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**ENERGY AND WATER DEVELOPMENT  
APPROPRIATIONS ACT, 2003**

**PUBLIC LAW 108-7**

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## ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 2003

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Public Law 108-7  
108th Congress

## Joint Resolution

Feb. 20, 2003  
[H.J. Res. 2]Making consolidated appropriations for the fiscal year ending September 30, 2003,  
and for other purposes.*Resolved by the Senate and House of Representatives of the  
United States of America in Congress assembled,*Consolidated  
Appropriations  
Resolution, 2003.  
Energy and  
Water  
Development  
Appropriations  
Act, 2003.DIVISION D—ENERGY AND WATER DEVELOPMENT  
APPROPRIATIONS, 2003

## JOINT RESOLUTION

Making appropriations for energy and water development for the fiscal year ending  
September 30, 2003, and for other purposes.That the following sums are appropriated, out of any money in  
the Treasury not otherwise appropriated, for the fiscal year ending  
September 30, 2003, for energy and water development, and for  
other purposes, namely:

## TITLE I

## DEPARTMENT OF DEFENSE—CIVIL

## DEPARTMENT OF THE ARMY

## CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direc-  
tion of the Secretary of the Army and the supervision of the Chief  
of Engineers for authorized civil functions of the Department of  
the Army pertaining to rivers and harbors, flood control, shore  
protection, and related purposes.

## GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic  
information pertaining to river and harbor, flood control, shore

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protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, \$135,019,000, to remain available until expended: *Provided*, That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to determine the advisability of undertaking restoration, modification, or modernization of the Great Lakes Navigational System, including the St. Lawrence Seaway; as provided for in section 456 of Public Law 106-53 (113 Stat. 332): *Provided further*, That in making such determination, the Secretary of the Army, acting through the Chief of Engineers, may partner with the St. Lawrence Seaway Development Corporation and Transport Canada or another designated representative of the Government of Canada and may accept from such partners cash, in-kind services, or any combination thereof, to be expended or used by the Secretary in addition to the funds identified herein for the purpose of making such determination.

## CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$1,756,012,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104-303; and of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 12, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; and London Locks and Dam, Kanawha River, West Virginia, projects; and of which funds are provided for the following projects in the amounts specified:

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

Southern and Eastern Kentucky, Kentucky, \$3,000,000;

and

Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Harlan County in accordance with the Draft Detailed Report dated January 2002, Floyd County, Martin County, and Johnson County, Kentucky, elements of the Levisa and

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Tug Forks of the Big Sandy River and Upper Cumberland River, Kentucky, \$26,100,000: *Provided*, That, using \$200,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on the Bois Brule Drainage and Levee District, Missouri, design deficiency project under the terms and conditions specified in Public Law 107-66: *Provided further*, That using \$9,744,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$4,000,000 of the funds appropriated herein to undertake the Bowie County Levee, Texas, project, which is defined as Alternative B, Local Sponsor Option, in the Corps of Engineers document entitled Bowie County Local Flood Protection, Red River, Texas, Project Design Memorandum No. 1, Bowie County Levee, dated April 1997: *Provided further*, That cost sharing for the Bowie County Levee, Texas, project shall be in accordance with the provisions of the Flood Control Act of 1946: *Provided further*, That the Secretary of the Army is directed to accept advance funds, pursuant to section 11 of the River and Harbor Act of 1925, from the non-Federal sponsor of the Los Angeles Harbor, California, project authorized by section 101(b)(5) of Public Law 106-541, which are needed to maintain the project schedule: *Provided further*, That using \$1,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct, at full Federal expense, technical studies of individual ditch systems identified by the State of Hawaii, and to assist the State in diversification by helping to define the cost of repairing and maintaining selected ditch systems: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$1,000,000 of the funds appropriated herein to continue construction of the navigation project at Kaunapali Harbor, Hawaii: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$2,000,000 of the funds provided herein for Dam Safety and Seepage/Stability Correction Program to continue construction of seepage control features at Waterbury Dam, Vermont: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$13,400,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$5,500,000 of the funds appropriated herein to proceed with the planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed

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to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the Section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the Seward Harbor, Alaska, project, in accordance with the Report of the Chief of Engineers, dated June 8, 1999, and the economic justification contained therein: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the Wrangell Harbor, Alaska, project in accordance with the Chief of Engineer's report dated December 23, 1999: *Provided further*, That, of the funds provided herein, \$3,000,000 shall be made available for the Galena Bank Stabilization Project in Galena, Alaska: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use \$5,000,000 of Construction, General funding as provided herein for construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, at an estimated total cost of \$100,000,000, which shall be cost-shared in accordance with section 103 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2213), except that the funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound and environmentally acceptable, and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the justification for the emergency outlet shall be fully described, including the analysis of the benefits and costs, in the project plan documents: *Provided further*, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, that the project will not violate the Treaty Between the United States and Great Britain Relating to the Boundary Waters Between the United States and Canada, signed at Washington, January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the "Boundary Waters Treaty of 1909"): *Provided further*, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: *Provided further*, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102-377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake.

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

For expenses necessary for prosecuting work of flood control, rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g-1), \$344,574,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, using \$10,000,000 of the funds provided herein, is directed to continue design and real estate activities and to initiate the pump supply contract for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: *Provided further*, That the pump supply contract shall be performed by awarding continuing contracts in accordance with 33 U.S.C. 621.

## OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, \$1,940,167,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities: *Provided*, That using \$888,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake recreation improvements associated with the pool raise at Waco Lake, Texas: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$3,160,000 of the funds appropriated herein to undertake work to expand or improve recreational facilities and undertake environmental restoration activities at the Hansen Dam Recreation Area, California, consistent with the Hansen Dam Recreation Area Master Plan: *Provided further*, That of funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between October 1, 2002, and September 30, 2003: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to rehabilitate the existing dredged material disposal site for the project for navigation, Bodega Bay Harbor, California, and to initiate maintenance dredging of the Federal channel: *Provided further*, That the Secretary shall make suitable material excavated from the site as part of the rehabilitation effort available to the non-Federal sponsor, at no

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cost to the Federal Government, for use by the non-Federal sponsor in the development of public facilities.

#### FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane response, and emergency shore protection and related activities, \$15,000,000, to remain available until expended.

#### REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$139,000,000, to remain available until expended.

#### FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, \$145,000,000, to remain available until expended.

#### GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers, activities of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, and headquarters support functions at the USACE Finance Center, \$155,151,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: *Provided further*, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

#### ADMINISTRATIVE PROVISIONS

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

#### GENERAL PROVISIONS

##### CORPS OF ENGINEERS—CIVIL

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

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of 1992, as amended, Public Law 102-580; section 211 of the Water Resources Development Act of 1996, Public Law 104-303; and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed \$10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed \$50,000,000 in each fiscal year.

SEC. 102. None of the funds appropriated in this or any other Act may be used by the United States Army Corps of Engineers to support activities, including reconnaissance and feasibility studies, and planning, engineering and design, related to the Chicago Harbor Visitors Center.

SEC. 103. ST. GEORGES BRIDGE, DELAWARE. None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

113 Stat. 384.

SEC. 104. Section 595(h)(1) of Public Law 106-53 is amended by striking “\$25,000,000” and inserting in lieu thereof “\$100,000,000”.

SEC. 105. ST. PAUL ISLAND HARBOR, ST. PAUL, ALASKA TECHNICAL CORRECTIONS. Section 101(b)(3) of Public Law 104-303 (the Water Resources Development Act of 1996), (110 Stat. 3667) is amended by—

(1) striking “\$18,981,000” and inserting in lieu thereof “\$52,300,000”; and

(2) striking “\$12,239,000” and inserting in lieu thereof “\$45,558,000”.

SEC. 106. ABIQUIU DAM, NEW MEXICO. Section 1112 of Public Law 99-662 (the Water Resources Development Act of 1986), (100 Stat. 4232) is amended by striking “\$2,700,000” and inserting in lieu thereof “\$10,000,000”.

SEC. 107. The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of Public Law 102-580 is modified to include as a part of the project channel crossings that are necessary for those existing and proposed highways and roads shown on the Clark County Comprehensive Plan Transportation Element, approved by the Clark County Board of County Commissioners on October 1, 1996. The performance of work required for construction of such channel crossings and the costs incurred in performing such work shall be considered part of the non-Federal sponsor's responsibility to provide lands, easements, and rights-of-way, and to perform relocations for the project. Costs incurred in performing such work may not exceed \$16,000,000.

SEC. 108. ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT AT GREAT BRIDGE, CHESAPEAKE, VIRGINIA. The project for replacement of the bridge at Great Bridge, Chesapeake, Virginia, authorized by section 339(h) of Public Law 104-59 is modified to authorize the Secretary to construct the project at an estimated cost of \$46,000,000.

SEC. 109. None of the funds appropriated in this Act, or any other Act, shall be used to study or implement any plans privatizing, divesting or transferring of any Civil Works missions, functions, or responsibilities for the United States Army Corps of Engineers

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to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 110. The project for flood control for Terminus Dam, Kaweah River, California, authorized by section 101(b)(5) of the Water Resources Development Act of 1996, is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project at a total cost of \$50,000,000, with an estimated Federal share of \$28,600,000 and an estimated non-Federal share of \$21,400,000.

SEC. 111. The project for flood control, Little Calumet River Basin (Cady Marsh Ditch), Indiana, authorized by section 401(a) of Public Law 99-662 is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project at a total cost of \$23,146,000, with an estimated Federal cost of \$17,359,000 and an estimated non-Federal cost of \$5,787,000.

SEC. 112. The non-Federal interest shall receive credit toward the non-Federal share of the cost of the feasibility study for work performed prior to the date that the Secretary of the Army, acting through the Chief of Engineers, enters into the feasibility cost-sharing agreement with the non-Federal sponsor for the Indiana Harbor Environmental Dredging, Indiana, feasibility study. The Secretary shall provide credit for work only if the Secretary determines such work integral to the feasibility study.

SEC. 113. In satisfaction of any normal requirement for mitigation identified by the pending Environmental Impact Study for the deepening of the Brownsville Navigation Channel, Texas, the Secretary of the Army, acting through the Chief of Engineers, shall provide credit to the Brownsville Navigation District for work performed before the completion of the Environmental Impact Study to restore the wetlands at Bahia Grande, Lower Laguna Madre, and Vadia Ancha. Such credit shall be at a ratio determined by the Secretary, considering the environmental value of the wetlands impacted by the project and the environmental value of the restored wetlands. The Secretary shall provide credit for work only if the Secretary determines such work integral to the project.

SEC. 114. The Secretary of the Army, acting through the Chief of Engineers, shall carry out the project for inland navigation, Chickamauga Lock and Dam, Tennessee, substantially in accordance with the plans, and subject to the conditions, described in the report of the Chief of Engineers, dated May 30, 2002, except that the Secretary shall construct the project in accordance with the plan that includes a 110-foot by 600-foot replacement lock at a total cost of \$267,167,000. The costs of such construction shall be paid one-half from amounts appropriated from the general fund of the Treasury and one-half from amounts appropriated from the Inland Waterways Trust Fund.

SEC. 115. The Secretary of the Army, acting through the Chief of Engineers, shall conduct a study for the James River, Greene County, Missouri, project for flood damage reduction, Greene County, Missouri, and, if the Secretary determines that such project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 116. Section 101(a)(21), "Amite River and Tributaries, Louisiana," of the Water Resources Development Act of 1999 is amended in subsection (a)(21) by striking "\$112,900,000" and inserting "\$150,257,000", and by striking "\$39,500,000" and inserting "\$52,589,950".

113 Stat. 277.

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SEC. 117. None of the funds appropriated in this or any other Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Ridge Landfill in Tuscarawas County, Ohio.

113 Stat. 277.

SEC. 118. Section 101(a)(19) of the Water Resources Development Act of 1999 is hereby amended to increase the total project cost to \$78,879,000 with an estimated Federal cost of \$51,271,000 and an estimated non-Federal cost of \$27,608,000 in accordance with the Corps of Engineers Post Authorization Change Report, dated January 2003, as amended by the Chief of Engineers.

SEC. 119. The Secretary of the Army, acting through the Chief of Engineers, is authorized to credit toward the non-Federal share of the cost of the Savannah Harbor Expansion, Georgia, project, authorized by section 101(b)(9) of the Water Resources Development Act of 1999, an amount equal to the Federal share of the costs incurred by the non-Federal interests subsequent to project authorization to the extent that the Secretary determines that such costs were necessary to ensure compliance with the conditions of the project authorization.

SEC. 120. The project for aquatic ecosystem restoration, Rose Bay, Volusia County, Florida, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary of the Army, acting through the Chief of Engineers, to credit toward the non-Federal share of the cost of the project the costs incurred by the Florida Department of Transportation in constructing that portion of the United States Highway 1 bridge that the Secretary determines is required for the proper functioning of the project.

SEC. 121. The Secretary of the Army, acting through the Chief of Engineers, shall modify the shoreline management plan for Lake Cumberland, Kentucky, to allow for construction of a privately owned moorage facility at Woodson Bend Peninsula on the South Fork of the Cumberland River at Lake Cumberland.

SEC. 122. The non-Federal sponsor shall receive credit in an amount not to exceed \$10,000,000 toward their share of the cost of Des Moines Recreational River and Greenbelt, Iowa, projects for work performed by the sponsor, or others on behalf of the sponsor, including planning, design, and construction performed after October 1, 2002, provided the Secretary of the Army, acting through the Chief of Engineers, determines that such work is completed in accordance with United States Army Corps of Engineers standards and procedures and is integral to the Des Moines Recreational River and Greenbelt project.

SEC. 123. The project for flood damage reduction, Turkey Creek Basin, Kansas City, Missouri, and Kansas City, Kansas, authorized by section 101(a)(24) of Public Law 106-53, is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project substantially in accordance with the plans and subject conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed by December 31, 2003, at a total project cost of \$73,380,000 with an estimated Federal cost of \$45,304,000 and an estimated non-Federal cost of \$28,076,000. The non-Federal interest shall receive credit toward the non-Federal share of project costs for construction work performed by the non-Federal interest before execution of the project cooperation agreement if the Secretary finds that the

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work performed by the non-Federal interest is integral to the project.

SEC. 124. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to design and construct portions of the Long Lake Environmental Restoration Project, Indiana, that are located on non-federally owned land in accordance with section 206 of Public Law 104-303, as amended. Notwithstanding the provisions of section 206, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to design and construct all the components of the Long Lake, Indiana, environmental restoration project that are located on Federal land at full Federal expense as identified in the Long Lake, Indiana, Reconnaissance Report, dated October 2002, and as further modified by subsequent study. After completion of the project, the Secretary of the Army shall seek reimbursement from the Secretary of the Interior of an amount equal to the costs of the project allocated to benefits to the Indiana Dunes National Lakeshore.

SEC. 125. Section 514 of the Water Resources Development Act of 1999 is amended by striking “2000 and 2001” in subsection (g) and inserting “2003 and 2004”.

113 Stat. 343.

SEC. 126. Section 595 of the Water Resources Development Act of 1999 is amended by striking “Sec. 595. Rural Nevada and Montana.” and inserting in lieu thereof “Sec. 595. Rural Nevada, Montana, and Idaho.” and in (b) strike “and Montana.” and insert in lieu thereof “, Montana, and Idaho.” and in (c) strike “and Montana,” and insert in lieu thereof “, Montana, and Idaho,” and in (h)(1) strike “and” and insert after (h)(2) “and; (3) \$25,000,000 for Idaho;”.

113 Stat. 383.

SEC. 127. SOUTHERN AND EASTERN KENTUCKY. (a) PROJECT PURPOSES.—Section 531(b) of the Water Resources Development Act of 1996 (110 Stat. 3773) is amended by inserting before “and resource” the following: “, environmental restoration,”.

(b) DEFINITION.—Section 531(g) of such Act (110 Stat. 3774) is amended by inserting after “Lee,” the following: “Bath, Rowan,”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 531(h) of such Act (110 Stat. 3774; 113 Stat. 348) is amended by striking “\$25,000,000” and inserting “\$40,000,000”.

SEC. 128. With respect to the pre-construction engineering and design for the environmental dredging project at Ashtabula River, Ohio, for which funds are made available under this heading, the non-Federal interest shall receive credit toward the non-Federal share of the cost of the pre-construction engineering and design work performed in-kind after the date of execution of the design agreement.

SEC. 129. Section 313(h)(2) of the Water Resources Development Act of 1992 is amended by striking “Armstrong, Beford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder and Westmoreland Counties” and inserting “Allegheny, Armstrong, Beford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder, Washington, and Westmoreland Counties”.

106 Stat. 4847.

SEC. 130. HERRING CREEK-TALL TIMBERS, MARYLAND. (a) IN GENERAL.—Using funds made available by this Act, the Secretary of the Army, acting through the Chief of Engineers, may provide immediate corrective maintenance to the project at Herring Creek-Tall Timbers, Maryland, at full Federal expense.

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(b) INCLUSIONS.—The corrective maintenance described in subsection (a), and any other maintenance performed after the date of enactment of this Act with respect to the project described in that subsection, may include repair or replacement, as appropriate, of the foundation and structures adjacent and structurally integral to the project.

## TITLE II

## DEPARTMENT OF THE INTERIOR

## CENTRAL UTAH PROJECT

## CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$34,902,000, to remain available until expended, of which \$11,259,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,326,000, to remain available until expended.

## BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

## WATER AND RELATED RESOURCES

## (INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, \$813,491,000, to remain available until expended, of which \$36,400,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$34,327,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which \$4,600,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106-163; and of which not more than \$500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for

the same purposes as the sums appropriated under this heading: *Provided further*, That \$10,000,000 of the funds appropriated herein shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of division B, title I of Public Law 106-554, as amended: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That section 301 of Public Law 102-250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting “2002, and 2003” in lieu of “and 2002”: *Provided further*, That the Bureau of Reclamation is authorized hereafter to negotiate and enter into financial assistance agreements with public and private agencies, organizations, and institutions for activities under the Lake Tahoe Regional Wetlands Development Program: *Provided further*, That the costs associated with such activities will be non-reimbursable.

43 USC 2241.

## CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$48,904,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575.

## POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$54,870,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

## ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 16 passenger motor vehicles, of which 12 are for replacement only.

## GENERAL PROVISIONS

## DEPARTMENT OF THE INTERIOR

SEC. 201. In order to increase opportunities for Indian tribes to develop, manage, and protect their water resources, in fiscal year 2003 and thereafter, the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants and cooperative agreements with any Indian tribe, institution of higher education, national Indian organization, or tribal organization pursuant to 31 U.S.C. 6301-

43 USC 373d.

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6308. Nothing in this Act is intended to modify or limit the provisions of the Indian Self Determination Act (25 U.S.C. 45 et seq.).

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program—Alternative Repayment Plan” and the “SJVDP—Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Section 212 of the Energy and Water Development Appropriations Act, 2001 (114 Stat. 1441B-13) is amended as follows:

(1) In subsection (a)(2)—

(A) by inserting “all real and personal property rights and interests associated with such conduits and canals, all water rights of whatever nature or kind associated therewith, and” before “all recreational facilities”; and

(B) by inserting “and improvements” after “recreational facilities”.

(2) In subsection (b)—

(A) by striking “as soon as practicable after date of enactment of this Act” and inserting “by no later than June 30, 2003,”; and

(B) by inserting “including all real and personal property rights, water rights, and facilities held by or appropriated to the United States” after “all right, title, and interest in and to the Sly Park Unit to the District”.

(3) In subsection (c)—

(A) by striking “The Secretary” and inserting “(1) Subject to paragraph (2), the Secretary”;

(B) by inserting “and subsequent interim renewal contracts associated therewith” after “contract number 14-06-200-949IR3”; and

(C) by adding at the end the following:

“(2) The amount the Secretary is authorized to receive under paragraph (1) shall be reduced by an amount equal to any payments received by the United States from the District under the contracts referred to in paragraph (1) in the period beginning on the date of the enactment of this Act and ending on the date of conveyance of the Sly Park Unit under this section.”

SEC. 204. Section 110(a)(3)(A)(i) of division B of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of Public Law 106-554), is further amended by inserting

“, including all expenditures made by the Central Basin Municipal Water District between February 11, 1993, and December 21, 2000” before the semicolon.

SEC. 205. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106-60.

SEC. 206. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: *Provided*, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 207. RESTORATION OF FISH, WILDLIFE, AND ASSOCIATED HABITATS IN WATERSHEDS OF CERTAIN LAKES. (a) IN GENERAL.—In carrying out section 2507 of Public Law 107-171, the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) subject to paragraph (3), provide water and assistance under that section only for the Pyramid, Summit, and Walker Lakes in the State of Nevada;

(2) use \$1,000,000 for the creation of a fish hatchery at Walker Lake to benefit the Walker River Paiute Tribe; and

(3) use \$2,000,000 to provide grants, to be divided equally, to the State of Nevada, the State of California, the Truckee Meadows Water Authority, and the Pyramid Lake Paiute Tribe, to implement the Truckee River Settlement Act, Public Law 101-618.

(b) ADMINISTRATION.—The Secretary of the Interior, acting through the Commissioner of Reclamation, may provide financial assistance to State and local public agencies, Indian tribes, nonprofit organizations, and individuals to carry out this section and section 2507 of Public Law 107-171.

SEC. 208. The Commissioner of the Bureau of Reclamation is directed to increase the use of the private sector in performing planning, engineering and design work for Bureau of Reclamation projects to 10 percent in fiscal year 2003, and in each subsequent year until the level of work is at least 40 percent for the planning, engineering and design work conducted by the Bureau of Reclamation.

43 USC 373a  
note.

SEC. 209. Using previously appropriated funds, the Bureau of Reclamation is directed to undertake activities related to the development of the North Central Montana Rural Water Supply System. Such sums shall remain available, without fiscal year limitation, until expended.

SEC. 210. Section 8 of Public Law 104-298 (the Water Desalination Act of 1996) is amended further by—

(1) in paragraph (a) by striking “2002” and inserting in lieu thereof “2004”; and

(2) in paragraph (b) by striking “2002” and inserting in lieu thereof “2004”.

42 USC 10301  
note.

SEC. 211. (a) NORTH LAS VEGAS WATER REUSE PROJECT.—

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(1) AUTHORIZATION.—The Secretary of the Interior, in cooperation with the appropriate local authorities, may participate in the design, planning, and construction of the North Las Vegas Water Reuse Project (hereinafter referred to as the “Project”) to reclaim and reuse water in the service area of the North Las Vegas Utility Division Service Area of the City of North Las Vegas and County of Clark, Nevada.

(2) COST SHARE.—The Federal share of the cost of the Project shall not exceed 25 percent of the total cost.

(3) LIMITATION.—Funds provided by the Secretary shall not be used for the operation or maintenance of the Project.

(4) FUNDING.—Funds appropriated pursuant to section 1631 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-13) may be used for the Project.

(b) RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT.—Design, planning, and construction of the Project authorized by this Act shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.), as amended.

SEC. 212. None of the funds appropriated or otherwise made available in this division or any prior Energy and Water Development Appropriations Act may be used for the settlement agreement of Sumner Peck Ranch, Inc. v. Bureau of Reclamation (Civ. No F-91-048 OWW (E.D. Cal)).

112 Stat. 3381.

SEC. 213. Section 201(d) of the Salton Sea Reclamation Act of 1998 (Public Law 105-372) is amended by striking “\$3,000,000” and inserting “\$10,000,000”.

SEC. 214. The Secretary of the Interior, acting through the Bureau of Reclamation, shall conduct a feasibility study of options for additional water storage in the Yakima River Basin, Washington, with emphasis on the feasibility of storage of Columbia River water in the potential Black Rock Reservoir and the benefit of additional storage to endangered and threatened fish, irrigated agriculture, and municipal water supply. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 215. The Secretary of the Interior, in carrying out CALFED-related activities, may undertake feasibility studies for Sites Reservoir, Los Vaqueros Reservoir Enlargement, and Upper San Joaquin Storage projects. These storage studies should be pursued along with ongoing environmental and other projects in a balanced manner.

### TITLE III

#### DEPARTMENT OF ENERGY

#### ENERGY PROGRAMS

#### ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation

of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$701,477,000, to remain available until expended.

#### NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$215,100,000, to remain available until expended.

#### URANIUM FACILITIES MAINTENANCE AND REMEDIATION

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, \$456,539,000, of which \$340,329,000, shall be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, all of which shall remain available until expended.

#### SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 28 passenger motor vehicles for replacement only, \$3,305,894,000, to remain available until expended.

#### NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$145,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: *Provided*, That not to exceed \$2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended: *Provided further*, That \$7,000,000 shall be provided to affected units of local governments, as defined in Public Law 97-425, to conduct appropriate activities pursuant to the Act: *Provided further*, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the

Deadline.  
Nevada.  
Certification.

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Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97-425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

#### DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$207,404,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$120,000,000 in fiscal year 2003 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation from the General Fund estimated at not more than \$87,404,000.

#### OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$37,671,000, to remain available until expended.

#### ATOMIC ENERGY DEFENSE ACTIVITIES

##### NATIONAL NUCLEAR SECURITY ADMINISTRATION

##### WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including

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the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed one for replacement only), \$5,954,204,000, to remain available until expended: *Provided*, That \$12,000,000 is authorized to be appropriated for Project 03-D-102, LANL administration building, Los Alamos National Laboratory, Los Alamos, New Mexico: *Provided further*, That \$113,000,000 is authorized to be appropriated for Project 01-D-108, Microsystems and engineering sciences applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico.

#### DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, Defense Nuclear Nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,113,630,000, to remain available until expended.

#### NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$706,790,000, to remain available until expended.

#### OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator of the National Nuclear Security Administration, including official reception and representation expenses (not to exceed \$12,000), \$330,929,000, to remain available for obligation until September 30, 2003.

#### ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

##### DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 24 passenger motor vehicles, for replacement only, \$5,470,180,000, to remain available until expended.

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## DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, \$1,138,314,000, to remain available until expended.

## DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), \$158,399,000, to remain available until expended.

## OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$546,554,000, to remain available until expended.

## DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$315,000,000, to remain available until expended.

## POWER MARKETING ADMINISTRATIONS

## BONNEVILLE POWER ADMINISTRATION FUND

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

During fiscal year 2003, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER  
ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$4,534,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, up to \$14,463,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain

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available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER  
ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$27,378,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed \$16,455,000 in reimbursements, to remain available until expended: *Provided*, Notwithstanding the provisions of 31 U.S.C. 3302, that up to \$1,512,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

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

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500, \$168,858,000, to remain available until expended, of which \$158,605,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, \$6,100,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That up to \$156,124,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That, of the amounts appropriated in Public Law 107-66, not less than \$400,000 to be spent as described in House Report 107-258 under this heading shall be nonreimbursable: *Provided further*, That, of the amount appropriated in Public Law 107-66 for corridor review and environmental review required for the construction of a 230 kv transmission line between Belfield and Hettinger, not less than \$200,000 shall be provided for corridor review and environmental review for the construction of a high voltage line in Western North Dakota that would facilitate the upgrade of the Miles City DC tie.

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## FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$2,734,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

## FEDERAL ENERGY REGULATORY COMMISSION

## SALARIES AND EXPENSES

42 USC 7171  
note.

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed \$3,000), \$192,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$192,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2003 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation from the General Fund estimated at not more than \$0.

## GENERAL PROVISIONS

## DEPARTMENT OF ENERGY

Contracts.

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

Deadline.  
Reports.

(b) Within 30 days of formally notifying an incumbent contractor that the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Subcommittees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

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

- (1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

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(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the \$21,183,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 42 U.S.C. 7274h) unless the Department of Energy submits a re-programming request subject to approval by the appropriate congressional committees.

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

## (TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. When the Department of Energy makes a user facility available to universities and other potential users, or seeks input from universities and other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term “user facility” includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

Public  
information.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the plant manager of a covered nuclear weapons production plant to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such plant in order to maintain and enhance such capabilities at such plant: *Provided*, That of the amount allocated to a covered nuclear weapons production plant each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may

42 USC 7274r.

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be used for these activities: *Provided further*, That for purposes of this section, the term “covered nuclear weapons production plant” means the following:

- (1) the Kansas City Plant, Kansas City, Missouri;
- (2) the Y-12 Plant, Oak Ridge, Tennessee;
- (3) the Pantex Plant, Amarillo, Texas; and
- (4) the Savannah River Plant, South Carolina.

SEC. 309. The Administrator of the National Nuclear Security Administration may authorize the manager of the Nevada Operations Office to engage in research, development, and demonstration activities with respect to the development, test, and evaluation capabilities necessary for operations and readiness of the Nevada Test Site: *Provided*, That of the amount allocated to the Nevada Operations Office each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs at the Nevada Test Site, not more than an amount equal to 2 percent of such amount may be used for these activities.

SEC. 310. Section 310 of the Energy and Water Development Appropriations Act, 2000 (Public Law 106-60), is hereby repealed.

42 USC 7257  
note.

SEC. 311. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2003 until the enactment of the Intelligence Authorization Act for fiscal year 2003.

SEC. 312. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purposes of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residues; (3) wet residues; (4) direct repackaging residues; and (5) scrub alloy as referenced in the “Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site”.

SEC. 313. Funds appropriated in Public Law 107-66 for the Kachemak Bay submarine cable project may be available to reimburse the local sponsor for the Federal share of the project costs assumed by the local sponsor prior to final passage of that Act.

SEC. 314. STAY AND REINSTATEMENT OF FERC LICENSE NO. 11393. (a) Upon the request of the licensee for FERC Project No. 11393, the Federal Energy Regulatory Commission shall issue an order staying the license.

Deadline.

(b) Upon the request of the licensee for FERC Project No. 11393, but not later than 6 years after the date that the Federal Energy Regulatory Commission receives written notice that construction of the Swan-Tyee transmission line is completed, the Federal Energy Regulatory Commission shall issue an order lifting the stay and make the effective date of the license the date on which the stay is lifted.

(c) Upon request of the licensee for FERC Project No. 11393 and notwithstanding the time period specified in section 13 of the Federal Power Act for the commencement of construction, the Commission shall, after reasonable notice and in accordance with

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the good faith, due diligence, and public interest requirements of that section, extend the time period during which licensee is required to commence the construction of the project for not more than one 2-year time period.

SEC. 315. (a) None of the funds made available under the accounts “non-defense environmental management”, “uranium facilities maintenance and remediation”, “defense environmental restoration and waste management”, or “defense facilities closure projects” may be obligated at a Department of Energy site or laboratory, or in association with a site or laboratory, if the effect of such would result in the Department of Energy exceeding for that site or laboratory the comparable current-year level of funding, or the amount of the fiscal year 2003 budget request, whichever is greater.

(b) The limitation of subsection (a) will not apply to a site or laboratory after such time that the Department has entered into a site performance management plan for that site or laboratory consistent with the intent of the Department’s environmental management acceleration and reform initiative.

SEC. 316. Notwithstanding any other provision of law, the National Nuclear Security Administration is prohibited from taking any actions adversely affecting employment at the Nevada Operations Office for a period of not less than 365 days, unless the Administrator seeks and is granted a waiver, in writing, from the House and Senate Committees on Appropriations.

SEC. 317. Notwithstanding the provisions of any other law, using funds appropriated in this title, the Secretary of Energy shall proceed with planning and analyses for external regulation of the Department’s laboratories under the Office of Science as directed in the statement of managers accompanying this bill.

## TITLE IV

## INDEPENDENT AGENCIES

## APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, and, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$71,290,000, to remain available until expended.

## DEFENSE NUCLEAR FACILITIES SAFETY BOARD

## SALARIES AND EXPENSES

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

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## DELTA REGIONAL AUTHORITY

## SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding section 382N of said Act, \$8,000,000, to remain available until expended.

## DENALI COMMISSION

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

## NUCLEAR REGULATORY COMMISSION

## SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$15,000), and purchase of promotional items for use in the recruitment of individuals for employment, \$578,184,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$24,900,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$520,087,000 in fiscal year 2003 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation estimated at not more than \$58,097,000.

## OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$6,800,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$6,392,000 in fiscal year 2003 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation estimated at not more than \$408,000.

## NUCLEAR WASTE TECHNICAL REVIEW BOARD

## SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,200,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

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## TITLE V

## GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

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

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 503. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 504. Section 309 of title III—Denali Commission of division C—Other Matters of Public Law 105-277, as amended, is further amended by striking “2003” and inserting “2008”.

42 USC 3121  
note.

SEC. 505. EXTENSION OF PROHIBITION OF OIL AND GAS DRILLING IN THE GREAT LAKES. Section 503 of the Energy and Water Development Appropriations Act, 2002 (115 Stat. 512), is amended by striking “2002 and 2003” and inserting “2002 through 2005”.

SEC. 506. CLARIFICATION OF INDEMNIFICATION TO PROMOTE ECONOMIC DEVELOPMENT. Title 42 U.S.C. 7274g is amended in subsection (b)(2), by adding the following new subparagraph:

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

SEC. 507. The Director of the Office of Management and Budget shall transmit to the Congress by April 1, 2003, a cross-cut budget displaying, by fiscal year, all CALFED Bay-Delta Program related expenditures by the Federal Government, actual and projected, for fiscal years 1996 through 2004.

Deadline.  
Budget.

This division may be cited as the “Energy and Water Development Appropriations Act, 2003”.

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Approved February 20, 2003.

LEGISLATIVE HISTORY—H.J. Res. 2:

HOUSE REPORTS: No. 108-10 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 149 (2003):

Jan. 8, considered and passed House.

Jan. 15-17, 21-23, considered and passed Senate, amended.

Feb. 13, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Feb. 20, Presidential statements.

[In thousands of dollars]

Grand total, Energy and Water Development Appropriations Act, 2003 .....	\$26,678,000
Consisting of:	
Department of Defense—Civil:	
Corps of Engineers—Civil .....	4,629,923
Department of Energy .....	20,886,589
General Government—Independent Agencies .....	207,995
Department of the Interior:	
Bureau of Reclamation and Central Utah Project Completion Account .....	953,493

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NOTE.—Refer to Table 3 for totals by Agency.