congressional action on any legislation or appropriation~~
8 ~~matters pending before Congress, other than to commu-~~
9 ~~nicate to Members of Congress as described in 18 U.S.C.~~
10 ~~1913.~~

11 ~~SEC. 502. PROHIBITION OF CONTRACTS WITH PER-~~
12 ~~SONS FALSELY LABELING PRODUCTS AS MADE IN AMER-~~
13 ~~ICA. If it has been finally determined by a court or Federal~~
14 ~~agency that any person intentionally affixed a label bear-~~
15 ~~ing a "Made in America" inscription, or any inscription~~
16 ~~with the same meaning, to any product sold in or shipped~~
17 ~~to the United States that is not made in the United~~
18 ~~States, the person shall be ineligible to receive any con-~~
19 ~~tract or subcontract made with funds made available in~~
20 ~~this Act, pursuant to the debarment, suspension, and ineli-~~
21 ~~gibility procedures described in sections 9.400 through~~
22 ~~9.409 of title 48, Code of Federal Regulations.~~

23 ~~SEC. 503. None of the funds made available in this~~
24 ~~Act may be transferred to any department, agency, or in-~~
25 ~~strumentality of the United States Government, except~~

1 pursuant to a transfer made by, or transfer authority pro-
2 vided in, this Act or any other appropriation Act.

3 SEC. 504. None of the funds made available in this
4 Act may be used to release water from the San Juan
5 Chama Project or Middle Rio Grande Project for the pur-
6 pose of complying with the Endangered Species Act of
7 1973 (16 U.S.C. 1531 et seq.).

8 SEC. 505. None of the funds made available by this
9 Act may be used to issue any license, approval, or author-
10 ization for the export or reexport, or the transfer or re-
11 transfer, either directly or indirectly, to the Democratic
12 Peoples' Republic of North Korea of—

13 (1) any special nuclear material or byproduct
14 material;

15 (2) any nuclear production or utilization facili-
16 ties; or

17 (3) any components, technologies, substances,
18 technical information, or related goods or services
19 used (or which could be used) in a nuclear produc-
20 tion or utilization facility; except that this restriction
21 shall not apply to exports, reexports, transfers, or
22 retransfers of radiation monitoring technologies.

23 This Act may be cited as the “Energy and Water De-
24 velopment Appropriations Act, 2004”.

1 *That the following sums are appropriated, out of any*
2 *money in the Treasury not otherwise appropriated, for the*
3 *fiscal year ending September 30, 2004, for energy and*
4 *water development, and for other purposes, namely:*

5

TITLE I

6

DEPARTMENT OF DEFENSE—CIVIL

7

DEPARTMENT OF THE ARMY

8

CORPS OF ENGINEERS—CIVIL

9

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

15

GENERAL INVESTIGATIONS

16

For expenses necessary for the collection and study of
17 *basic information pertaining to river and harbor, flood con-*
18 *trol, shore protection, and related projects, restudy of au-*
19 *thorized projects, miscellaneous investigations, and, when*
20 *authorized by laws, surveys and detailed studies and plans*
21 *and specifications of projects prior to construction,*
22 *\$131,700,000, to remain available until expended, of which*
23 *\$500,000, along with \$500,000 of the unobligated balance*
24 *of funds made available under this heading in the Energy*
25 *and Water Appropriations Act, 2003, may be transferred*
26 *to the Bureau of Reclamation to conduct a feasibility study*

1 *for the purposes of providing water to Park City and the*
2 *Snyderville Basin, Utah: Provided, That in conducting the*
3 *Southwest Valley Flood Damage Reduction Study, Albu-*
4 *querque, New Mexico, the Secretary of the Army, acting*
5 *through the Chief of Engineers, shall include an evaluation*
6 *of flood damage reduction measures that would otherwise*
7 *be excluded from the feasibility analysis based on policies*
8 *regarding the frequency of flooding, the drainage areas, and*
9 *the amount of runoff: Provided further, That the Secretary*
10 *of the Army, acting through the Chief of Engineers is di-*
11 *rected to use \$250,000 for preconstruction engineering and*
12 *design of Waikiki Beach, Oahu, Hawaii, the project to be*
13 *designed and evaluated, as authorized: Provided further,*
14 *That the Secretary of the Army, acting through the Chief*
15 *of Engineers is directed to use \$250,000 for the continuation*
16 *and completion of feasibility studies of Kihei Beach, Maui,*
17 *Hawaii. Any recommendations for a National Economic*
18 *Development Plan shall be accepted notwithstanding the ex-*
19 *tent of recreation benefits supporting the project features,*
20 *in view of the fact that recreation is extremely important*
21 *in sustaining and increasing the economic well-being of the*
22 *State of Hawaii and the nation.*

23 *CONSTRUCTION, GENERAL*

24 *For the prosecution of river and harbor, flood control,*
25 *shore protection, and related projects authorized by laws;*
26 *and detailed studies, and plans and specifications, of*

1 *projects (including those for development with participation*
2 *or under consideration for participation by States, local*
3 *governments, or private groups) authorized or made eligible*
4 *for selection by law (but such studies shall not constitute*
5 *a commitment of the Government to construction),*
6 *\$1,538,000,000, to remain available until expended, of*
7 *which such sums as are necessary for the Federal share of*
8 *construction costs for facilities under the Dredged Material*
9 *Disposal Facilities program shall be derived from the Har-*
10 *bor Maintenance Trust Fund, as authorized by Public Law*
11 *104–303; and of which such sums as are necessary pursuant*
12 *to Public Law 99–662 shall be derived from the Inland Wa-*
13 *terways Trust Fund, for one-half of the costs of construction*
14 *and rehabilitation of inland waterways projects, including*
15 *rehabilitation costs for the Lock and Dam 11, Mississippi*
16 *River, Iowa; Lock and Dam 12, Mississippi River, Iowa;*
17 *Lock and Dam 19, Mississippi River, Iowa; Lock and Dam*
18 *24, Mississippi River, Illinois and Missouri; Lock and Dam*
19 *3, Mississippi River, Minnesota; and London Locks and*
20 *Dam, Kanawha River, West Virginia, projects; and of*
21 *which funds are provided for the following projects in the*
22 *amounts specified: Provided, That using \$9,280,000 of the*
23 *funds appropriated herein, the Secretary of the Army, act-*
24 *ing through the Chief of Engineers, is directed to continue*
25 *construction of the Dallas Floodway Extension, Texas,*

1 *project, including the Cadillac Heights feature, generally in*
2 *accordance with the Chief of Engineers report dated Decem-*
3 *ber 7, 1999: Provided further, That the Secretary of the*
4 *Army is directed to accept advance funds, pursuant to sec-*
5 *tion 11 of the River and Harbor Act of 1925, from the non-*
6 *Federal sponsor of the Los Angeles Harbor, California,*
7 *project authorized by section 101(b)(5) of Public Law 106-*
8 *541: Provided further, That the Secretary of the Army, act-*
9 *ing through the Chief of Engineers, is directed to use*
10 *\$1,000,000 of the funds provided herein to continue con-*
11 *struction of the Hawaii Water Management Project: Pro-*
12 *vided further, That the Secretary of the Army, acting*
13 *through the Chief of Engineers, is directed to use \$2,500,000*
14 *of the funds appropriated herein to continue construction*
15 *of the navigation project at Kaunapali Harbor, Hawaii:*
16 *Provided further, That the Secretary of the Army, acting*
17 *through the Chief of Engineers, is directed to use \$6,000,000*
18 *of the funds provided herein for Dam Safety and Seepage/*
19 *Stability Correction Program to continue construction of*
20 *seepage control features and to design and construct repairs*
21 *to the tainter gates at Waterbury Dam, Vermont: Provided*
22 *further, That the Secretary of the Army, acting through the*
23 *Chief of Engineers, is directed to use \$17,000,000 of the*
24 *funds appropriated herein to proceed with planning, engi-*
25 *neering, design or construction of the Grundy, Buchanan*

1 *County, and Dickenson County, Virginia elements of the*
2 *Levisa and Tug Forks of the Big Sandy River and Upper*
3 *Cumberland River Project: Provided further, That the Sec-*
4 *retary of the Army, acting through the Chief of Engineers,*
5 *is directed to use \$6,400,000 of the funds appropriated here-*
6 *in to proceed with the planning, engineering, design or con-*
7 *struction of the Lower Mingo County, Upper Mingo County,*
8 *Wayne County, McDowell County, West Virginia elements*
9 *of the Levisa and Tug Forks of the Big Sandy River and*
10 *Upper Cumberland River Project: Provided further, That*
11 *the Secretary of the Army, acting through the Chief of Engi-*
12 *neers, is directed to continue the Dickenson County Detailed*
13 *Project Report as generally defined in Plan 4 of the Hun-*
14 *tington District Engineer's Draft Supplement to the Sec-*
15 *tion 202 General Plan for Flood Damage Reduction dated*
16 *April 1997, including all Russell Fork tributary streams*
17 *within the County and special considerations as may be*
18 *appropriate to address the unique relocations and resettle-*
19 *ment needs for the flood prone communities within the*
20 *County: Provided further, That the Secretary of the Army,*
21 *acting through the Chief of Engineers, is directed to proceed*
22 *with the construction of the Seward Harbor, Alaska, project,*
23 *in accordance with the Report of the Chief of Engineers,*
24 *dated June 8, 1999, and the economic justification con-*
25 *tained therein: Provided further, That the Secretary of the*

1 *Army, acting through the Chief of Engineers, is directed*
2 *and authorized to continue the work to replace and upgrade*
3 *the dam and all connections to the existing system at Kake,*
4 *Alaska: Provided further, That the Secretary of the Army,*
5 *acting through the Chief of Engineers, is directed to proceed*
6 *with the construction of the Wrangell Harbor, Alaska,*
7 *project in accordance with the Chief of Engineer's report*
8 *dated December 23, 1999: Provided further, That the Sec-*
9 *retary of the Army, acting through the Chief of Engineers,*
10 *is directed to proceed with construction of the Breckenridge,*
11 *Minnesota, project in accordance with the Breckenridge,*
12 *Minnesota Feasibility Report and Environmental Impact*
13 *Statement dated September 2000, approved April 8, 2002:*
14 *Provided further, That the Secretary of the Army, acting*
15 *through the Chief of Engineers, is directed to proceed with*
16 *construction of repairs to the Bois Brule, Missouri, project*
17 *in accordance with the Bois Brule Deficiency Correction*
18 *Report including applicable NEPA compliance submitted*
19 *to the Mississippi Valley Division in June 2003: Provided*
20 *further, That the Secretary of the Army, acting through the*
21 *Chief of Engineers, is directed to continue with construction*
22 *of the DeSoto County Regional Wastewater System Project*
23 *in accordance with the DeSoto County, Mississippi Envi-*
24 *ronmental Infrastructure-Letter Reports prepared pursuant*
25 *to guidance for Section 219 projects: Provided further, That*

1 *the Secretary of the Army, acting through the Chief of Engi-*
2 *neers, is directed to continue with construction of the Des*
3 *Moines Recreational River and Greenbelt, Iowa, project in*
4 *accordance with the Des Moines Recreation River and*
5 *Greenbelt, Iowa, General Design Memorandum with Pro-*
6 *grammatic Environmental Impact Statement dated Sep-*
7 *tember 1987, as amended by the Annual Program Manage-*
8 *ment Reports which serve as the Master Plan for the overall*
9 *project, and site specific decision documents for the added*
10 *work: Provided further, That the Secretary of the Army,*
11 *acting through the Chief of Engineers is directed to continue*
12 *with construction of the Rio de Flag, Flagstaff, Arizona,*
13 *project generally in accordance with the Chief of Engineers*
14 *report dated December 29, 2000: Provided further, That the*
15 *Secretary of the Army, acting through the Chief of Engi-*
16 *neers is directed to continue with construction of the Tucson*
17 *Drainage Area, Arizona, generally in accordance with the*
18 *Chief of Engineers report dated May 20, 1998: Provided*
19 *further, That the Secretary of the Army, acting through the*
20 *Chief of Engineers, is directed to proceed with the construc-*
21 *tion of the Zuni and Sun Valley Reaches, South Platte*
22 *River, Denver County, Colorado, project, in accordance*
23 *with the Report of the Chief of Engineers, dated May 16,*
24 *2003, and the economic justification contained therein: Pro-*
25 *vided further, That the Secretary of the Army, acting*

1 *through the Chief of Engineers, is directed to proceed with*
2 *construction of the Delaware Bay Coastline, Point Mahon,*
3 *Delaware, project, in accordance with the Report of the*
4 *Chief of Engineers, dated September 28, 1998, and the eco-*
5 *nomie justification contained therein: Provided further,*
6 *That the Secretary of the Army, acting through the Chief*
7 *of Engineers, is directed to proceed with the construction*
8 *of the Delaware Coast from Cape Henlopen to Fenwick Is-*
9 *land, Fenwick Island, Delaware, project, in accordance*
10 *with the Report of the Chief of Engineers, dated December*
11 *29, 2000, and the economic justification contained therein:*
12 *Provided further, That the Secretary of the Army, acting*
13 *through the Chief of Engineers, is directed to continue prep-*
14 *aration of the General Re-evaluation Report (GRR) to de-*
15 *termine the feasibility of additional deepening and wid-*
16 *ening of the Federal Project at Gulfport Harbor, Mis-*
17 *sissippi: Provided further, That the Secretary of the Army,*
18 *acting through the Chief of Engineers, is directed to con-*
19 *tinue construction for the Sand Creek Watershed, Nebraska,*
20 *project in accordance with the Report of the Chief of Engi-*
21 *neers, dated December 29, 2000: Provided further, That the*
22 *Secretary of the Army, acting through the Chief of Engi-*
23 *neers, is to proceed with the construction of the Brigantine*
24 *Inlet to Great Egg Harbor, Brigantine Island, New Jersey,*
25 *project, in accordance with the Report of the Chief of Engi-*

1 neers, dated December 1999, and the economic justification
2 contained therein: Provided further, That the Secretary of
3 the Army, acting through the Chief of Engineers, is directed
4 to proceed with planning, engineering, and design and ini-
5 tiate floodway buy outs for the Passaic River Management,
6 New Jersey, project, generally in accordance with the Corps
7 of Engineers Passaic River Floodway Buy-out Report,
8 dated October 1995: Provided further, That the Secretary
9 of the Army, acting through the Chief of Engineers, may
10 use \$1,000,000 of the funds made available under this head-
11 ing to continue construction of the project for Passaic River
12 Streambank Restoration, Minish Park, New Jersey, and
13 \$6,500,000 of the funds made available under this heading
14 to carry out the project for the Raritan River Basin, Green
15 Brook Sub-Basin, New Jersey: Provided further, That the
16 Secretary of the Army, acting through the Chief of Engi-
17 neers, is directed to continue engineering and design for the
18 Ramapo and Mahwah Rivers, Mahwah, New Jersey and
19 Suffern, New York, project: Provided further, That the Sec-
20 retary of the Army, acting through the Chief of Engineers,
21 is directed to continue construction of the Dare County
22 Beaches, North Carolina (Bodie Island), project, in accord-
23 ance with the Report of the Chief of Engineers, dated De-
24 cember 29, 2000, and the economic justification contained
25 therein: Provided further, That the Secretary of the Army,

1 *acting through the Chief of Engineers, is directed to con-*
2 *tinue construction of the Holes Creek, Ohio, project includ-*
3 *ing the additional floodwall and relocations, generally in*
4 *accordance with the Chief of Engineers report dated Decem-*
5 *ber 23, 1981 and the Supplement to the Reevaluation Re-*
6 *port, dated 2003: Provided further, That the Secretary of*
7 *the Army, acting through the Chief of Engineers, is directed*
8 *to continue with the design and construction of the Canton*
9 *Lake, Oklahoma (Dam Safety) project, in accordance with*
10 *the Corps of Engineer's Dam Safety Assurance Report,*
11 *dated March 22, 2002: Provided further, That the Secretary*
12 *of the Army, acting through the Chief of Engineers, is di-*
13 *rected to continue with design and construction of the*
14 *Lawton, Oklahoma, Waste Water Infrastructure Rehabilita-*
15 *tion project, in accordance with the requirements identified*
16 *in the City of Lawton's Sewer Rehabilitation Program in*
17 *conjunction with the Oklahoma Department of Environ-*
18 *mental Quality's consent order: Provided further, That the*
19 *Secretary of the Army, acting through the Chief of Engi-*
20 *neers, is directed to proceed with the construction of the Co-*
21 *lumbia River Channel Improvements, Oregon and Wash-*
22 *ington, project in accordance with the Report of the Chief*
23 *of Engineers, dated December 23, 1999 and the economic*
24 *justification and environmental features stated therein, as*
25 *amended by the Final Supplemental Integrated Feasibility*

1 *Report and Environmental Impact Statement dated Janu-*
2 *ary 28, 2003: Provided further, That the Secretary of the*
3 *Army, acting through the Chief of Engineers, is directed*
4 *to proceed with the construction of the Schuylkill River*
5 *Park, Philadelphia, Pennsylvania, project, in accordance*
6 *with the Letter Report, dated February 2003, and the eco-*
7 *nomie justification contained therein: Provided further,*
8 *That the Secretary of the Army, acting through the Chief*
9 *of Engineers, is directed to proceed with the preparation*
10 *of plans and specifications for periodic nourishment of the*
11 *Folly Beach, South Carolina, project, in accordance with*
12 *the General Design Memorandum, dated May 1991 and ap-*
13 *proved by the Chief of Engineers on July 22, 1992, and*
14 *the economic justification contained therein: Provided fur-*
15 *ther, That the Secretary of the Army, acting through the*
16 *Chief of Engineers, is directed to proceed to construction*
17 *of the Missouri River, South Dakota, project, in accordance*
18 *with the provisions contained in Title IX of WRDA 2000:*
19 *Provided further, That the Secretary of the Army, acting*
20 *through the Chief of Engineers, is directed to proceed with*
21 *the Puget Sound Adjacent Waters Restoration, Washington*
22 *project, as directed by Section 544 of Public Law 106–541:*
23 *Provided further, That the Secretary of the Army, acting*
24 *through the Chief of Engineers, is directed to proceed with*
25 *the Shoalwater Bay Shoreline Erosion, Washington, project*

1 *as directed by Section 545 of Public Law 106–541: Pro-*
2 *vided further, That the Secretary of the Army, acting*
3 *through the Chief of Engineers, is directed to proceed with*
4 *the construction of the Jackson Hole, Wyoming, project, in*
5 *accordance with Public Law 106–541, and the economic*
6 *justification contained therein: Provided further, That the*
7 *Secretary of the Army is directed to use funds appropriated*
8 *for the navigation project, Tampa Harbor, Florida to carry*
9 *out, as part of the project, construction of passing lanes in*
10 *an area approximately 3.5 miles long, centered on Tampa*
11 *Bay Cut B, if the Secretary determines that such construc-*
12 *tion is technically sound, environmentally acceptable, and*
13 *cost effective: Provided further, That no funds appropriated*
14 *in this Act for the purpose of construction of the projects*
15 *for the Everglades and South Florida Ecosystem Restora-*
16 *tion shall be available for expenditure unless the Adminis-*
17 *trator of the Environmental Protection Agency certifies that*
18 *the projects meet all applicable state water quality stand-*
19 *ards and numeric criteria adopted for phosphorus as well*
20 *as water quality requirements set forth in the Consent De-*
21 *cree by September 30, 2003 and every 12 months thereafter*
22 *until September 30, 2006: Provided further, That within*
23 *funds provided herein, \$500,000 may be used for completion*
24 *of design and initiation of construction of the McCarran*
25 *Ranch, NV, environmental restoration project: Provided*

1 further, That within funds provided herein, \$100,000 may
2 be used for initiation of feasibility studies to address erosion
3 along Bayou Teche, LA within the Chitimacha Reservation:
4 Provided further, That the Secretary of the Army may use
5 at least \$1,000,000 of the funds provided under this heading
6 for the Great Lakes fishery and ecosystem restoration pro-
7 gram: Provided further, That using \$200,000 appropriated
8 herein, the Secretary of the Army, acting through the Chief
9 of Engineers, may develop an environmental impact state-
10 ment for introducing non-native oyster species into the
11 Chesapeake Bay. During preparation of the environmental
12 impact statement, the Secretary may establish a scientific
13 advisory body consisting of the Virginia Institute of Marine
14 Science, the University of Maryland, and other appropriate
15 research institutions to review the sufficiency of the envi-
16 ronmental impact statement. In addition, the Secretary
17 shall give consideration to the findings and recommenda-
18 tions of the National Academy of Sciences report on the in-
19 troduction of non-native oyster species into the Chesapeake
20 Bay in the preparation of the environmental impact state-
21 ment. Notwithstanding the cost sharing provisions of sec-
22 tion 510(d) of the Water Resources Development Act of 1996
23 (110 Stat. 3760), the preparation of the environmental im-
24 pact statement shall be cost shared 50 percent Federal and
25 50 percent non-Federal, for an estimated cost of \$2,000,000.

1 *The non-Federal sponsors may meet their 50 percent match-*
2 *ing cost share through in-kind services: Provided, That the*
3 *Secretary determines that work performed by the non-Fed-*
4 *eral sponsors is reasonable, allowable, allocable, and inte-*
5 *gral to the development of the environmental impact state-*
6 *ment.*

7 *FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES,*
8 *ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MIS-*
9 *SISSIPPI, MISSOURI, AND TENNESSEE*

10 *For expenses necessary for prosecuting work of flood*
11 *control, rescue work, repair, restoration, or maintenance of*
12 *flood control projects threatened or destroyed by flood, as*
13 *authorized by law (33 U.S.C. 702a and 702g-1),*
14 *\$329,000,000, to remain available until expended: Pro-*
15 *vided, That the Secretary of the Army, acting through the*
16 *Chief of Engineers, using \$12,000,000 of the funds provided*
17 *herein, is directed to continue design and real estate activi-*
18 *ties and to initiate the pump supply contract for the Yazoo*
19 *Basin, Yazoo Backwater Pumping Plant, Mississippi: Pro-*
20 *vided further, That the pump supply contract shall be per-*
21 *formed by awarding continuing contracts in accordance*
22 *with 33 U.S.C. 621: Provided further, That the Secretary*
23 *of the Army, acting through the Chief of Engineers is di-*
24 *rected, with funds previously appropriated, to continue con-*
25 *struction of water withdrawal features of the Grand Prai-*
26 *rie, Arkansas, project.*

1 *OPERATION AND MAINTENANCE, GENERAL*

2 *For expenses necessary for the preservation, operation,*
3 *maintenance, and care of existing river and harbor, flood*
4 *control, and related works, including such sums as may be*
5 *necessary for the maintenance of harbor channels provided*
6 *by a State, municipality or other public agency, outside*
7 *of harbor lines, and serving essential needs of general com-*
8 *merce and navigation; surveys and charting of northern*
9 *and northwestern lakes and connecting waters; clearing and*
10 *straightening channels; and removal of obstructions to navi-*
11 *gation, \$2,014,000,000, to remain available until expended,*
12 *of which such sums as become available in the Harbor*
13 *Maintenance Trust Fund, pursuant to Public Law 99-662,*
14 *may be derived from that Fund, and of which such sums*
15 *as become available from the special account established by*
16 *the Land and Water Conservation Act of 1965, as amended*
17 *(16 U.S.C. 460l), may be derived from that account for con-*
18 *struction, operation, and maintenance of outdoor recreation*
19 *facilities; and of which \$500,000 may be available for*
20 *dredging and other operation and maintenance of the Rogue*
21 *River, Gold Beach, Oregon; and of which \$500,000 may be*
22 *available for dredging and other operation and mainte-*
23 *nance of the Umpqua River, Oregon: Provided, That of*
24 *funds appropriated herein, for the Intracoastal Waterway,*
25 *Delaware River to Chesapeake Bay, Delaware and Mary-*

1 *land, the Secretary of the Army, acting through the Chief*
2 *of Engineers, is directed to reimburse the State of Delaware*
3 *for normal operation and maintenance costs incurred by*
4 *the State of Delaware for the SR1 Bridge from station*
5 *58+00 to station 293+00 between October 1, 2003, and*
6 *September 30, 2004: Provided further, That none of the*
7 *funds appropriated under this heading may be used for the*
8 *Great Lakes Sediment Transport Models: Provided further,*
9 *That the Secretary of the Army, acting through the Chief*
10 *of Engineers, may use not less than \$5,461,000 of the funds*
11 *made available under this heading for the Alabama-Coosa*
12 *River, Alabama (including for routine operations and*
13 *maintenance work at Swift Creek Park), of which not less*
14 *than \$2,500,000 may be used for annual maintenance*
15 *dredging of navigational channels of the Alabama-Coosa*
16 *River: Provided further, That the Secretary of the Army,*
17 *acting through the Chief of Engineers, is directed to use*
18 *funds appropriated herein to rehabilitate the existing*
19 *dredged material disposal site for the project for navigation,*
20 *Bodega Bay Harbor, California, and to continue mainte-*
21 *nance dredging of the Federal channel: Provided further,*
22 *That the Secretary shall make suitable material excavated*
23 *from the site as part of the rehabilitation effort available*
24 *to the non-Federal sponsor, at no cost to the Federal Gov-*
25 *ernment, for use by the non-Federal sponsor in the develop-*

1 *ment of public facilities: Provided further, That the Corps*
2 *of Engineers shall not allocate any funds, to deposit dredge*
3 *material, without the consent of the landowners, on private*
4 *property located along Reach 1, Reach 2, Reach 4, Reach*
5 *5, and Reach 6 of the Gulf Coast Intracoastal Waterway*
6 *as defined by the Draft Laguna Madre GIWW Dredged Ma-*
7 *terial Management Plan prepared by the Corps of Engi-*
8 *neers and the Interagency Coordination Team dated Octo-*
9 *ber 11, 2002: Provided further, That the Secretary is di-*
10 *rected to use \$5,000,000 of the funds appropriated herein*
11 *to undertake the restoration of Tar Creek and Vicinity,*
12 *Oklahoma project: Provided further, That the Secretary of*
13 *the Army may use \$3,000,000 of the funds provided under*
14 *this heading to undertake, in connection with the harbor*
15 *of Morehead City, North Carolina, a project to disperse*
16 *sand along Bogue Banks: Provided further, That*
17 *\$65,000,000 is provided to be used by the Secretary of the*
18 *Army, acting through the Chief of Engineers, to repair, re-*
19 *store, and clean up projects and facilities of the Corps of*
20 *Engineers and dredge navigation channels, restore and*
21 *clean out area streams, provide emergency stream bank pro-*
22 *tection, restore other crucial public infrastructure (includ-*
23 *ing water and sewer facilities), document flood impacts,*
24 *and undertake other flood recovery efforts considered nec-*
25 *essary by the Chief of Engineers.*

1 *FLOOD CONTROL AND COASTAL EMERGENCIES*

2 *For expenses necessary for emergency flood control,*
3 *hurricane response, and emergency shore protection and re-*
4 *lated activities, \$40,000,000, to remain available until ex-*
5 *pended.*

6 *REGULATORY PROGRAM*

7 *For expenses necessary for administration of laws per-*
8 *taining to regulation of navigable waters and wetlands,*
9 *\$139,000,000, to remain available until expended.*

10 *FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM*

11 *For expenses necessary to clean up contamination*
12 *from sites throughout the United States resulting from work*
13 *performed as part of the Nation's early atomic energy pro-*
14 *gram, \$140,000,000, to remain available until expended.*

15 *GENERAL EXPENSES*

16 *For expenses necessary for general administration and*
17 *related functions in the Office of the Chief of Engineers and*
18 *offices of the Division Engineers, activities of the Hum-*
19 *phreys Engineer Center Support Activity, the Institute for*
20 *Water Resources, and headquarters support functions at the*
21 *USACE Finance Center, \$160,000,000, to remain available*
22 *until expended: Provided, That no part of any other appro-*
23 *priation provided in title I of this Act shall be available*
24 *to fund the activities of the Office of the Chief of Engineers*
25 *or the executive direction and management activities of the*
26 *division offices: Provided further, That none of these funds*

1 *shall be available to support an office of congressional af-*
2 *fairs within the executive office of the Chief of Engineers.*

3 *ADMINISTRATIVE PROVISIONS*

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

10 *GENERAL PROVISIONS*

11 *CORPS OF ENGINEERS—CIVIL*

12 *SEC. 101. Agreements proposed for execution by the As-*
13 *stant Secretary of the Army for Civil Works or the United*
14 *States Army Corps of Engineers after the date of the enact-*
15 *ment of this Act pursuant to section 4 of the Rivers and*
16 *Harbor Act of 1915, Public Law 64–291; section 11 of the*
17 *River and Harbor Act of 1925, Public Law 68–585; the*
18 *Civil Functions Appropriations Act, 1936, Public Law 75–*
19 *208; section 215 of the Flood Control Act of 1968, as amend-*
20 *ed, Public Law 90–483; sections 104, 203, and 204 of the*
21 *Water Resources Development Act of 1986, as amended,*
22 *Public Law 99–662; section 206 of the Water Resources De-*
23 *velopment Act of 1992, as amended, Public Law 102–580;*
24 *section 211 of the Water Resources Development Act of*
25 *1996, Public Law 104–303; and any other specific project*
26 *authority, shall be limited to credits and reimbursements*

1 *per project not to exceed \$10,000,000 in each fiscal year,*
2 *and total credits and reimbursements for all applicable*
3 *projects not to exceed \$50,000,000 in each fiscal year.*

4 *SEC. 102. None of the funds appropriated in this Act,*
5 *or any other Act, shall be used to demonstrate or implement*
6 *any plans divesting or transferring of any Civil Works mis-*
7 *sions, functions, or responsibilities for the United States*
8 *Army Corps of Engineers to other government agencies*
9 *without specific direction in a subsequent Act of Congress.*

10 *SEC. 103. ALAMOGORDO, NEW MEXICO. The project for*
11 *flood protection at Alamogordo, New Mexico, authorized by*
12 *the Flood Control Act of 1962 (Public Law 87-874), is*
13 *modified to authorize and direct the Secretary to construct*
14 *a flood detention basin to protect the north side of the City*
15 *of Alamogordo, New Mexico, from flooding. The flood deten-*
16 *tion basin shall be constructed to provide protection from*
17 *a 100-year flood event. The project cost share for the flood*
18 *detention basin shall be consistent with Section 103(a) of*
19 *the Water Resources Development Act of 1986, notwith-*
20 *standing Section 202(a) of the Water Resources Develop-*
21 *ment Act of 1996.*

22 *SEC. 104. Section 10 of the Rivers and Harbors Act*
23 *of 1922, 42 Stat. 1043, 33 U.S.C. 621, is amended by insert-*
24 *ing a comma after the word “Congress” and inserting im-*
25 *mediately thereafter “to include any and all pre-authoriza-*

1 *tion planning, engineering, design, construction, and oper-*
2 *ation and maintenance,”.*

3 *SEC. 105. The Secretary is authorized and may design,*
4 *remove and dispose of oil bollards and associated debris in*
5 *Burlington Harbor, Vermont, at full Federal expense.*

6 *SEC. 106. KAKE DAM REPLACEMENT, KAKE, ALASKA*
7 *TECHNICAL CORRECTIONS. Section 105, Public Law 106-*
8 *377, is amended by striking “\$7,000,000” and inserting in*
9 *lieu thereof “\$11,000,000 at full Federal expense”.*

10 *SEC. 107. DEAUTHORIZATION OF INACTIVE CORPS*
11 *PROJECTS. The following projects, with a total estimated*
12 *authorized cost of \$404,000,000, are not authorized after the*
13 *date of enactment of this Act, except with respect to any*
14 *portion of such a project which portion has been completed*
15 *before such date or is under construction on such date:*

16 (1) *The project for flood control, Green Bay*
17 *Levee & Drainage District No. 2, Iowa, authorized by*
18 *the Water Resources Development Act of 1986, de-*
19 *authorized in fiscal year 1991, and reauthorized by*
20 *the Water Resources Development Act of 1992;*

21 (2) *The project for navigation, Illinois Waterway*
22 *Cal-Sag Part III, Illinois, authorized by the River*
23 *and Harbor Act of 1946;*

1 (3) *The project for flood control, Lake George,*
2 *Hobart, Indiana, authorized by the Water Resources*
3 *Development Act of 1986;*

4 (4) *The project for flood control, Hazard, Ken-*
5 *tucky, authorized by the Water Resources Develop-*
6 *ment Act of 1988 (Public Law 100–876) and the*
7 *Water Resources Development Act of 1990 (Public*
8 *Law 101–640);*

9 (5) *The project for recreation, Taylorsville Lake*
10 *(Uncompleted Recreation), Kentucky, authorized by*
11 *the Flood Control Act of 1966;*

12 (6) *The project for flood control, Vanceburg, Ken-*
13 *tucky, LPP, authorized by the Flood Control Act of*
14 *1937;*

15 (7) *The project for flood control, Libby Dam*
16 *(Units 6–8), Montana, authorized by the Water Re-*
17 *sources Development Act of 1996;*

18 (8) *The project for flood control, Epping, New*
19 *Hampshire, authorized by the Water Resources Devel-*
20 *opment Act of 1992;*

21 (9) *The project for flood control, Manchester,*
22 *New Hampshire, authorized by the Water Resources*
23 *Development Act of 1992;*

1 (10) *The project for flood control, Rochester, New*
2 *Hampshire, authorized by the Water Resources Devel-*
3 *opment Act of 1992;*

4 (11) *The project for multiple purposes, Fort Gib-*
5 *son Lake, Oklahoma (Units 5 and 6), authorized by*
6 *the Water Resources Development Act of 1986;*

7 (12) *The project for flood control, Parker Lake,*
8 *Muddy Boggy Creek, Oklahoma, authorized by the*
9 *Water Resources Development Act of 1986;*

10 (13) *The project for flood control, Tamaqua,*
11 *Pennsylvania, authorized by the Water Resources De-*
12 *velopment Act of 1974;*

13 (14) *The project for shoreline protection, Cliff*
14 *Walk, Newport, Rhode Island, authorized by the River*
15 *and Harbor Act of 1956 and amended by the Water*
16 *Resources Development Act of 1992;*

17 (15) *The project for navigation, Narragansett*
18 *Town Beach, Narragansett, Rhode Island, authorized*
19 *by the Water Resources Development Act of 1992 and*
20 *amended by the Water Resources Development Act of*
21 *1996;*

22 (16) *The project for navigation, Quonset Point-*
23 *Davisville, Rhode Island (Bulkhead Repairs), author-*
24 *ized by the Water Resources Development Act of 1996;*

1 (17) *The project for flood control, Arroyo Colo-*
2 *rado, Texas, authorized by the Water Resources Devel-*
3 *opment Act of 1986;*

4 (18) *The project for flood control, Cypress Creek-*
5 *Structural, Texas, authorized by the Water Resources*
6 *Development Act of 1988; and*

7 (19) *The project for flood control, Cache County,*
8 *Utah, authorized by the Water Resources Development*
9 *Act of 1992 and amended by the Water Resources De-*
10 *velopment Act of 1999.*

11 *SEC. 108. DEAUTHORIZATION OF PROJECT FOR NAVI-*
12 *GATION, PAWTUXET COVE, RHODE ISLAND. (a) IN GEN-*
13 *ERAL.—The portions of the project for navigation,*
14 *Pawtuxet Cove, Rhode Island, authorized by section 101 of*
15 *the River and Harbor Act of 1962 (76 Stat. 1173) and de-*
16 *scribed in subsection (b) shall no longer be authorized after*
17 *the date of enactment of this Act.*

18 (i) *DESCRIPTIONS.—The portions of the project re-*
19 *ferred to in subsection (a) are the following:*

20 (1) *Beginning at a point along the western edge*
21 *of the 6-foot channel just south of the 6-foot turning*
22 *basin: N247,856.00, E530,338.00, thence running*
23 *north 51 degrees 44 minutes 12.5 seconds west 214.77*
24 *feet to a point N247,989.00, E530,169.37, thence run-*
25 *ning north 13 degrees 14 minutes 48.8 seconds west*

1 149.99 feet to a point N248,135.00, E530,135.00,
2 thence running north 44 degrees 11 minutes 7.4 sec-
3 onds east 137.77 feet to a point N248,233.79,
4 E530,231.02, thence running north 3 degrees 58 min-
5 utes 18.8 seconds west 300.00 feet to a point
6 N248,533.07, E530,210.24 thence running north 86
7 degrees 1 minute 34.3 seconds east 35.00 feet to a
8 point N248,535.50, E530,245.16, thence running
9 south 3 degrees 58 minutes 21.0 seconds east 342.49
10 feet to a point N248,193.83, E530,268.88, thence run-
11 ning south 44 degrees 11 minutes 7.4 seconds west
12 135.04 feet to a point N248,097.00, E530,174.77,
13 thence running south 13 degrees 14 minutes 48.8 sec-
14 onds east 85.38 feet to a point N248,013.89,
15 E530,194.33, thence running south 51 degrees 44
16 minutes 12.5 seconds east 166.56 feet to a point
17 N247,910.74, E530,325.11 thence running south 13
18 degrees 14 minutes 49.2 seconds east 56.24 feet to the
19 point of origin.

20 (2) Beginning at a point along the eastern edge
21 of the 6-foot channel opposite the 6-foot turning basin:
22 N248,180.00, E530,335.00, thence running south 32
23 degrees 12 minutes 35.3 seconds east 88.25 feet to a
24 point N248,105.33, E530,382.04, thence running
25 south 13 degrees 14 minutes 49.2 seconds east 138.48

1 *feet to a point N247,970.53, E530,413.77, thence run-*
2 *ning north 32 degrees 12 minutes 35.3 seconds west*
3 *135.42 feet to a point N248,085.12, E530,341.59,*
4 *thence running north 3 degrees 58 minutes 21.0 sec-*
5 *onds west 95.11 feet to the point of origin.*

6 *(3) Beginning at a point along the eastern edge*
7 *of the channel adjacent to the 6-foot entrance channel:*
8 *N246,630.77, E530,729.17, thence running south 13*
9 *degrees 14 minutes 49.2 seconds east 35.55 feet to a*
10 *point N246,596.16, E530,737.32, thence running*
11 *south 51 degrees 31 minutes 38.6 seconds east 283.15*
12 *feet to a point N246,420.00, E530,959.00, thence run-*
13 *ning north 47 degrees 28 minutes 37.2 seconds west*
14 *311.84 feet returning to a point N246,630.77,*
15 *E530,729.17.*

16 *SEC. 109. (a) The Secretary of the Army is authorized*
17 *to provide technical, planning, design and construction as-*
18 *sistance to non-Federal interests to remedy adverse environ-*
19 *mental and human health impacts in Ottawa County,*
20 *Oklahoma. In providing assistance, the Secretary shall co-*
21 *ordinate with the State, Tribal, and local interests. The Sec-*
22 *retary may undertake implementation of such activities as*
23 *the Secretary determines to be necessary or advisable to*
24 *demonstrate practicable alternatives, such activities shall*
25 *include measures to address lead exposure and other envi-*

1 *ronmental problems related to historical mining activities*
2 *in the area.*

3 *(b) In carrying out subsection (a), the Secretary may*
4 *utilize, through contracts or other means, the services of the*
5 *University of Oklahoma, the Oklahoma Department of En-*
6 *vironmental Quality, or such other entities as the Secretary*
7 *determines to be appropriate.*

8 *(c) Notwithstanding any other provision of law, the*
9 *Secretary shall not incur liability under the Comprehensive*
10 *Environmental Response, Compensation, and Liability Act*
11 *(42 U.S.C. 9601, et seq.) for activities undertaken pursuant*
12 *to this section.*

13 *(d) Non-Federal interests shall be responsible for pro-*
14 *viding any necessary lands, easements or rights-of-way re-*
15 *quired for implementation of activities authorized by this*
16 *section and shall be responsible for operating and main-*
17 *taining any restoration alternatives constructed or carried*
18 *out pursuant to this section. All other costs shall be borne*
19 *by the Federal Government.*

20 *(e) There is authorized to be appropriated \$15,000,000*
21 *to carry out the purposes of this section.*

22 *SEC. 110. The amount of \$2,000,000 previously pro-*
23 *vided under the heading "Construction, General" in Title*
24 *I of the Energy and Water Development Appropriations*
25 *Act, 2003, Division D of Public Law 108-7, is to be used*

1 *to provide technical assistance at full Federal expense, to*
2 *Alaskan communities to address the serious impacts of*
3 *coastal erosion.*

4 *SEC. 111. The project for flood control for the Amer-*
5 *ican and Sacramento Rivers, California, authorized by Sec-*
6 *tion 101(a)(1) of the Water Resources Development Act of*
7 *1996 (Public Law 104–303) and Section 366 of the Water*
8 *Resources Development Act of 1999, is modified to authorize*
9 *the Secretary of the Army, acting through the Chief of Engi-*
10 *neers, to construct the project at a total cost of*
11 *\$205,000,000, with an estimated Federal share of*
12 *\$153,840,000 and an estimated non-Federal share of*
13 *\$51,160,000. For purposes of section 103 of the Water Re-*
14 *sources Development Act of 1986 (33 U.S.C. 2213), the*
15 *modifications authorized by this section shall be subject to*
16 *the same cost sharing in effect for the project authorized*
17 *by 101(a)(1) of the Water Resources Development Act of*
18 *1996.*

19 *SEC. 112. ST. GEORGES BRIDGE, DELAWARE. None of*
20 *the funds made available in this Act may be used to carry*
21 *out any activity relating to closure or removal of the St.*
22 *Georges Bridge across the Intracoastal Waterway, Delaware*
23 *River to Chesapeake Bay, Delaware and Maryland, includ-*
24 *ing a hearing or any other activity relating to preparation*

1 *of an environmental impact statement concerning the clo-*
2 *sure or removal.*

3 *SEC. 113. Section 214(a) of Public Law 106–541 is*
4 *amended by striking “2003” and inserting in lieu thereof*
5 *“2005”.*

6 *SEC. 114. The Secretary of the Army, acting through*
7 *the Chief of Engineers, shall direct construction of Alter-*
8 *native 1 (Northeast Corner) for the project authorized in*
9 *section 353 of Public Law 105–277 notwithstanding any*
10 *other provision of law.*

11 *SEC. 115. The Secretary of the Army, acting through*
12 *the Chief of Engineers, is authorized to undertake appro-*
13 *priate planning, design, and construction measures for*
14 *wildfire prevention and restoration in the Middle Rio*
15 *Grande bosque in and around the City of Albuquerque.*
16 *Work shall be directed toward those portions of the bosque*
17 *which have been damaged by wildfire or are in imminent*
18 *danger of damage from wildfire due to heavy fuel loads and*
19 *impediments to emergency vehicle access. This work shall*
20 *be undertaken at full Federal expense.*

21 *SEC. 116. Section 595 of the Water Resources Develop-*
22 *ment Act of 1999 (113 Stat.383; 117 Stat. 142) is amend-*
23 *ed—*

24 *(1) by striking the section heading and inserting*
25 *the following:*

1 **“SEC. 595. IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO,**
2 **AND RURAL UTAH.”;**

3 (2) *in subsection (a)—*

4 (A) *by redesignating paragraphs (1)*
5 *through (3) as subparagraphs (A) through (C),*
6 *respectively;*

7 (B) *by striking (a) and all that follows*
8 *through “means—” and inserting the following:*

9 *“(a) DEFINITIONS.—In this section:*

10 *“(1) RURAL NEVADA.—The term ‘rural Nevada’*
11 *means”; and*

12 (C) *by adding at the end the following:*

13 *“(2) RURAL UTAH.—The term ‘rural Utah’*
14 *means—*

15 *“(A) the counties of Box Elder, Cache, Rich,*
16 *Tooele, Morgan, Summit, Daggett, Wasatch,*
17 *Duchesne, Uintah, Juab, Sanpete, Carbon, Mil-*
18 *lard, Sevier, Emery, Grand, Beaver, Piute,*
19 *Wayne, Iron, Garfield, San Juan, and Kane,*
20 *Utah; and*

21 *“(B) the portions of Washington County,*
22 *Utah, that are located outside the city of St.*
23 *George, Utah.”;*

24 (3) *in subsections (b) and (c), by striking “Ne-*
25 *vada, Montana, and Idaho” and inserting “Idaho,*

1 *Montana, rural Nevada, New Mexico, and rural*
2 *Utah*”; and

3 *(4) in subsection (h), by striking “2001—” and*
4 *all that follows and inserting “2001 \$25,000,000 for*
5 *each of Idaho, Montana, New Mexico, and rural Utah,*
6 *to remain available until expended.”.*

7 *SEC. 117. Of the amounts provided in section 312, the*
8 *Secretary of Energy shall make the funds available to “De-*
9 *partment of Defense—Civil, Department of the Army,*
10 *Corps of Engineers—Civil, Construction, General” account,*
11 *to remain available until expended, for the following:*
12 *\$5,000,000 for the Walter F. George Powerhouse, AL;*
13 *\$3,400,000 for the Rio Salado, Phoenix and Tempe Reaches,*
14 *AZ project; \$3,000,000 for the Montgomery Point Lock and*
15 *Dam, AR project; \$2,250,000 for the Red River Below*
16 *Denison Dam, AR and LA and TX project; \$3,750,000 for*
17 *the Red River Emergency Bank, AR and LA project;*
18 *\$5,000,000 for the Napa River, CA project; \$5,000,000 for*
19 *the Oakland Harbor, CA project; \$5,000,000 for the Port*
20 *of Los Angeles project; \$4,300,000 for the Santa Ana River*
21 *Mainstem, CA project; \$2,900,000 for the South Sacramento*
22 *Streams, CA project; \$1,286,000 for the Delaware Coast*
23 *from Cape Henlopen to Fenwick Island, DE project;*
24 *\$1,000,000 for the Delaware Bay Coastline, Port Mahon,*
25 *DE project; \$1,250,000 for the Martin County, FL project;*

1 \$3,000,000 for the Brunswick Harbor, GA project;
2 \$5,000,000 for the McCook and Thornton, IL project;
3 \$15,000,000 for the Olmsted Locks and Dam, Ohio River,
4 IL and KY project; \$600,000 for the Des Moines Rec-
5 reational River and Greenbelt, IA project; \$250,000 for the
6 Lock and Dam 19, IA project; \$800,000 for the Perry Creek,
7 IA project; \$10,134,000 for the Kentucky Lock and Dam,
8 KY project; \$4,565,000 for the Inner Harbor Navigation
9 Canal Lock, LA project; \$3,000,000 for the J Bennett John-
10 ston Waterway, LA project; \$10,000,000 for the Southeast
11 Louisiana project; \$262,000 for the Genessee County, MI
12 project; \$287,000 for the Negaunee, MI project; \$1,000,000
13 for the Breckenridge, MN project; \$1,500,000 for the Blue
14 River Basin, Kansas City, MO project; \$3,000,000 for the
15 Meramec River Basin, Valley Park Levee, MO project;
16 \$5,000,000 for the Mississippi River Between the Ohio and
17 Missouri Rivers, MO project; \$2,000,000 for the Fort Peck
18 Fish Hatchery, MT project; \$2,000,000 for the Rural Mon-
19 tana, MT project; \$1,000,000 for the Western Sarpy and
20 Clear Creek, NE project; \$1,000,000 for the Great Egg Har-
21 bor Inlet and Peck Beach, NJ project; \$1,000,000 for the
22 Hackensack-Meadowlands, Environmental Improvement,
23 NJ project; \$500,000 for the Passaic River Preservation of
24 Natural Storage Areas, NJ project; \$1,000,000 for the Pas-
25 saic River Streambank Restoration, (Minish Park), NJ

1 project; \$500,000 for the Dare County Beaches, Bodie Is-
2 land, NC project; \$5,000,000 for the Wilmington Harbor,
3 NC project; \$3,000,000 for the Grand Forks, ND-East
4 Grand Forks, MN project; \$1,600,000 for the Tenkiller
5 Ferry Lake, OK (Dam Safety) project; \$5,000,000 for the
6 Columbia River Channel Improvements, OR project;
7 \$5,000,000 for the Locks and Dams 2, 3, and 4, PA project;
8 \$3,000,000 for the Chief Joseph Dam Gas Abatement, WA
9 project; \$4,000,000 for the Marmet Lock, Kanawa River,
10 WV project; and \$2,366,000 for the Jackson Hole, WY
11 project.

12 SEC. 118. Section 560(f) of Public Law 106–53 is
13 amended by striking “\$5,000,000” and inserting in lieu
14 thereof “\$7,500,000”.

15 SEC. 119. Section 219(f) of the Water Resources Devel-
16 opment Act of 1992 (Public Law 102–580; 106 Stat. 4835),
17 as amended by section 502(b) of the Water Resources Devel-
18 opment Act of 1999 (Public Law 106–53; 113 Stat. 335)
19 and section 108(d) of title I of division B of the Miscella-
20 neous Appropriations Act, 2001 (as enacted by Public law
21 106–554; 114 Stat. 2763A–220), is further amended by
22 adding at the end the following:

23 “(71) CORONADO, CALIFORNIA.—\$10,000,000
24 may be authorized for wastewater infrastructure,
25 Coronado, California.”.

1 *SEC. 120. GREAT LAKES REMEDIAL ACTION PLANS*
2 *AND SEDIMENT REMEDIATION PROGRAMS. Of the amounts*
3 *made available by this title under the heading “GENERAL*
4 *INVESTIGATIONS”, not less than \$1,500,000 may be*
5 *available for Great Lakes remedial action plans and sedi-*
6 *ment remediation programs under section 401 of the Water*
7 *Resources Development Act of 1990 (33 U.S.C. 1268 note;*
8 *Public Law 101–640).*

9 *SEC. 121. Section 592(g) of the Water Resources Devel-*
10 *opment Act of 1999 (Public Law 106–53; 113 Stat. 380)*
11 *is amended by striking “\$25,000,000 for the period begin-*
12 *ning with fiscal year 2000” and inserting “\$100,000,000”.*

13 *SEC. 122. Of the funds made available under Oper-*
14 *ation and Maintenance, General, an additional \$500,000*
15 *may be made available to the Recreation Management Sup-*
16 *port Program to work with the International Mountain Bi-*
17 *cycling Association to design, build, and maintain trails*
18 *at Corps of Engineers projects.*

19 *SEC. 123. PARK RIVER, GRAFTON, NORTH DAKOTA.*
20 *Section 364(5) of the Water Resources Development Act of*
21 *1999 (113 Stat. 314) is amended—*

22 (1) *by striking “\$18,265,000” and inserting*
23 *“\$21,075,000”; and*

24 (2) *by striking “\$9,835,000” and inserting*
25 *“\$7,025,000”.*

1 *SEC. 124. SCHUYLKILL RIVER PARK, PHILADELPHIA,*
2 *PENNSYLVANIA. The Secretary of the Army may provide*
3 *technical, planning, design, and construction assistance for*
4 *Schuylkill River Park, Philadelphia, Pennsylvania, in ac-*
5 *cordance with section 564(c) of the Water Resources Devel-*
6 *opment Act of 1996 (Public Law 104–303; 110 Stat. 3785),*
7 *as contained in the May 2000 report of the Philadelphia*
8 *District based on regional economic development benefits,*
9 *at a Federal share of 50 percent and a non-Federal share*
10 *of 50 percent.*

11 *SEC. 125. GWYNNS FALLS WATERSHED, BALTIMORE,*
12 *MARYLAND. The Secretary of the Army may implement the*
13 *project for ecosystem restoration, Gwynns Falls, Maryland,*
14 *in accordance with the Baltimore Metropolitan Water Re-*
15 *sources-Gwynns Falls Watershed Feasibility Report pre-*
16 *pared by the Corps of Engineers and the city of Baltimore,*
17 *Maryland.*

18 *SEC. 126. SNAKE RIVER CONFLUENCE INTERPRETA-*
19 *TIVE CENTER, CLARKSTON, WASHINGTON. (a) IN GEN-*
20 *ERAL.—The Secretary of the Army, acting through the Chief*
21 *of Engineers (referred to in this section as the “Secretary”)*
22 *is authorized and may carry out a project to plan, design,*
23 *construct, furnish, and landscape a federally owned and op-*
24 *erated Collocated Civil Works Administrative Building and*
25 *Snake River Confluence Interpretative Center, as described*

1 *in the Snake River Confluence Center Project Management*
2 *Plan.*

3 (b) *LOCATION.—The project—*

4 (1) *shall be located on Federal property at the*
5 *confluence of the Snake River and the Clearwater*
6 *River, near Clarkston, Washington; and*

7 (2) *shall be considered to be a capital improve-*
8 *ment of the Clarkston office of the Lower Granite*
9 *Project.*

10 (c) *EXISTING STRUCTURES.—In carrying out the*
11 *project, the Secretary may demolish or relocate existing*
12 *structures.*

13 (d) *COST SHARING.—*

14 (1) *TOTAL COST.—The total cost of the project*
15 *shall not exceed \$3,500,000 (excluding interpretative*
16 *displays).*

17 (2) *FEDERAL SHARE.—The Federal share of the*
18 *cost of the project shall be \$3,000,000.*

19 (3) *NON-FEDERAL SHARE.—*

20 (A) *IN GENERAL.—The non-Federal share of*
21 *the cost of the project—*

22 (i) *shall be \$500,000; and*

23 (ii) *may be provided—*

24 (I) *in cash; or*

1 (II) *in kind, with credit accorded*
2 *to the non-Federal sponsor for provi-*
3 *sion of all necessary services, replace-*
4 *ment facilities, replacement land (not*
5 *to exceed 4 acres), easements, and*
6 *rights-of-way acceptable to the Sec-*
7 *retary and the non-Federal sponsor.*

8 (B) *INTERPRETIVE EXHIBITS.—In addition*
9 *to the non-Federal share described in subpara-*
10 *graph (A), the non-Federal sponsor shall fund,*
11 *operate, and maintain all interpretative exhibits*
12 *under the project.*

13 *SEC. 127. FLOOD DAMAGE REDUCTION, MILL CREEK,*
14 *CINCINNATI, OHIO. Not later than 1 year after the date of*
15 *enactment of this Act, the Secretary of the Army, acting*
16 *through the Chief of Engineers, shall complete the general*
17 *reevaluation report for the project for flood damage reduc-*
18 *tion, Mill Creek, Cincinnati, Ohio.*

19 *SEC. 128. Of the funds made available under Construc-*
20 *tion, General, \$1,500,000 may be made available for work*
21 *to be carried out under section 560 of the Water Resources*
22 *Development Act of 1999 (Public Law 106–53).*

1 expended, of which \$56,330,000 shall be available for trans-
2 fer to the Upper Colorado River Basin Fund and
3 \$33,570,000 shall be available for transfer to the Lower Col-
4 orado River Basin Development Fund; of which such
5 amounts as may be necessary may be advanced to the Colo-
6 rado River Dam Fund; and of which not more than
7 \$500,000 is for high priority projects which shall be carried
8 out by the Youth Conservation Corps, as authorized by 16
9 U.S.C. 1706: Provided, That such transfers may be in-
10 creased or decreased within the overall appropriation under
11 this heading: Provided further, That of the total appro-
12 priated, the amount for program activities that can be fi-
13 nanced by the Reclamation Fund or the Bureau of Rec-
14 lamation special fee account established by 16 U.S.C. 460l-
15 6a(i) shall be derived from that Fund or account: Provided
16 further, That funds contributed under 43 U.S.C. 395 are
17 available until expended for the purposes for which contrib-
18 uted: Provided further, That funds advanced under 43
19 U.S.C. 397a shall be credited to this account and are avail-
20 able until expended for the same purposes as the sums ap-
21 propriated under this heading: Provided further, That
22 funds available for expenditure for the Departmental Irri-
23 gation Drainage Program may be expended by the Bureau
24 of Reclamation for site remediation on a non-reimbursable
25 basis: Provided further, That section 301 of Public Law

1 102–250, *Reclamation States Emergency Drought Relief*
2 *Act of 1991, as amended, is amended further by inserting*
3 *“2003, and 2004” in lieu of “and 2003”: Provided further,*
4 *That of the funds provided under this heading, an addi-*
5 *tional \$5,000,000 may be available for the Mni Wiconi*
6 *project, South Dakota.*

7 *BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT*

8 *For administrative expenses necessary to carry out the*
9 *program for direct loans and/or grants, \$200,000, to remain*
10 *available until expended, of which the amount that can be*
11 *financed by the Reclamation Fund shall be derived from*
12 *that fund.*

13 *CENTRAL VALLEY PROJECT RESTORATION FUND*

14 *For carrying out the programs, projects, plans, and*
15 *habitat restoration, improvement, and acquisition provi-*
16 *sions of the Central Valley Project Improvement Act,*
17 *\$39,600,000, to be derived from such sums as may be col-*
18 *lected in the Central Valley Project Restoration Fund pur-*
19 *suant to sections 3407(d), 3404(c)(3), 3405(f), and*
20 *3406(c)(1) of Public Law 102–575, to remain available*
21 *until expended: Provided, That the Bureau of Reclamation*
22 *is directed to assess and collect the full amount of the addi-*
23 *tional mitigation and restoration payments authorized by*
24 *section 3407(d) of Public Law 102–575.*

POLICY AND ADMINISTRATION

1
2 *For necessary expenses of policy, administration, and*
3 *related functions in the Office of the Commissioner, the*
4 *Denver office, and offices in the five regions of the Bureau*
5 *of Reclamation, to remain available until expended,*
6 *\$54,425,000, to be derived from the Reclamation Fund and*
7 *be nonreimbursable as provided in 43 U.S.C. 377: Provided,*
8 *That no part of any other appropriation in this Act shall*
9 *be available for activities or functions budgeted as policy*
10 *and administration expenses: Provided further, That of this*
11 *amount, sufficient funds may be available for the Secretary*
12 *of the Interior, not later than 60 days after the last day*
13 *of the fiscal year, to submit to Congress a report on the*
14 *amount of acquisitions made by the Department of the Inte-*
15 *rior during such fiscal year of articles, materials, or sup-*
16 *plies that were manufactured outside the United States.*
17 *Such report shall separately indicate the dollar value of any*
18 *articles, materials, or supplies purchased by the Depart-*
19 *ment of the Interior that were manufactured outside the*
20 *United States, an itemized list of all waivers under the Buy*
21 *American Act (41 U.S.C. 10a et seq.) that were granted*
22 *with respect to such articles, materials, or supplies, and a*
23 *summary of total procurement funds spent on goods manu-*
24 *factured in the United States versus funds spent on goods*
25 *manufactured outside of the United States. The Secretary*

1 *of the Interior shall make the report publicly available by*
2 *posting the report on an Internet website.*

3 *WORKING CAPITAL FUND*

4 *(RESCISSION)*

5 *From unobligated balances under this heading*
6 *\$4,525,000 are rescinded.*

7 *ADMINISTRATIVE PROVISION*

8 *Appropriations for the Bureau of Reclamation shall*
9 *be available for purchase of not to exceed 14 passenger*
10 *motor vehicles, of which 12 are for replacement only.*

11 *GENERAL PROVISIONS*

12 *DEPARTMENT OF THE INTERIOR*

13 *SEC. 201. In order to increase opportunities for Indian*
14 *tribes to develop, manage, and protect their water resources,*
15 *in fiscal year 2003 and thereafter, the Secretary of the Inte-*
16 *rior, acting through the Commissioner of the Bureau of Rec-*
17 *lamation, is authorized to enter into grants and cooperative*
18 *agreements with any Indian tribe, institution of higher edu-*
19 *cation, national Indian organization, or tribal organiza-*
20 *tion pursuant to 31 U.S.C. 6301–6308. Nothing in this Act*
21 *is intended to modify or limit the provisions of the Indian*
22 *Self Determination Act (25 U.S.C. 45 et seq.).*

23 *SEC. 202. (a) None of the funds appropriated or other-*
24 *wise made available by this Act may be used to determine*
25 *the final point of discharge for the interceptor drain for*
26 *the San Luis Unit until development by the Secretary of*

1 *the Interior and the State of California of a plan, which*
2 *shall conform to the water quality standards of the State*
3 *of California as approved by the Administrator of the Envi-*
4 *ronmental Protection Agency, to minimize any detrimental*
5 *effect of the San Luis drainage waters.*

6 **(b)** *The costs of the Kesterson Reservoir Cleanup Pro-*
7 *gram and the costs of the San Joaquin Valley Drainage*
8 *Program shall be classified by the Secretary of the Interior*
9 *as reimbursable or nonreimbursable and collected until fully*
10 *repaid pursuant to the “Cleanup Program—Alternative*
11 *Repayment Plan” and the “SJVDP—Alternative Repay-*
12 *ment Plan” described in the report entitled “Repayment*
13 *Report, Kesterson Reservoir Cleanup Program and San*
14 *Joaquin Valley Drainage Program, February 1995”, pre-*
15 *pared by the Department of the Interior, Bureau of Rec-*
16 *lamation. Any future obligations of funds by the United*
17 *States relating to, or providing for, drainage service or*
18 *drainage studies for the San Luis Unit shall be fully reim-*
19 *bursable by San Luis Unit beneficiaries of such service or*
20 *studies pursuant to Federal reclamation law.*

21 **SEC. 203.** *None of the funds appropriated or otherwise*
22 *made available by this or any other Act may be used to*
23 *pay the salaries and expenses of personnel to purchase or*
24 *lease water in the Middle Rio Grande or the Carlsbad*
25 *Projects in New Mexico unless said purchase or lease is in*

1 *compliance with the purchase requirements of section 202*
2 *of Public Law 106–60.*

3 *SEC. 204. Funds under this title for Drought Emer-*
4 *gency Assistance shall be made available primarily for leas-*
5 *ing of water for specified drought related purposes from*
6 *willing lessors, in compliance with existing State laws and*
7 *administered under State water priority allocation. Such*
8 *leases may be entered into with an option to purchase: Pro-*
9 *vided, That such purchase is approved by the State in*
10 *which the purchase takes place and the purchase does not*
11 *cause economic harm within the State in which the pur-*
12 *chase is made.*

13 *SEC. 205. (a) Notwithstanding any other provision of*
14 *law, the Secretary of the Interior, acting through the Com-*
15 *missioner of the Bureau of Reclamation, may not obligate*
16 *funds appropriated for the current fiscal year or any prior*
17 *Energy and Water Development Appropriations Act, or*
18 *funds otherwise made available to the Commissioner of the*
19 *Bureau of Reclamation, and may not use discretion, if any,*
20 *to reduce or reallocate water to be delivered pursuant to*
21 *San Juan-Chama Project contracts, including execution of*
22 *said contracts facilitated by the Middle Rio Grande Project,*
23 *to meet the requirements of the Endangered Species Act,*
24 *unless such water is acquired or otherwise made available*
25 *from a willing seller or lessor and the use is in compliance*

1 *with the laws of the State of New Mexico, including but*
2 *not limited to, permitting requirements.*

3 (b) *Complying with the reasonable and prudent alter-*
4 *natives and the incidental take limits defined in the Bio-*
5 *logical Opinion released by the United States Fish and*
6 *Wildlife Service dated March 17, 2003 combined with efforts*
7 *carried out pursuant to Public Law 106–377, Public Law*
8 *107–66, and Public Law 108–7 fully meet all requirements*
9 *of the Endangered Species Act (16 U.S.C. 1531 et seq.) for*
10 *the conservation of the Rio Grande Silvery Minnow*
11 *(Hybognathus amarus) and the Southwestern Willow*
12 *Flycatcher (Empidonax trailii extimus) on the Middle Rio*
13 *Grande in New Mexico.*

14 SEC. 206. ENDANGERED SPECIES COLLABORATIVE
15 PROGRAM. (a) *Using funds previously appropriated, the*
16 *Secretary of the Interior, acting through the Commissioner*
17 *of the Bureau of Reclamation and the Director of the Fish*
18 *and Wildlife Service, for purposes of improving the effi-*
19 *ciency and expediting the efforts of the Endangered Species*
20 *Act Collaborative Program Workgroup, is directed to estab-*
21 *lish an executive committee of seven members consisting*
22 *of—*

23 (1) *one member from the Bureau of Reclamation;*
24 (2) *one member from the Fish and Wildlife Serv-*
25 *ice; and*

1 (3) *one member at large representing each of the*
2 *following six entities (selected at the discretion of the*
3 *entity in consultation with the Bureau of Reclama-*
4 *tion and the Fish and Wildlife Service) currently*
5 *participating as signatories to the existing Memo-*
6 *randum of Understanding:*

7 *(A) other Federal agencies;*

8 *(B) State agencies;*

9 *(C) municipalities;*

10 *(D) universities and environmental groups;*

11 *and*

12 *(E) business and industrial interests.*

13 **(b)** *Formation of this committee shall occur not later*
14 *than 45 days after enactment of this Act.*

15 **(c)** *Fiscal year 2004 appropriations shall not be obli-*
16 *gated or expended prior to approval by the Committee of*
17 *a detailed spending plan.*

18 **SEC. 207. TULAROSA BASIN NATIONAL DESALINATION**
19 **RESEARCH FACILITY.** *(a) DESALINATION DEMONSTRATION*
20 *AND DEVELOPMENT.—Pursuant to section 4(a) of Public*
21 *Law 104–298, 110 Stat. 3622 (October 11, 1996), the Sec-*
22 *retary may hereafter conduct or contract for the design, con-*
23 *struction, testing and operation of the Tularosa Basin Na-*
24 *tional Desalination Research Facility.*

1 **(b) The Tularosa Basin National Desalination Re-**
2 *search Facility is hereafter exempt from all provisions of*
3 *section 7 of Public Law 104–298, 110 Stat. 3622 (October*
4 *11, 1996). The Federal share of the cost of the Tularosa*
5 *Basin National Desalination Research Facility may be up*
6 *to 100 percent, including the cost of design, construction,*
7 *operation, maintenance, repair and rehabilitation.*

8 **SEC. 208. The Secretary of the Interior, in carrying**
9 *out CALFED-related activities, may undertake feasibility*
10 *studies for Sites Reservoir, Los Vaqueros Reservoir Enlarge-*
11 *ment, and Upper San Joaquin Storage projects, hereafter.*
12 *These storage studies should be pursued along with ongoing*
13 *environmental and other projects in a balanced manner.*

14 **SEC. 209. The Secretary of the Interior, acting through**
15 *the Commissioner of the Bureau of Reclamation, is author-*
16 *ized to enter into grants, cooperative agreements, and other*
17 *agreements with irrigation or water districts to fund up*
18 *to 50 percent of the cost of planning, designing, and con-*
19 *structing improvements that will conserve water, increase*
20 *water use efficiency, or enhance water management through*
21 *measurement or automation, at existing water supply*
22 *projects within the states identified in the Act of June 17,*
23 *1902, as amended, and supplemented: Provided, That when*
24 *such improvements are to Federally owned facilities, such*
25 *funds may be provided in advance on a non-reimbursable*

1 *basis to an entity operating affected transferred works or*
2 *may be deemed non-reimbursable for non-transferred works:*
3 *Provided further, That the calculation of the non-Federal*
4 *contribution shall provide for consideration of the value of*
5 *any in-kind contributions, but shall not include funds re-*
6 *ceived from other Federal agencies: Provided further, That*
7 *the cost of operating and maintaining such improvements*
8 *shall be the responsibility of the non-Federal entity: Pro-*
9 *vided further, That this section shall not supercede any ex-*
10 *isting project-specific funding authority. The Secretary is*
11 *also authorized to enter into grants or cooperative agree-*
12 *ments with universities or non-profit research institutions*
13 *to fund water use efficiency research.*

14 *SEC. 210. HAWAII WATER RESOURCES STUDY. The*
15 *Hawaii Water Resources Act of 2000 (Public Law 106–566,*
16 *114 Stat. 2818) is amended—*

17 *(1) in section 103—*

18 *(A) in subsection (b)(1), by striking “Not”*
19 *and all that follows through “the Secretary” and*
20 *inserting “The Secretary” and*

21 *(B) in subsection (e), by striking*
22 *“\$300,000” and all that follows and inserting*
23 *“\$2,000,000 for the Federal share of the activi-*
24 *ties authorized under this section”; and*

1 (2) *in section 104(b), by striking “cost-effective,”*
2 *and all that follows and inserting “cost-effective.”*

3 *SEC. 211. Notwithstanding the provisions of Title IV*
4 *of Public Law 102–575 (106 STAT. 4648), the contribu-*
5 *tions of the Western Area Power Administration to the Utah*
6 *Reclamation Mitigation and Conservation Account shall ex-*
7 *pire ten fiscal years from the date of enactment of this Act.*
8 *Such contributions shall be from an account established by*
9 *the Western Area Power Administration for this purpose*
10 *and such contributions shall be made available to the Utah*
11 *Reclamation Mitigation and Conservation Account subject*
12 *to appropriations. After ten fiscal years from the date of*
13 *enactment of this Act, the Utah Reclamation Mitigation*
14 *and Conservation Commission is hereby authorized to uti-*
15 *lize interest earned and accrued to the Utah Reclamation*
16 *Mitigation and Conservation Account.*

17 *SEC. 212. That of the funds provided, an additional*
18 *\$3,000,000 shall be available for the Middle Rio Grande,*
19 *New Mexico project and an additional \$3,000,000 shall be*
20 *available for the Lake Tahoe Regional Wetlands Develop-*
21 *ment project.*

22 *SEC. 213. LOWER COLORADO RIVER BASIN DEVELOP-*
23 *MENT. (a) IN GENERAL.—Notwithstanding section 403(f) of*
24 *the Colorado River Basin Project Act (43 U.S.C. 1543(f)),*
25 *no amount from the Lower Colorado River Basin Develop-*

1 *ment Fund shall be paid to the general fund of the Treasury*
2 *until each provision of the revised Stipulation Regarding*
3 *a Stay and for Ultimate Judgment Upon the Satisfaction*
4 *of Conditions, filed in United States district court on April*
5 *24, 2003, in Central Arizona Water Conservation District*
6 *v. United States (No. CIV 95–625–TUC–WDB (EHC), No.*
7 *CIV 95–1720–OHX–EHC (Consolidated Action)), and any*
8 *amendment or revision thereof, is met.*

9 **(b) PAYMENT TO GENERAL FUND.**—*If any of the pro-*
10 *visions of the stipulation referred to in subsection (a) are*
11 *not met by the date that is 10 years after the date of enact-*
12 *ment of this Act, payments to the general fund of the Treas-*
13 *ury shall resume in accordance with section 403(f) of the*
14 *Colorado River Basin Project Act (43 U.S.C. 1543(f)).*

15 **(c) AUTHORIZATION.**—*Amounts in the Lower Colorado*
16 *River Basin Development Fund that but for this section*
17 *would be returned to the general fund of the Treasury may*
18 *not be expended until further Act of Congress.*

19 **SEC. 214. TUALATIN RIVER BASIN, OREGON. (a) AU-**
20 **THORIZATION TO CONDUCT FEASIBILITY STUDY.**—*The Sec-*
21 *retary of the Interior may conduct a Tualatin River Basin*
22 *water supply feasibility study—*

23 **(1)** *to identify ways to meet future water supply*
24 *needs for agricultural, municipal, and industrial*
25 *uses;*

1 (2) *to identify water conservation and water*
2 *storage measures;*

3 (3) *to identify measures that would—*

4 (A) *improve water quality; and*

5 (B) *enable environmental and species pro-*
6 *tection; and*

7 (4) *as appropriate, to evaluate integrated water*
8 *resource management and supply needs in the*
9 *Tualatin River Basin, Oregon.*

10 (b) *FEDERAL SHARE.—The Federal share of the cost*
11 *of the study conducted under subsection (a)—*

12 (1) *shall not exceed 50 percent; and*

13 (2) *shall be nonreimbursable and nonreturnable.*

14 (c) *ACTIVITIES.—No activity carried out under this*
15 *section shall be considered a supplemental or additional*
16 *benefit under Federal reclamation law (the Act of June 17,*
17 *1902 (32 Stat. 388, chapter 1093), and Acts supplemental*
18 *to and amendatory of that Act (43 U.S.C. 371 et seq.)).*

19 (d) *FUNDING.—*

20 (1) *AUTHORIZATION OF APPROPRIATIONS.—*

21 *There is authorized to be appropriated to carry out*
22 *this section \$2,900,000, to remain available until ex-*
23 *pended.*

24 *SEC. 215. FACILITATION OF INDIAN WATER RIGHTS.*

25 *The Secretary of the Interior may extend, on an annual*

1 *basis, the repayment schedule of debt incurred under section*
2 *9(d) of the Act of August 4, 1939 (43 U.S.C. 485h(d)) to*
3 *facilitate Indian water rights settlements in the State of*
4 *Arizona.*

5 *SEC. 216. RESTORATION OF FISH AND WILDLIFE*
6 *HABITAT AND PROVISION OF BOTTLED WATER FOR*
7 *FALLON SCHOOLCHILDREN. (a) IN GENERAL.—In carrying*
8 *out section 2507 of Public Law 101–171, the Secretary of*
9 *the Interior, acting through the Commissioner of Reclama-*
10 *tion, shall—*

11 *(1) notwithstanding section 2507(b) of Public*
12 *Law 101–171, provide \$2,500,000 to the State of Ne-*
13 *vada to purchase water rights from willing sellers and*
14 *make necessary improvements for Carson Lake and*
15 *Pasture;*

16 *(2) provide \$100,000 to Families in Search of*
17 *Truth, Fallon, Nevada, for the purchase of bottled*
18 *water for schoolchildren in Fallon-area schools.*

19 *(b) LIMITATION.—The funds specified to be provided*
20 *in subsection (a)(1) shall only be provided by the Bureau*
21 *of Reclamation when the title to Carson Lake and Pasture*
22 *is conveyed to the State of Nevada; the waiver of section*
23 *2507(b) of Public Law 101–171 shall only apply to water*
24 *purchases for Carson Lake and Pasture.*

1 available for the Navajo electrification demonstration pro-
2 gram under section 602 of Public Law 106–511 (114 Stat.
3 2376): *Provided, That of the funds made available for the*
4 *Office of Electricity and Energy Assurance, the Office may*
5 *provide grants to States and regional organizations to work*
6 *with system operators, including regional transmission or-*
7 *ganizations and independent system operators, on trans-*
8 *mission system planning. The Office may require that*
9 *grantees consider a full range of technology and policy op-*
10 *tions for transmission system planning, including energy*
11 *efficiency at customer facilities and in transmission equip-*
12 *ment, customer demand response, distributed generation*
13 *and advanced communications and controls: Provided fur-*
14 *ther, That of the funds made available for the Office of Elec-*
15 *tricity and Energy Assurance, the Office may develop re-*
16 *gional training and technical assistance programs for State*
17 *regulators and system operators to improve operation of the*
18 *electricity grid.*

19 *NON-DEFENSE SITE ACCELERATION COMPLETION*

20 *For Department of Energy expenses, including the*
21 *purchase, construction, and acquisition of plant and cap-*
22 *ital equipment and other expenses necessary for non-defense*
23 *environmental management site acceleration activities in*
24 *carrying out the purposes of the Department of Energy Or-*
25 *ganization Act (42 U.S.C. 7101 et seq.), including the ac-*

1 *quisition or condemnation of any real property or any fa-*
2 *cility or for plant or facility acquisition, construction, or*
3 *expansion, \$171,875,000, to remain available until ex-*
4 *pended.*

5 *URANIUM ENRICHMENT DECONTAMINATION AND*
6 *DECOMMISSIONING FUND*

7 *For necessary expenses in carrying out uranium en-*
8 *richment facility decontamination and decommissioning,*
9 *remedial actions, and other activities of title II of the Atom-*
10 *ic Energy Act of 1954 and title X, subtitle A, of the Energy*
11 *Policy Act of 1992, \$396,124,000, to be derived from the*
12 *Fund, to remain available until expended, of which*
13 *\$26,000,000 shall be available in accordance with title X,*
14 *subtitle A, of the Energy Policy Act of 1992.*

15 *NON-DEFENSE ENVIRONMENTAL SERVICES*

16 *For Department of Energy expenses necessary for non-*
17 *defense environmental services activities conducted as a re-*
18 *sult of nuclear energy research and development activities*
19 *that indirectly support the accelerated cleanup and closure*
20 *mission at environmental management sites, as well as new*
21 *work scope transferred to the Environmental Management*
22 *program, including the purchase, construction, and acquisi-*
23 *tion of plant and capital equipment and other necessary*
24 *expenses, \$302,121,000, to remain available until expended.*

SCIENCE

1
2 *For Department of Energy expenses including the pur-*
3 *chase, construction and acquisition of plant and capital*
4 *equipment, and other expenses necessary for science activi-*
5 *ties in carrying out the purposes of the Department of En-*
6 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
7 *the acquisition or condemnation of any real property or*
8 *facility or for plant or facility acquisition, construction, or*
9 *expansion, and purchase of not to exceed 15 passenger*
10 *motor vehicles for replacement only, including not to exceed*
11 *one ambulance, \$3,360,435,000, to remain available until*
12 *expended, of which \$3,000,000 may be available for a de-*
13 *fense and security research center.*

NUCLEAR WASTE DISPOSAL

14
15 *For nuclear waste disposal activities to carry out the*
16 *purposes of Public Law 97-425, as amended, including the*
17 *acquisition of real property or facility construction or ex-*
18 *pansion, \$140,000,000, to remain available until expended*
19 *and to be derived from the Nuclear Waste Fund: Provided,*
20 *That not to exceed \$2,500,000 shall be provided to the State*
21 *of Nevada solely for expenditures, other than salaries and*
22 *expenses of State employees, to conduct scientific oversight*
23 *responsibilities and participate in licensing activities pur-*
24 *suant to the Nuclear Waste Policy Act of 1982, Public Law*
25 *97-425, as amended: Provided further, That \$7,000,000*

1 *shall be provided to affected units of local governments, as*
2 *defined in Public Law 97-425, to conduct appropriate ac-*
3 *tivities pursuant to the Act: Provided further, That the dis-*
4 *tribution of the funds as determined by the units of local*
5 *government shall be approved by the Department of Energy:*
6 *Provided further, That the funds for the State of Nevada*
7 *shall be made available solely to the Nevada Division of*
8 *Emergency Management by direct payment and units of*
9 *local government by direct payment: Provided further, That*
10 *within 90 days of the completion of each Federal fiscal year,*
11 *the Nevada Division of Emergency Management and the*
12 *Governor of the State of Nevada and each local entity shall*
13 *provide certification to the Department of Energy that all*
14 *funds expended from such payments have been expended for*
15 *activities authorized by Public Law 97-425 and this Act.*
16 *Failure to provide such certification shall cause such entity*
17 *to be prohibited from any further funding provided for*
18 *similar activities: Provided further, That none of the funds*
19 *herein appropriated may be: (1) used directly or indirectly*
20 *to influence legislative action on any matter pending before*
21 *Congress or a State legislature or for lobbying activity as*
22 *provided in 18 U.S.C. 1913; (2) used for litigation expenses;*
23 *or (3) used to support multi-State efforts or other coalition*
24 *building activities inconsistent with the restrictions con-*
25 *tained in this Act: Provided further, That all proceeds and*

1 *recoveries realized by the Secretary in carrying out activi-*
2 *ties authorized by the Nuclear Waste Policy Act of 1982,*
3 *Public Law 97-425, as amended, including but not limited*
4 *to, any proceeds from the sale of assets, shall be available*
5 *without further appropriation and shall remain available*
6 *until expended.*

7 *DEPARTMENTAL ADMINISTRATION*

8 *DEPARTMENTAL ADMINISTRATION*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *For salaries and expenses of the Department of Energy*
11 *necessary for departmental administration in carrying out*
12 *the purposes of the Department of Energy Organization Act*
13 *(42 U.S.C. 7101 et seq.), including the hire of passenger*
14 *motor vehicles and official reception and representation ex-*
15 *penses (not to exceed \$35,000), \$309,564,000, to remain*
16 *available until expended, plus such additional amounts as*
17 *necessary to cover increases in the estimated amount of cost*
18 *of work for others notwithstanding the provisions of the*
19 *Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided,*
20 *That such increases in cost of work are offset by revenue*
21 *increases of the same or greater amount, to remain avail-*
22 *able until expended: Provided further, That moneys received*
23 *by the Department for miscellaneous revenues estimated to*
24 *total \$146,668,000 in fiscal year 2004 may be retained and*
25 *used for operating expenses within this account, and may*

1 *remain available until expended, as authorized by section*
2 *201 of Public Law 95–238, notwithstanding the provisions*
3 *of 31 U.S.C. 3302: Provided further, That the sum herein*
4 *appropriated shall be reduced by the amount of miscella-*
5 *neous revenues received during fiscal year 2004, and any*
6 *related unappropriated receipt account balances remaining*
7 *from prior years' miscellaneous revenues, so as to result in*
8 *a final fiscal year 2004 appropriation from the General*
9 *Fund estimated at not more than \$162,896,000: Provided*
10 *further, That of this amount, sufficient funds shall be avail-*
11 *able for the Secretary of Energy, not later than 60 days*
12 *after the last day of the fiscal year, to submit to Congress*
13 *a report on the amount of acquisitions made by the Depart-*
14 *ment of Energy during such fiscal year of articles, mate-*
15 *rials, or supplies that were manufactured outside the*
16 *United States. Such report shall separately indicate the dol-*
17 *lar value of any articles, materials, or supplies purchased*
18 *by the Department of Energy that were manufactured out-*
19 *side the United States, an itemized list of all waivers under*
20 *the Buy American Act (41 U.S.C. 10a et seq.) that were*
21 *granted with respect to such articles, materials, or supplies,*
22 *and a summary of total procurement funds spent on goods*
23 *manufactured in the United States versus funds spent on*
24 *goods manufactured outside of the United States. The Sec-*

1 *retary of Energy shall make the report publicly available*
2 *by posting the report on an Internet website.*

3 *OFFICE OF THE INSPECTOR GENERAL*

4 *For necessary expenses of the Office of the Inspector*
5 *General in carrying out the provisions of the Inspector Gen-*
6 *eral Act of 1978, as amended, \$39,462,000, to remain avail-*
7 *able until expended.*

8 *ATOMIC ENERGY DEFENSE ACTIVITIES*

9 *NATIONAL NUCLEAR SECURITY ADMINISTRATION*

10 *WEAPONS ACTIVITIES*

11 *For Department of Energy expenses, including the*
12 *purchase, construction, and acquisition of plant and cap-*
13 *ital equipment and other incidental expenses necessary for*
14 *atomic energy defense weapons activities in carrying out*
15 *the purposes of the Department of Energy Organization Act*
16 *(42 U.S.C. 7101 et seq.), including the acquisition or con-*
17 *demnation of any real property or any facility or for plant*
18 *or facility acquisition, construction, or expansion; one fixed*
19 *wing aircraft for replacement only; and the purchase of not*
20 *to exceed six passenger motor vehicles, of which four shall*
21 *be for replacement only, including not to exceed two buses;*
22 *\$6,473,814,000, to remain available until expended: Pro-*
23 *vided, That the Secretary of Energy may use \$1,000,000*
24 *of available funds to preserve historical sites associated*
25 *with, and other aspects of the history of, the Manhattan*

1 *Project: Provided further, That \$105,000,000 is authorized*
2 *to be appropriated for Project 01–D–108, Microsystems and*
3 *engineering sciences applications (MESA), Sandia Na-*
4 *tional Laboratories, Albuquerque, New Mexico: Provided*
5 *further, That \$3,564,000 is authorized to be appropriated*
6 *for Project 04–D–103, Project engineering and design*
7 *(PED), various locations: Provided further, That a plant*
8 *or construction project for which amounts are made avail-*
9 *able under this heading in this fiscal year with a current*
10 *estimated cost of less than \$10,000,000 is considered for*
11 *purposes of section 3622 of Public Law 107–314 as a plant*
12 *project for which the approved total estimated cost does not*
13 *exceed the minor construction threshold and for purposes*
14 *of section 3623 of Public Law 107–314 as a construction*
15 *project with a current estimated cost of less than the minor*
16 *construction threshold.*

17 *DEFENSE NUCLEAR NONPROLIFERATION*

18 *For Department of Energy expenses, including the*
19 *purchase, construction and acquisition of plant and capital*
20 *equipment and other incidental expenses necessary for*
21 *atomic energy defense, defense nuclear nonproliferation ac-*
22 *tivities, in carrying out the purposes of the Department of*
23 *Energy Organization Act (42 U.S.C. 7101 et seq.), includ-*
24 *ing the acquisition or condemnation of any real property*
25 *or any facility or for plant or facility acquisition, construc-*

1 *tion, or expansion, \$1,340,195,000, to remain available*
2 *until expended.*

3 *NAVAL REACTORS*

4 *For Department of Energy expenses necessary for*
5 *naval reactors activities to carry out the Department of En-*
6 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
7 *the acquisition (by purchase, condemnation, construction,*
8 *or otherwise) of real property, plant, and capital equip-*
9 *ment, facilities, and facility expansion, and the purchase*
10 *of not to exceed one bus; \$768,400,000, to remain available*
11 *until expended.*

12 *OFFICE OF THE ADMINISTRATOR*

13 *For necessary expenses of the Office of the Adminis-*
14 *trator in the National Nuclear Security Administration, in-*
15 *cluding official reception and representation expenses (not*
16 *to exceed \$12,000), \$337,980,000, to remain available until*
17 *expended.*

18 *ENVIRONMENTAL AND OTHER DEFENSE*

19 *ACTIVITIES*

20 *DEFENSE SITE ACCELERATION COMPLETION*

21 *For Department of Energy expenses, including the*
22 *purchase, construction, and acquisition of plant and cap-*
23 *ital equipment and other expenses necessary for atomic en-*
24 *ergy defense site acceleration completion activities in car-*
25 *rying out the purposes of the Department of Energy Orga-*

1 nization Act (42 U.S.C. 7101 et seq.), including the acquisi-
2 tion or condemnation of any real property or any facility
3 or for plant or facility acquisition, construction, or expan-
4 sion; \$5,770,695,000, to remain available until expended:
5 Provided, That the Secretary of Energy is directed to use
6 \$1,000,000 of the funds provided for regulatory and tech-
7 nical assistance to the State of New Mexico, to amend the
8 existing WIPP Hazardous Waste Permit to comply with the
9 provisions of section 310 of this Act.

10 *DEFENSE ENVIRONMENTAL SERVICES*

11 *For Department of Energy expenses necessary for de-*
12 *fense-related environmental services activities that indi-*
13 *rectly support the accelerated cleanup and closure mission*
14 *at environmental management sites, including the pur-*
15 *chase, construction, and acquisition of plant and capital*
16 *equipment and other necessary expenses, and the purchase*
17 *of not to exceed one ambulance for replacement only,*
18 *\$987,679,000, to remain available until expended.*

19 *OTHER DEFENSE ACTIVITIES*

20 *For Department of Energy expenses, including the*
21 *purchase, construction, and acquisition of plant and cap-*
22 *ital equipment and other expenses necessary for atomic en-*
23 *ergy defense, other defense activities, in carrying out the*
24 *purposes of the Department of Energy Organization Act (42*
25 *U.S.C. 7101 et seq.), including the acquisition or con-*

1 *demnation of any real property or any facility or for plant*
2 *or facility acquisition, construction, or expansion,*
3 *\$492,209,000, to remain available until expended: Pro-*
4 *vided, That from the funds made available under this head-*
5 *ing for transfer to the National Institute for Occupational*
6 *Safety and Health for epidemiological research, \$7,500,000*
7 *shall be transferred to include projects to conduct epidemio-*
8 *logical research and carry out other activities to establish*
9 *the scientific link between radiation exposure and the occur-*
10 *rence of chronic lymphocytic leukemia.*

11 *DEFENSE NUCLEAR WASTE DISPOSAL*

12 *For nuclear waste disposal activities to carry out the*
13 *purposes of Public Law 97-425, as amended, including the*
14 *acquisition of real property or facility construction or ex-*
15 *pansion, \$285,000,000, to remain available until expended.*

16 *POWER MARKETING ADMINISTRATIONS*

17 *BONNEVILLE POWER ADMINISTRATION FUND*

18 *Expenditures from the Bonneville Power Administra-*
19 *tion Fund, established pursuant to Public Law 93-454, are*
20 *approved for official reception and representation expenses*
21 *in an amount not to exceed \$1,500.*

22 *During fiscal year 2004, no new direct loan obliga-*
23 *tions may be made.*

1 *OPERATION AND MAINTENANCE, SOUTHEASTERN POWER*
2 *ADMINISTRATION*

3 *For necessary expenses of operation and maintenance*
4 *of power transmission facilities and of marketing electric*
5 *power and energy, including transmission wheeling and*
6 *ancillary services, pursuant to the provisions of section 5*
7 *of the Flood Control Act of 1944 (16 U.S.C. 825s), as ap-*
8 *plied to the southeastern power area, \$5,100,000, to remain*
9 *available until expended; in addition, notwithstanding the*
10 *provision of 31 U.S.C. 3302, up to \$34,400,000 collected*
11 *by the Southeastern Power Administration pursuant to the*
12 *Flood Control Act to recover purchase power and wheeling*
13 *expenses shall be credited to this account as offsetting collec-*
14 *tions, to remain available until expended for the sole pur-*
15 *pose of making purchase power and wheeling expenditures.*

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, 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 of*
25 *the Flood Control Act of 1944 (16 U.S.C. 825s), as applied*

1 *to the southwestern power area, \$28,600,000, to remain*
2 *available until expended; in addition, notwithstanding 31*
3 *U.S.C. 3302, beginning in fiscal year 2004 and thereafter,*
4 *such funds as are received by the Southwestern Power Ad-*
5 *ministration from any State, municipality, corporation,*
6 *association, firm, district, or individual as advance pay-*
7 *ment for work that is associated with Southwestern's trans-*
8 *mission facilities, consistent with that authorized in section*
9 *5 of the Flood Control Act, shall be credited to this account*
10 *and be available until expended: Provided, That notwith-*
11 *standing the provision of 31 U.S.C. 3302, up to \$2,800,000*
12 *collected by the Southwestern Power Administration pursu-*
13 *ant to the Flood Control Act to recover purchase power and*
14 *wheeling expenses shall be credited to this account as offset-*
15 *ting collections, to remain available until expended for the*
16 *sole purpose of making purchase power and wheeling ex-*
17 *penditures.*

18 *CONSTRUCTION, REHABILITATION, OPERATION AND*
19 *MAINTENANCE, WESTERN AREA POWER ADMINISTRATION*
20 *For carrying out the functions authorized by title III,*
21 *section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C.*
22 *7152), and other related activities including conservation*
23 *and renewable resources programs as authorized, including*
24 *official reception and representation expenses in an amount*
25 *not to exceed \$1,500, \$177,950,000, to remain available*

1 *until expended, of which \$167,236,000 shall be derived from*
2 *the Department of the Interior Reclamation Fund: Pro-*
3 *vided, That of the amount herein appropriated, \$6,200,000*
4 *is for deposit into the Utah Reclamation Mitigation and*
5 *Conservation Account pursuant to title IV of the Reclama-*
6 *tion Projects Authorization and Adjustment Act of 1992:*
7 *Provided further, That notwithstanding the provision of 31*
8 *U.S.C. 3302, up to \$186,100,000 collected by the Western*
9 *Area Power Administration pursuant to the Flood Control*
10 *Act of 1944 and the Reclamation Project Act of 1939 to*
11 *recover purchase power and wheeling expenses shall be cred-*
12 *ited to this account as offsetting collections, to remain avail-*
13 *able until expended for the sole purpose of making purchase*
14 *power and wheeling expenditures: Provided further, That*
15 *the \$750,000 that is made available under this heading for*
16 *a transmission study on the placement of 500 megawatt*
17 *wind energy in North Dakota and South Dakota may be*
18 *nonreimbursable: Provided further, That, in accordance*
19 *with section 203 of the Colorado River Basin Salinity Con-*
20 *trol Act (43 U.S.C. 1593), electrical power supply and de-*
21 *livery assistance may be provided to the local distribution*
22 *utility as required to maintain proper voltage levels at the*
23 *Big Sandy River Diffuse Source Control Unit.*

1 *FALCON AND AMISTAD OPERATING AND MAINTENANCE*2 *FUND*

3 *For operation, maintenance, and emergency costs for*
4 *the hydroelectric facilities at the Falcon and Amistad*
5 *Dams, \$2,640,000, to remain available until expended, and*
6 *to be derived from the Falcon and Amistad Operating and*
7 *Maintenance Fund of the Western Area Power Administra-*
8 *tion, as provided in section 423 of the Foreign Relations*
9 *Authorization Act, Fiscal Years 1994 and 1995.*

10 *FEDERAL ENERGY REGULATORY COMMISSION*11 *SALARIES AND EXPENSES*

12 *For necessary expenses of the Federal Energy Regu-*
13 *latory Commission to carry out the provisions of the De-*
14 *partment of Energy Organization Act (42 U.S.C. 7101 et*
15 *seq.), including services as authorized by 5 U.S.C. 3109,*
16 *the hire of passenger motor vehicles, and official reception*
17 *and representation expenses (not to exceed \$3,000),*
18 *\$199,400,000, to remain available until expended: Pro-*
19 *vided, That notwithstanding any other provision of law, not*
20 *to exceed \$199,400,000 of revenues from fees and annual*
21 *charges, and other services and collections in fiscal year*
22 *2004 shall be retained and used for necessary expenses in*
23 *this account, and shall remain available until expended:*
24 *Provided further, That the sum herein appropriated from*
25 *the General Fund shall be reduced as revenues are received*

1 *during fiscal year 2004 so as to result in a final fiscal year*
2 *2004 appropriation from the General Fund estimated at*
3 *not more than \$0.*

4 *DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION*
5 *(RESCISSION)*

6 *Of the funds appropriated in prior Energy and Water*
7 *Development Appropriation Acts, \$15,329,000 of unex-*
8 *pendent balances of prior appropriations are rescinded: Pro-*
9 *vided, That \$13,329,000 shall be derived from the Paducah*
10 *Disposal Facility Privatization (OR-574) and \$2,000,000*
11 *shall be derived from the Portsmouth Disposal Facility Pri-*
12 *vatization (OR-674).*

13 *GENERAL PROVISIONS*

14 *SEC. 301. (a) None of the funds appropriated by this*
15 *Act may be used to award a management and operating*
16 *contract, or a contract for environmental remediation or*
17 *waste management in excess of \$100,000,000 in annual*
18 *funding at a current or former management and operating*
19 *contract site or facility, or award a significant extension*
20 *or expansion to an existing management and operating*
21 *contract, or other contract covered by this section, unless*
22 *such contract is awarded using competitive procedures or*
23 *the Secretary of Energy grants, on a case-by-case basis, a*
24 *waiver to allow for such a deviation. The Secretary may*
25 *not delegate the authority to grant such a waiver.*

1 (b) *Within 30 days of formally notifying an incumbent*
2 *contractor that the Secretary intends to grant such a waiv-*
3 *er, the Secretary shall submit to the Subcommittees on En-*
4 *ergy and Water Development of the Committees on Appro-*
5 *priations of the House of Representatives and the Senate*
6 *a report notifying the Subcommittees of the waiver and set-*
7 *ting forth, in specificity, the substantive reasons why the*
8 *Secretary believes the requirement for competition should*
9 *be waived for this particular award.*

10 *SEC. 302. None of the funds appropriated by this Act*
11 *may be used to—*

12 (1) *develop or implement a workforce restruc-*
13 *turing plan that covers employees of the Department*
14 *of Energy; or*

15 (2) *provide enhanced severance payments or*
16 *other benefits for employees of the Department of En-*
17 *ergy,*

18 *under section 3161 of the National Defense Authorization*
19 *Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C.*
20 *7274h).*

21 *SEC. 303. None of the funds appropriated by this Act*
22 *may be used to augment the \$12,321,000 made available*
23 *for obligation by this Act for severance payments and other*
24 *benefits and community assistance grants under section*
25 *3161 of the National Defense Authorization Act for Fiscal*

1 *Year 1993 (Public Law 102-484; 42 U.S.C. 7274h) unless*
2 *the Department of Energy submits a reprogramming re-*
3 *quest subject to approval by the appropriate congressional*
4 *committees.*

5 *SEC. 304. None of the funds appropriated by this Act*
6 *may be used to prepare or initiate Requests For Proposals*
7 *(RFPs) for a program if the program has not been funded*
8 *by Congress.*

9 *(TRANSFERS OF UNEXPENDED BALANCES)*

10 *SEC. 305. The unexpended balances of prior appro-*
11 *priations provided for activities in this Act may be trans-*
12 *ferred to appropriation accounts for such activities estab-*
13 *lished pursuant to this title. Balances so transferred may*
14 *be merged with funds in the applicable established accounts*
15 *and thereafter may be accounted for as one fund for the*
16 *same time period as originally enacted.*

17 *SEC. 306. None of the funds in this or any other Act*
18 *for the Administrator of the Bonneville Power Administra-*
19 *tion may be used to enter into any agreement to perform*
20 *energy efficiency services outside the legally defined Bonne-*
21 *ville service territory, with the exception of services provided*
22 *internationally, including services provided on a reimburs-*
23 *able basis, unless the Administrator certifies in advance*
24 *that such services are not available from private sector busi-*
25 *nesses.*

1 *SEC. 307. The Administrator of the National Nuclear*
2 *Security Administration may authorize the plant manager*
3 *of a covered nuclear weapons production plant to engage*
4 *in research, development, and demonstration activities with*
5 *respect to the engineering and manufacturing capabilities*
6 *at such plant in order to maintain and enhance such capa-*
7 *bilities at such plant: Provided, That of the amount allo-*
8 *cated to a covered nuclear weapons production plant each*
9 *fiscal year from amounts available to the Department of*
10 *Energy for such fiscal year for national security programs,*
11 *not more than an amount equal to 2 percent of such amount*
12 *may be used for these activities: Provided further, That for*
13 *purposes of this section, the term “covered nuclear weapons*
14 *production plant” means the following:*

15 (1) *the Kansas City Plant, Kansas City, Mis-*
16 *souri;*

17 (2) *the Y-12 Plant, Oak Ridge, Tennessee;*

18 (3) *the Pantex Plant, Amarillo, Texas;*

19 (4) *the Savannah River Plant, South Carolina;*

20 *and*

21 (5) *the Nevada Test Site.*

22 *SEC. 308. Funds appropriated by this or any other*
23 *Act, or made available by the transfer of funds in this Act,*
24 *for intelligence activities are deemed to be specifically au-*
25 *thorized by the Congress for purposes of section 504 of the*

1 *National Security Act of 1947 (50 U.S.C. 414) during fiscal*
2 *year 2004 until the enactment of the Intelligence Authoriza-*
3 *tion Act for fiscal year 2004.*

4 *SEC. 309. None of the funds in this Act may be used*
5 *to dispose of transuranic waste in the Waste Isolation Pilot*
6 *Plant which contains concentrations of plutonium in excess*
7 *of 20 percent by weight for the aggregate of any material*
8 *category on the date of enactment of this Act, or is generated*
9 *after such date. For the purposes of this section, the mate-*
10 *rial categories of transuranic waste at the Rocky Flats En-*
11 *vironmental Technology Site include: (1) ash residues; (2)*
12 *salt residues; (3) wet residues; (4) direct repackaging residues;*
13 *and (5) scrub alloy as referenced in the “Final Environ-*
14 *mental Impact Statement on Management of Certain Pluto-*
15 *nium Residues and Scrub Alloy Stored at the Rocky Flats*
16 *Environmental Technology Site”.*

17 *SEC. 310. (a) The Secretary of Energy is directed to*
18 *file a permit modification to the Waste Analysis Plan*
19 *(WAP) and associated provisions contained in the Haz-*
20 *ardous Waste Facility Permit for the Waste Isolation Pilot*
21 *Plant (WIPP). For purposes of determining compliance of*
22 *the modifications to the WAP with the hazardous waste*
23 *analysis requirements of the Solid Waste Disposal Act (42*
24 *U.S.C. 6901 et seq.), or other applicable laws waste con-*
25 *firmation for all waste received for storage and disposal*

1 shall be limited to (1) confirmation that the waste contains
2 no ignitable, corrosive, or reactive waste through the use
3 of either radiography or visual examination of a statis-
4 tically representative subpopulation of the waste; and (2)
5 review of the Waste Stream Profile Form to verify that the
6 waste contains no ignitable, corrosive, or reactive waste and
7 that assigned Environmental Protection Agency hazardous
8 waste numbers are allowed for storage and disposal by the
9 WIPP Hazardous Waste Facility Permit.

10 (b) Compliance with the disposal room performance
11 standards of the WAP shall be demonstrated exclusively by
12 monitoring airborne volatile organic compounds in under-
13 ground disposal rooms in which waste has been emplaced
14 until panel closure.

15 SEC. 311. Notwithstanding any other provision of law,
16 the material in the concrete silos at the Fernald uranium
17 processing facility currently managed by the Department
18 of Energy shall be considered “byproduct material” as de-
19 fined by section 11e.(2) of the Atomic Energy Act of 1954,
20 as amended (42 U.S.C. 2014(e)(2)). The Nuclear Regulatory
21 Commission or an Agreement State, as appropriate, shall
22 regulate the material as “11e.(2) by-product material” in
23 the event that the Department of Energy proposes to dispose
24 of the material in an NRC-regulated or Agreement State-
25 regulated facility.

1 *SEC. 312. CORPS OF ENGINEERS HYDROPOWER OPER-*
2 *ATION AND MAINTENANCE FUNDING. (a) Notwithstanding*
3 *31 U.S.C. 3302 and the last sentence of section 5 of the*
4 *Flood Control Act of 1944 (16 U.S.C. 825s) and subject to*
5 *(d), the Secretary of Energy shall collect fees, as offsetting*
6 *collections, in the amount of \$145,000,000, pursuant to*
7 *those acts which authorize Southeastern Power Administra-*
8 *tion, Southwestern Power Administration, and Western*
9 *Power Administration to collect revenues for power pro-*
10 *vided. The Secretary of Energy shall make the collection*
11 *available to the Secretary of the Army hereafter referred to*
12 *as “the Secretary”.*

13 *(b) The Secretary shall accept funds made available*
14 *pursuant to subsection (a) and shall use such funds for Con-*
15 *struction, General. The funds provided under this section*
16 *shall remain available until expended.*

17 *(c) Subsection (b) of this section shall be carried out*
18 *in consultation with preference customers under Federal*
19 *law to the marketing of power.*

20 *(d) This section shall become effective only upon the*
21 *enactment of authorizing legislation changing the nature of*
22 *receipts collected by Southeastern Power Administration,*
23 *Southwestern Power Administration, and the Western Area*
24 *Power Administration by making the collection of not less*

1 *than \$145,000,000 of such receipts in fiscal year 2004 sub-*
2 *ject to approval in an annual appropriations Act.*

3 *SEC. 313. No funds appropriated or otherwise made*
4 *available to the Department of Energy by this Act may be*
5 *available for activities at the engineering development*
6 *phases, phase 3 or 6.3, or beyond, in support of advanced*
7 *nuclear weapons concepts, including the robust nuclear*
8 *earth penetrator.*

9 *SEC. 314. No funds appropriated or otherwise made*
10 *available under this title under the heading “ATOMIC EN-*
11 *ERGY DEFENSE ACTIVITIES” may be obligated or ex-*
12 *pended for additional and exploratory studies under the*
13 *Advanced Concepts Initiative until 30 days after the date*
14 *on which the Administrator for Nuclear Security submits*
15 *to Congress a detailed report on the planned activities for*
16 *additional and exploratory studies under the initiative for*
17 *fiscal year 2004. The report shall be submitted in unclassi-*
18 *fied form, but may include a classified annex.*

19 *SEC. 315. MARTIN’S COVE LEASE. (a) DEFINITIONS.—*
20 *In this section:*

21 *(1) BUREAU OF LAND MANAGEMENT.—The term*
22 *“Bureau of Land Management”, hereafter referred to*
23 *as the “BLM”, means an agency of the Department*
24 *of the Interior.*

1 (2) *CORPORATION.*—*The term “Corporation”*
2 *means the Corporation of the Presiding Bishop of The*
3 *Church of Jesus Christ of Latter-day Saints, located*
4 *at 50 East North Temple Street, Salt Lake City,*
5 *Utah.*

6 (3) *MARTIN’S COVE.*—*The term “Martin’s Cove”*
7 *means the area, consisting of approximately 940 acres*
8 *of public lands in Natrona County, Wyoming as de-*
9 *scribed on the Martin’s Cove map numbered MC-001.*

10 (4) *SECRETARY.*—*The term “Secretary” means*
11 *the Secretary of the Interior.*

12 (b) *LEASE.*—

13 (1) *IN GENERAL.*—*Not later than 120 days after*
14 *the date of enactment of this Act, the Secretary may*
15 *enter into an agreement with the Corporation to lease,*
16 *for a term of 25 years, approximately 940 acres of*
17 *Federal land depicted on the Martin’s Cove map MC-*
18 *001. The Corporation shall retain the right of ingress*
19 *and egress in, from and to any part of the leasehold*
20 *for its use and management as an important histor-*
21 *ical site.*

22 (2) *TERMS AND CONDITIONS.*—

23 (A) *SURVEY.*—*As a condition of the agree-*
24 *ment under paragraph (1), the Corporation shall*
25 *provide a boundary survey to the Secretary, ac-*

1 *ceptable to the Corporation and the Secretary, of*
2 *the parcels of land to be leased under paragraph*
3 *(1).*

4 *(B) ACCESS.—*

5 *(i) IN GENERAL.—The Secretary and*
6 *the Corporation shall enter into a lease cov-*
7 *enant, binding on any successor or assignee*
8 *that ensures that, consistent with the his-*
9 *toric purposes of the site, public access will*
10 *be provided across private land owned by*
11 *the Corporation to Martin’s Cove and Dev-*
12 *il’s Gate. Access shall—*

13 *(I) ensure public visitation for*
14 *historic, educational and scenic pur-*
15 *poses through private lands owned by*
16 *the Corporation to Martin’s Cove and*
17 *Devil’s Gate;*

18 *(II) provide for public education,*
19 *ecologic and preservation at the Mar-*
20 *tin’s Cove site;*

21 *(III) be provided to the public*
22 *without charge; and*

23 *(IV) permit the Corporation, in*
24 *consultation with the BLM, to regulate*
25 *entry as may be required to protect the*

1 *environmental and historic values of*
2 *the resource at Martin's Cove or at*
3 *such times as necessitated by weather*
4 *conditions, matters of public safety*
5 *and nighttime hours.*

6 (C) *IMPROVEMENTS.*—*The Corporation*
7 *may, upon approval of the BLM, improve the*
8 *leasehold as may become necessary from time to*
9 *time in order to accommodate visitors to the*
10 *leasehold.*

11 (D) *ARCHAEOLOGICAL PRESERVATION.*—
12 *The Corporation shall have the obligation to pro-*
13 *tect and maintain any historical or archae-*
14 *ological artifacts discovered or otherwise identi-*
15 *fied at Martin's Cove.*

16 (E) *VISITATION GUIDELINES.*—*The Cor-*
17 *poration may establish, in consultation with the*
18 *BLM, visitation guidelines with respect to such*
19 *issues as firearms, alcoholic beverages, and con-*
20 *trolled substances and conduct consistent with*
21 *the historic nature of the resource, and to protect*
22 *public health and safety.*

23 (F) *NO ABRIDGEMENT.*—*The lease shall not*
24 *be subject to abridgement, modification, termi-*
25 *nation, or other taking in the event any sur-*

1 *rounding area is subsequently designated as a*
2 *wilderness or other protected areas. The lease*
3 *shall contain a provision limiting the ability of*
4 *the Secretary from administratively placing*
5 *Martin's Cove in a restricted land management*
6 *status such as a Wilderness Study Area.*

7 *(G) RIGHT OF FIRST REFUSAL.—The Cor-*
8 *poration shall be granted a right of first refusal*
9 *to lease or otherwise manage Martin's Cove in*
10 *the event the Secretary proposes to lease or*
11 *transfer control or title of the land to another*
12 *party.*

13 *(H) FAIR MARKET VALUE LEASE PAY-*
14 *MENTS.—The Corporation shall make lease pay-*
15 *ments which reflect the fair market rental value*
16 *of the public lands to be leased, provided how-*
17 *ever, such lease payments shall be offset by value*
18 *of the public easements granted by the Corpora-*
19 *tion to the Secretary across private lands owned*
20 *by the Corporation for access to Martin's Cove*
21 *and Devil's Gate.*

22 *(I) RENEWAL.—The Secretary may offer to*
23 *renew such lease on terms which are mutually*
24 *acceptable to the parties.*

1 (c) *MINERAL WITHDRAWAL.*—*The Secretary shall re-*
2 *tain the subsurface mineral estate under the leasehold, pro-*
3 *vided that the leased lands shall be withdrawn from all*
4 *forms of entry, appropriations, or disposal under the public*
5 *land laws and disposition under all laws relating to oil*
6 *and gas leasing.*

7 (d) *NO PRECEDENT SET.*—*This Act does not set a*
8 *precedent for the terms and conditions of leases between or*
9 *among private entities and the United States.*

10 (e) *VALID AND EXISTING RIGHTS.*—*The Lease pro-*
11 *vided for under this section shall be subject to valid existing*
12 *rights with respect to any lease, right-of-way, permit, or*
13 *other valid existing rights to which the property is subject.*

14 (f) *AVAILABILITY OF MAP.*—*The Secretary shall keep*
15 *the map identified in this section on file and available for*
16 *public inspection in the Casper District Office of the BLM*
17 *in Wyoming and the State Office of the BLM, Cheyenne,*
18 *Wyoming.*

19 (g) *NEPA COMPLIANCE.*—*The Secretary shall comply*
20 *with the provisions of the National Environmental Policy*
21 *Act of 1969 (42 U.S.C. 4321 et seq.) in carrying out this*
22 *section.*

23 *SEC. 316. (a) MEMORANDUM OF AGREEMENT.*—*Not*
24 *later than 45 days after the date of enactment of this Act,*
25 *the Secretary of Energy and the Secretary of Labor shall*

1 *enter into a Memorandum of Agreement (referred to in this*
2 *section as the “MOA”)* under which the Secretary of Labor
3 *shall agree to provide technical and managerial assistance*
4 *pursuant to subtitle D of the Energy Employees Occupa-*
5 *tional Illness Compensation Program Act of 2000 (42*
6 *U.S.C. 73850 et seq.).*

7 **(b) REQUIREMENT.**—*Under the MOA entered into*
8 *under subsection (a), the Secretary of Labor shall, not later*
9 *than 90 days after the date of enactment of this Act, assume*
10 *management and operational responsibility for the develop-*
11 *ment and preparation of claims filed with the Department*
12 *of Energy under subtitle D of the Energy Employees Occu-*
13 *pational Illness Compensation Program Act of 2000 (42*
14 *U.S.C. 73850 et seq.), consistent with the regulations under*
15 *part 852 of title 10, Code of Federal Regulations, including*
16 *the development of information necessary for the informed*
17 *consideration of such claims by a physicians panel (which*
18 *shall include work histories, medical records, and exposure*
19 *assessments with respect to toxic substances).*

20 **(c) PROCUREMENT OF SERVICES.**—*The Secretary of*
21 *Labor may procure temporary services in carrying out the*
22 *duties of the Secretary under the MOA.*

23 **(d) DUTIES OF SECRETARY OF ENERGY.**—*Under the*
24 *MOA entered into under subsection (a), the Secretary of En-*
25 *ergy shall—*

1 (1) *consistent with subtitle D of the Energy Em-*
2 *ployees Occupational Illness Compensation Program*
3 *Act of 2000 (42 U.S.C. 73850 et seq.), manage physi-*
4 *cian panels and secure necessary records in response*
5 *to requests from the Secretary of Labor; and*

6 (2) *subject to the availability of appropriations,*
7 *transfer funds pursuant to requests by the Secretary*
8 *of Labor.*

9 (e) *SUBMISSION TO CONGRESS.—The MOA entered*
10 *into under subsection (a) shall be submitted to the appro-*
11 *priate committees of Congress and made available to the*
12 *general public in both printed and electronic forms.*

13 *SEC. 317. REINSTATEMENT AND TRANSFER OF THE*
14 *FEDERAL LICENSE FOR PROJECT NO. 2696. (a) DEFINI-*
15 *TIONS.—*

16 (1) *COMMISSION.—The term “Commission”*
17 *means the Federal Energy Regulatory Commission.*

18 (2) *TOWN.—The term “town” means the town of*
19 *Stuyvesant, New York, the holder of Federal Energy*
20 *Regulatory Commission Preliminary Permit No.*
21 *11787.*

22 (b) *REINSTATEMENT AND TRANSFER.—Notwith-*
23 *standing section 8 of the Federal Power Act (16 U.S.C. 801)*
24 *or any other provision of that Act, the Commission shall,*

1 *not later than 30 days after the date of enactment of this*
2 *Act—*

3 (1) *reinstate the license for Project No. 2696; and*

4 (2) *transfer the license to the town.*

5 (c) *HYDROELECTRIC INCENTIVES.—Project No. 2696*
6 *shall be entitled to the full benefit of any Federal law that—*

7 (1) *promotes hydroelectric development; and*

8 (2) *that is enacted within 2 years before or after*
9 *the date of enactment of this Act.*

10 (d) *CO-LICENSEE.—Notwithstanding the issuance of a*
11 *preliminary permit to the town and any consideration of*
12 *municipal preference, the town may at any time add as*
13 *a co-licensee to the reinstated license a private or public*
14 *entity.*

15 (e) *PROJECT FINANCING.—The town may receive loans*
16 *under sections 402 and 403 of the Public Utility Regulatory*
17 *Policies Act of 1978 (16 U.S.C. 2702, 2703) or similar pro-*
18 *grams for the reimbursement of the costs of any feasibility*
19 *studies and project costs incurred during the period begin-*
20 *ning on January 1, 2001 and ending on December 31,*
21 *2006.*

22 (f) *ENERGY CREDITS.—Any power produced by the*
23 *project shall be deemed to be incremental hydropower for*
24 *purposes of qualifying for energy credits or similar benefits.*

1 *DEFENSE NUCLEAR FACILITIES SAFETY BOARD*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Defense Nuclear Facili-*
4 *ties Safety Board in carrying out activities authorized by*
5 *the Atomic Energy Act of 1954, as amended by Public Law*
6 *100–456, section 1441, \$19,559,000, to remain available*
7 *until expended.*

8 *DELTA REGIONAL AUTHORITY*9 *SALARIES AND EXPENSES*

10 *For necessary expenses of the Delta Regional Authority*
11 *and to carry out its activities, as authorized by the Delta*
12 *Regional Authority Act of 2000, as amended, notwith-*
13 *standing sections 382C(b)(2), 382F(d), and 382M(b) of said*
14 *Act, \$7,000,000, to remain available until expended.*

15 *DENALI COMMISSION*

16 *For expenses of the Denali Commission including the*
17 *purchase, construction and acquisition of plant and capital*
18 *equipment as necessary and other expenses, \$48,500,000, to*
19 *remain available until expended.*

20 *NUCLEAR REGULATORY COMMISSION*21 *SALARIES AND EXPENSES*

22 *For necessary expenses of the Commission in carrying*
23 *out the purposes of the Energy Reorganization Act of 1974,*
24 *as amended, and the Atomic Energy Act of 1954, as amend-*
25 *ed, including official representation expenses (not to exceed*

1 \$15,000), and purchase of promotional items for use in the
2 recruitment of individuals for employment, \$618,800,000,
3 to remain available until expended: Provided, That of the
4 amount appropriated herein, \$33,100,000 shall be derived
5 from the Nuclear Waste Fund: Provided further, That reve-
6 nues from licensing fees, inspection services, and other serv-
7 ices and collections estimated at \$538,844,000 in fiscal year
8 2004 shall be retained and used for necessary salaries and
9 expenses in this account, notwithstanding 31 U.S.C. 3302,
10 and shall remain available until expended: Provided fur-
11 ther, That the sum herein appropriated shall be reduced by
12 the amount of revenues received during fiscal year 2004 so
13 as to result in a final fiscal year 2004 appropriation esti-
14 mated at not more than \$79,956,000.

15 *OFFICE OF INSPECTOR GENERAL*

16 *For necessary expenses of the Office of Inspector Gen-*
17 *eral in carrying out the provisions of the Inspector General*
18 *Act of 1978, as amended, \$7,300,000, to remain available*
19 *until expended: Provided, That revenues from licensing fees,*
20 *inspection services, and other services and collections esti-*
21 *mated at \$6,716,000 in fiscal year 2004 shall be retained*
22 *and be available until expended, for necessary salaries and*
23 *expenses in this account notwithstanding 31 U.S.C. 3302:*
24 *Provided further, That the sum herein appropriated shall*
25 *be reduced by the amount of revenues received during fiscal*

1 *year 2004 so as to result in a final fiscal year 2004 appro-*
2 *priation estimated at not more than \$584,000.*

3 *NUCLEAR WASTE TECHNICAL REVIEW BOARD*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Nuclear Waste Technical*
6 *Review Board, as authorized by Public Law 100–203, sec-*
7 *tion 5051, \$3,177,000, to be derived from the Nuclear Waste*
8 *Fund, and to remain available until expended.*

9 *TITLE V*

10 *GENERAL PROVISIONS*

11 *SEC. 501. None of the funds appropriated by this Act*
12 *may be used in any way, directly or indirectly, to influence*
13 *congressional action on any legislation or appropriation*
14 *matters pending before Congress, other than to commu-*
15 *nicate to Members of Congress as described in 18 U.S.C.*
16 *1913.*

17 *SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIP-*
18 *MENT AND PRODUCTS.—It is the sense of the Congress that,*
19 *to the greatest extent practicable, all equipment and prod-*
20 *ucts purchased with funds made available in this Act should*
21 *be American-made.*

22 *(b) NOTICE REQUIREMENT.—In providing financial*
23 *assistance to, or entering into any contract with, any entity*
24 *using funds made available in this Act, the head of each*
25 *Federal agency, to the greatest extent practicable, shall pro-*

1 *vide to such entity a notice describing the statement made*
2 *in subsection (a) by the Congress.*

3 (c) *PROHIBITION OF CONTRACTS WITH PERSONS*
4 *FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—*
5 *If it has been finally determined by a court or Federal agen-*
6 *cy that any person intentionally affixed a label bearing a*
7 *“Made in America” inscription, or any inscription with*
8 *the same meaning, to any product sold in or shipped to*
9 *the United States that is not made in the United States,*
10 *the person shall be ineligible to receive any contract or sub-*
11 *contract made with funds made available in this Act, pur-*
12 *suant to the debarment, suspension, and ineligibility proce-*
13 *dures described in sections 9.400 through 9.409 of title 48,*
14 *Code of Federal Regulations.*

15 *SEC. 503. CLARIFICATION OF INDEMNIFICATION TO*
16 *PROMOTE ECONOMIC DEVELOPMENT. (a) Subsection (b)(2)*
17 *of section 3158 of the National Defense Authorization Act*
18 *for Fiscal Year 1998 (42 U.S.C. 7274q(b)(2)) is amended*
19 *by adding the following after subparagraph (C):*

20 *“(D) Any successor, assignee, transferee,*
21 *lender, or lessee of a person or entity described*
22 *in subparagraphs (A) through (C).”.*

23 *(b) The amendment made by section 506, as amended*
24 *by this section, is effective as of the date of enactment of*

1 *the National Defense Authorization Act for Fiscal Year*
2 *1998.*

3 *This Act may be cited as the “Energy and Water De-*
4 *velopment Appropriations Act, 2004”.*

Passed the House of Representatives July 18, 2003.

Attest: JEFF TRANDAHL,
Clerk.

Passed the Senate September 16, 2003.

Attest: EMILY J. REYNOLDS,
Secretary.