

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2003, AND FOR OTHER PURPOSES

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CONFERENCE REPORT

TO ACCOMPANY

H.J. Res. 2



FEBRUARY 13 (legislative day, FEBRUARY 12), 2003.—Ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE



## MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2003, AND FOR OTHER PURPOSES

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Mr. YOUNG of Florida, from the committee of conference,  
submitted the following

### CONFERENCE REPORT

[To accompany H.J. Res. 2]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 2), “making further continuing appropriations for the fiscal year 2003, and for other purposes”, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

#### **SECTION 1. SHORT TITLE.**

*This joint resolution may be cited as the “Consolidated Appropriations Resolution, 2003”.*

#### **SEC. 2. TABLE OF CONTENTS.**

*The table of contents for this joint resolution is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Table of contents.*

*Sec. 3. References.*

#### **DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS APPROPRIATIONS, 2003**

*Title I—Agricultural Programs*

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*Title I—Legislative Branch Appropriations*  
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**DIVISION I—TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003**

*Title I—Department of Transportation*  
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*Title I—Department of the Treasury*  
*Title II—Postal Service*  
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*Title IV—Independent Agencies*  
*Title V—General Provisions—This Act*  
*Title VI—General Provisions—Departments, Agencies, and Corporations*

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*Title I—Department of Veterans Affairs*

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**DIVISION L—HOMELAND SECURITY ACT OF 2002 AMENDMENTS**

**DIVISION M—DEFENSE MATTERS**

**DIVISION N—EMERGENCY RELIEF AND OFFSETS**

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*Title III—Wildland Fire Emergency*

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**DIVISION O—PRICE-ANDERSON ACT AMENDMENTS**

**DIVISION P—UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION**

**SEC. 3. REFERENCES.**

*Except as expressly provided otherwise, any reference to “this Act” contained in any division of this joint resolution shall be treated as referring only to the provisions of that division.*

**DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS APPROPRIATIONS, 2003**

*Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs 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 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2003, and for other purposes, namely:*

**TITLE I**

**AGRICULTURAL PROGRAMS**

**PRODUCTION, PROCESSING, AND MARKETING**

**OFFICE OF THE SECRETARY**

*For necessary expenses of the Office of the Secretary of Agriculture, \$3,412,000: Provided, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.*

**EXECUTIVE OPERATIONS**

**CHIEF ECONOMIST**

*For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), \$8,566,000.*

*This division may be cited as the "District of Columbia Appropriations Act, 2003".*

**DIVISION D—ENERGY AND WATER DEVELOPMENT  
APPROPRIATIONS, 2003**

*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 direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, 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 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.*

pate 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)).

*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 in lieu thereof, "\$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 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 En-*

ergy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 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.

## 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 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.*

*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*

*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*

*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.*

*(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*

(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 reprogramming 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.

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 En-

ergy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may 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.

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 107-066 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.

(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 Fed-

eral Power Act for the commencement of construction, the Commission shall, after reasonable notice and in accordance with 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.

## 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 in lieu thereof “thereafter”.*

*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. §7274q is amended in subsection (b)(2), by adding the following new subsection:*

*“(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.*

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

(b) *Not later than 45 days after enactment of this Act, the President shall order all Federal agencies and departments, including the Federal Bureau of Investigation, that possess relevant information, to expeditiously declassify and release to the victims' families such information, consistent with existing standards and procedures on classification, and shall provide a copy of such order to the Committees on Appropriations.*

(c) *In making determinations concerning declassification and release of relevant information, all Federal agencies and departments should use the discretion contained within such existing standards and procedures on classification in support of releasing, rather than withholding, such information.*

(d) *All reasonable efforts should be taken by the American Embassy in Guatemala to work with relevant agencies of the Guatemalan Government to protect the safety of American citizens in Guatemala, and to assist in the investigations of violations of human rights.*

*This division may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003".*

#### **DIVISION F—INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 2003**

*Making appropriations for the Department of the Interior and related agencies 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 Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:*

#### **TITLE I—DEPARTMENT OF THE INTERIOR**

##### **BUREAU OF LAND MANAGEMENT**

##### **MANAGEMENT OF LANDS AND RESOURCES**

*For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$825,712,000, to remain available until expended, of which \$1,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps; of which \$2,500,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487 (16 U.S.C. 3150); and of which not to exceed \$1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l-6a(i)); and of which \$3,000,000 shall be available in fiscal year 2003 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects*

*“(3) Parking facilities on the parcel shall be open to the public at all times.*

*“(4) The Agreement entered into on August 11, 1992, between the City of Port Angeles and the Tribe regarding the use of the adjacent leaseholds.*

*“(5) Easements shall be hereby reserved in favor of the United States upon, over, under, through, and across the lands conveyed under this section allowing the United States, its successors, assigns, and agents, unrestricted and uninterrupted access to any adjoining lands owned or controlled by the United States, including but not limited to, the U.S. Coast Guard Air Station located on Ediz Hook, and allowing the United States, its successors, assigns, and agents, to install, construct, operate, maintain, repair, and replace utility lines and other related equipment upon, over, under, through, and across the lands conveyed under this section in order to operate said air station or to conduct any other Federal mission, operation, or activity upon lands owned or controlled by the United States.*

*“(6) A navigation easement shall be hereby reserved in favor of the United States over the lands conveyed under this section for the continued aircraft operations at the adjacent U.S. Coast Guard Air Station on Ediz Hook. Said navigation easement shall be based on the Federal Aviation Administration (FAA) standards contained in FAA Advisory Circular 150/5390-2A, “Heliport Design,” dated January 20, 1994. In any event, the Lower Elwha Klallam Indian Tribe shall not construct any building or structure that intrudes into navigable airspace, as defined in FAA regulations.”.*

## TITLE II—RELATED AGENCIES

### DEPARTMENT OF AGRICULTURE

#### FOREST SERVICE

##### FOREST AND RANGELAND RESEARCH

*For necessary expenses of forest and rangeland research as authorized by law, \$251,685,000, to remain available until expended.*

##### STATE AND PRIVATE FORESTRY

*For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management including treatments of pests, pathogens and invasive or noxious plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$286,574,000, to remain available until expended, as authorized by law: Provided, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific acquisition of lands or interests in lands to be undertaken with such funds: Provided further, That each forest legacy grant shall be for a specific project or set of specific tasks: Provided further, That grants for acquisition of lands or conservation easements shall require that the*

*to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.*

*The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed \$15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.*

*Beginning on June 30, 2001 and concluding on December 31, 2003, an eligible individual who is employed in any project funded under Title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.*

## DEPARTMENT OF ENERGY

### CLEAN COAL TECHNOLOGY

#### (DEFERRAL)

*Of the funds made available under this heading for obligation in prior years, \$87,000,000 shall not be available until October 1, 2003: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.*

### FOSSIL ENERGY RESEARCH AND DEVELOPMENT

*For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$624,900,000, to remain available until expended, of which \$4,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; and of which \$150,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: Provided, That no project may be selected for which sufficient funding is not available to provide for the total project: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in prior appropriations: Provided further, That the Department may*

*include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. § 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.*

#### NAVAL PETROLEUM AND OIL SHALE RESERVES

*For expenses necessary to carry out naval petroleum and oil shale reserve activities, \$17,831,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.*

#### ELK HILLS SCHOOL LANDS FUND

*For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104-106, \$36,000,000, to become available on October 1, 2003 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.*

#### ENERGY CONSERVATION

*For necessary expenses in carrying out energy conservation activities, \$897,603,000, to remain available until expended: Provided, That \$270,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99-509, such sums shall be allocated to the eligible programs as follows: \$225,000,000 for weatherization assistance grants and \$45,000,000 for State energy conservation grants.*

#### ECONOMIC REGULATION

*For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, \$1,487,000, to remain available until expended.*

#### STRATEGIC PETROLEUM RESERVE

*For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as*

amended (42 U.S.C. 6201 et seq.), \$172,856,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

(INCLUDING RESCISSION)

For the acquisition and transportation of petroleum and for other necessary expenses pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$7,000,000, to remain available until expended: Provided, That from unobligated balances of prior year appropriations, an amount of \$5,000,000 is rescinded.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, \$6,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$80,611,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 cal-

endar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### INDIAN HEALTH SERVICE

#### INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$2,492,115,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That \$18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That \$460,130,000 for contract medical care shall remain available for obligation until September 30, 2004: Provided further, That contract medical care funds appropriated heretofore and hereafter for tribes recognized after January 1, 1995, may be used to provide medical services directly or through contract medical care: Provided further, That of the funds provided, up to \$25,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2004: Pro-

vided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$270,734,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2003, of which not to exceed \$2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: Provided further, That funds appropriated under the Special Diabetes Program for Indians (42 U.S.C. 254c-3(c)) for fiscal year 2003 and thereafter for the purpose of making grants shall remain available until expended: Provided further, That notwithstanding any other provision of law, contributions authorized by 10 U.S.C. 1111 for the Uniformed Service of the Public Health Service shall be paid in fiscal year 2003 and thereafter from the Department of Health and Human Services' Retirement Pay and Medical Benefits for Commissioned Officers account without charges billed to the Indian Health Service: Provided further, That heretofore and hereafter the provisions of 10 U.S.C. 1116 shall not apply to the Indian Health Service: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: Provided further, That of the amounts provided for Indian Health Services, \$15,000,000 is provided to the Alaska Federation of Natives for alcohol control, prevention, treatment, sobriety and wellness, of which at least \$100,000 shall be available for an independent third party to conduct an evaluation of the program and \$5,000,000 shall be available to the Alaska Native Tribal Health Consortium for substance abuse and behavioral health counselors through the Counselor in Every Village Program: Provided further, That no more than 10 percent may be used by any entity receiving funding for administrative overhead including indirect costs: Provided further, That prior to the release of funds to a regional Native non-profit entity, it must enter into an agreement with the regional Native health corporation on allocation of resources to avoid duplication of effort and to foster cooperation.

#### INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service,

*\$376,190,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That from the funds appropriated herein, \$5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to continue a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the U.S. Department of Housing and Urban Development: Provided further, That not to exceed \$1,000,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed \$500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: Provided further, That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94-437, as amended), construction contracts authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: Provided further, That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract: Provided further, That notwithstanding any other provision of law or regulation, for purposes of acquiring sites for a new clinic and staff quarters in St. Paul Island, Alaska, the Secretary of Health and Human Services may accept land donated by the Tanadgusix Corporation.*

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

*Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate pay-*

able for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901-5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act) and Public Law 93-638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

Funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

*Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.*

*The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.*

## OTHER RELATED AGENCIES

### OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

#### SALARIES AND EXPENSES

*For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$14,491,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.*

### INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

#### PAYMENT TO THE INSTITUTE

*For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99-498, as amended (20 U.S.C. 56 part A), \$5,490,000, of which \$1,000,000 shall remain available until expended for construction of the Library Technology Center.*

### SMITHSONIAN INSTITUTION

#### SALARIES AND EXPENSES

#### (INCLUDING RESCISSION)

*For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities,*

and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, \$463,205,000, of which not to exceed \$53,634,000 for the instrumentation program, collections acquisition, exhibition reinstallation, security improvements, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of \$125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building: Provided further, That from unobligated balances of prior year appropriations, an amount of \$14,100,000 is rescinded.

#### REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of maintenance, repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, including necessary personnel, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), \$83,425,000, to remain available until expended, of which \$18,875,000 is provided for maintenance, repair, rehabilitation and alteration of facilities at the National Zoological Park, and of which not to exceed \$10,000 is for services as authorized by 5 U.S.C. 3109: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: Provided further, That notwithstanding any other provision of law, a single procurement contract for the repair and renovation of the Patent Office Building may be issued which includes the full scope of the project: Provided further, That the solicitation of the contract and the contract shall contain the clause "availability of funds" found at 48 C.F.R. 52.232-18.

#### CONSTRUCTION

For necessary expenses for construction of the National Museum of the American Indian, including necessary personnel, \$16,000,000, to remain available until expended.

## ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

*None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.*

*None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.*

*None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.*

*None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105-163.*

## NATIONAL GALLERY OF ART

## SALARIES AND EXPENSES

*For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$77,219,000, of which not to exceed \$3,026,000 for the special exhibition program shall remain available until expended.*

## REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

*For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$16,230,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.*

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

*For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$16,310,000.*

CONSTRUCTION

*For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$17,600,000, to remain available until expended.*

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

*For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$8,488,000.*

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

*For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$116,489,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including \$17,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account and "Challenge America" account may be transferred to and merged with this account.*

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

*For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$109,632,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.*

MATCHING GRANTS

*To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$16,122,000, to remain available until expended, of which \$10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this ap-*

*appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.*

#### ADMINISTRATIVE PROVISIONS

*None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants up to \$10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant making purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.*

#### COMMISSION OF FINE ARTS

##### SALARIES AND EXPENSES

*For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$1,224,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.*

#### NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

*For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956(a)), as amended, \$7,000,000.*

##### ADMINISTRATIVE PROVISION

*None of the funds appropriated in this or any other Act, except funds appropriated to the Office of Management and Budget, shall be available to study the alteration or transfer of the National Capital Arts and Cultural Affairs program.*

#### ADVISORY COUNCIL ON HISTORIC PRESERVATION

##### SALARIES AND EXPENSES

*For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$3,667,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.*

## NATIONAL CAPITAL PLANNING COMMISSION

## SALARIES AND EXPENSES

*For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, \$7,253,000: Provided, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.*

## UNITED STATES HOLOCAUST MEMORIAL MUSEUM

## HOLOCAUST MEMORIAL MUSEUM

*For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), \$38,663,000, of which \$1,900,000 for the museum's repair and rehabilitation program and \$1,264,000 for the museum's exhibitions program shall remain available until expended.*

## PRESIDIO TRUST

## PRESIDIO TRUST FUND

*For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$21,327,000 shall be available to the Presidio Trust, to remain available until expended.*

## TITLE III—GENERAL PROVISIONS

*SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.*

*SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.*

*SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.*

*SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.*

*SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.*

*SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National*

Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2002.

SEC. 307. (a) *LIMITATION OF FUNDS.*—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) *EXCEPTIONS.*—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) *REPORT.*—On September 30, 2003, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) *MINERAL EXAMINATIONS.*—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, and 107–63 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2002 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 309. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a lit-

erature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 310. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 315. Notwithstanding any other provision of law, for fiscal year 2003 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 316. Amounts deposited during fiscal year 2002 in the roads and trails fund provided for in the 14th paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 317. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

*SEC. 318. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2003, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska, and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.*

*SEC. 319. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—*

*(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.*

*(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—*

*(A) the private sector provider fails to bid on such opportunities;*

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for non-compliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 320. Prior to October 1, 2003, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 321. Until September 30, 2005, the authority of the Secretary of Agriculture to enter into an agreement under the first section of Public Law 94-148 (16 U.S.C. 565a-1) for a purpose described in such section includes the authority to use that legal instrument when the principal purpose of the resulting relationship is to the mutually significant benefit of the Forest Service and the other party or parties to the agreement, including nonprofit entities. An agreement entered into under this section shall not be subject to Public Law 95-224, Federal Grant and Cooperative Agreement Act (1977).

SEC. 322. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 323. Section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105-277; 16 U.S.C. 2104 note), is amended—

(1) in subsection (a), by striking “September 30, 2004” and all that follows and inserting “September 30, 2013, the Forest Service and the Bureau of Land Management, via agreement or contract as appropriate, may enter into stewardship contracting projects with private persons or other public or private entities to perform services to achieve land management goals for the national forests and the public lands that meet local and rural community needs.”;

(2) in subsection (b)(4)—

(A) by striking “noncommercial cutting or removing of trees” and inserting “removing vegetation”; and

(B) by striking “non-commercial objectives” and inserting “land management objectives”;

(3) in subsection (c), by adding at the end a new paragraph as follows:

“(5) **CONTRACTING OFFICER.**—Notwithstanding any other provision of law, the Secretary of Agriculture or the Secretary of the Interior may determine the appropriate contracting officer to enter into and administer an agreement or contract under subsection (a).”;

(4) in subsections (c)(3), (d), (f), and (g), by inserting “and the Bureau of Land Management” after “Forest Service” each place it appears;

(5) in the section heading, by striking “**DEMONSTRATION PROJECT**” and inserting “**PROJECTS**”;

(6) in subsections (d)(2) and (f)(2)(B), by striking “demonstration” each place it appears;

(7) in subsection (d)(3), by striking “the Secretary” both places it appears and inserting “the Forest Service or the Bureau of Land Management” and by inserting “or the public lands” after “National Forest System”; and

(8) in subsection (g), by striking “each individual stewardship pilot project” and inserting “the stewardship contracting projects”.

**SEC. 324. TECHNICAL CORRECTION RELATED TO CABIN USER FEES.**—Section 608(b)(2) of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6207(b)(2); Public Law 106–291) is amended by striking “value influences” and inserting in lieu thereof “criteria” and striking “section 606(b)(3)” and inserting in lieu thereof “section 606(b)(2)”.

**SEC. 325. EXTENSION OF FOREST SERVICE CONVEYANCES PILOT PROGRAM.**—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107–63) is amended—

(1) in subsection (b), by striking “10” and inserting “20”;

(2) in subsection (c) by inserting at the end of the subsection “Additionally, proceeds from the sale of conveyances on no more than 3 sites shall be available for construction of replacement facilities.”; and

(3) in subsection (d), by striking “2005” and inserting “2006”.

**SEC. 326. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, in fiscal year 2004, qualify for General Service Administration contract airfares.**

**SEC. 327. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are fighting fires. The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country. When an agreement is reached for furnishing fire fighting services,**

*the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country. Neither the sending country nor any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of fighting fires.*

*SEC. 328. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal year 2003 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 580l), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa-50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: Provided, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to or during fiscal year 2003 under the authority of section 504 of the Rescissions Act of 1995 (Public Law 104-19), the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary of Agriculture's statutory authority.*

*SEC. 329. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2003, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.*

*SEC. 330. 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 appropriations Act.*

*SEC. 331. PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST, NEW YORK.—None of the funds in this Act may be used to prepare or issue a permit or lease for oil*

or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2003.

SEC. 332. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 333. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That the contract is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101-624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 334. Section 401(e)(4)(B) of Public Law 105-83 is amended after "Not more than" by striking "5 percent" and inserting "15 percent".

SEC. 335. The Record of Decision for the 2003 Supplemental Environmental Impact Statement for the 1997 Tongass Land Management Plan shall not be reviewed under any Forest Service administrative appeal process, and its adequacy shall not be subject to judicial review by any court of the United States.

SEC. 336. Section 7(c) of Public Law 106-143 is amended by striking "2001" and inserting "2004".

SEC. 337. CLARIFICATION OF ALASKA NATIVE SETTLEMENT TRUSTS. (a) Section 1629b of title 43, United States Code, is amended—

(1) at subsection (d)(1) by striking "An" and inserting in its place "Except as otherwise set forth in subsection (d)(3) of this section, an";

(2) by creating the following new subsection:

"(d)(3) A resolution described in subsection (a)(3) of this section shall be considered to be approved by the shareholders of a Native Corporation if it receives the affirmative vote of shares representing—

"(A) a majority of the shares present or represented by proxy at the meeting relating to such resolution, or

"(B) an amount of shares greater than a majority of the shares present or represented by proxy at the meeting relating to such resolution (but not greater than two-thirds of the total voting power of the corporation) if the corporation establishes such a level by an amendment to its articles of incorporation.";

(3) by creating the following new subsection:

“(f) *SUBSTANTIALLY ALL OF THE ASSETS.*—For purposes of this section and section 1629e of this title, a Native Corporation shall be considered to be transferring all or substantially all of its assets to a Settlement Trust only if such assets represent two-thirds or more of the fair market value of the Native Corporation’s total assets.”.

(b) Section 1629e(a)(3) of title 43, United States Code, is amended by striking subparagraph (B) and inserting in its place the following:

“(B) shall give rise to dissenters rights to the extent provided under the laws of the State only if—

“(i) the rights of beneficiaries in the Settlement Trust receiving a conveyance are inalienable; and

“(ii) a shareholder vote on such transfer is required by (a)(4) of section 1629b of this title.”.

SEC. 338. Congress reaffirms its original intent that the Herger-Feinstein Quincy Library Group Forest Recovery Act of 1998 be implemented, and hereby extends the expiration of the Quincy Library Group Act by 5 years.

SEC. 339. AMENDMENT TO TITLES I AND II OF THE ENERGY POLICY AND CONSERVATION ACT.—(a) Title I of the Energy Policy and Conservation Act (42 U.S.C. 6231–6247b) is amended—

(1) by amending section 166 (42 U.S.C. 6246) to read as follows:

“SEC. 166. There are authorized to be appropriated such sums as may be necessary to implement this part, to remain available until expended.”;

(2) in section 186 (42 U.S.C. 6250e), by striking “for fiscal years 2001, 2002, and 2003”; and

(3) in section 191 (42 U.S.C. 6251), by striking “September 30, 2003” each time it appears and inserting “September 30, 2008”.

(b) Title II of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(1) by amending section 256(h) (42 U.S.C. 6276) to read as follows:

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to implement this part, to remain available until expended.”; and

(2) in section 281 (42 U.S.C. 6285), by striking “September 30, 2003” each time it appears and inserting “September 30, 2008”.

SEC. 340. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 341. DESIGNATION OF PANTHERTOWN VALLEY TRACT OF NANTAHALA NATIONAL FOREST, JACKSON COUNTY, NORTH CAROLINA, IN HONOR OF JAMES AND ELSPETH MCCLURE CLARKE.—The portion of the Nantahala National Forest in Jackson County, North Carolina, known as the Panthertown Valley tract and consisting of approximately 6,294 acres is hereby designated as the “James and

*Elspeth McClure Clarke Forest*” in honor of James and Elspeth McClure Clarke.

## **TITLE IV—T’UF SHUR BIEN PRESERVATION TRUST AREA**

### **SEC. 401. SHORT TITLE.**

*This title may be cited as the “T’uf Shur Bien Preservation Trust Area Act”.*

### **SEC. 402. FINDINGS AND PURPOSES.**

(a) *FINDINGS.*—Congress finds that—

(1) *in 1748, the Pueblo of Sandia received a grant from a representative of the King of Spain, which grant was recognized and confirmed by Congress in 1858 (11 Stat. 374); and*

(2) *in 1994, the Pueblo filed a civil action against the Secretary of the Interior and the Secretary of Agriculture in the United States District Court for the District of Columbia (Civil No. 1:94CV02624), asserting that Federal surveys of the grant boundaries erroneously excluded certain land within the Cibola National Forest, including a portion of the Sandia Mountain Wilderness.*

(b) *PURPOSES.*—The purposes of this title are—

(1) *to establish the T’uf Shur Bien Preservation Trust Area in the Cibola National Forest;*

(2) *to confirm the status of national forest land and wilderness land in the Area while resolving issues associated with the civil action referred to in subsection (a)(2) and the opinions of the Solicitor of the Department of the Interior dated December 9, 1988 (M–36963; 96 I.D. 331) and January 19, 2001 (M–37002); and*

(3) *to provide the Pueblo, the parties to the civil action, and the public with a fair and just settlement of the Pueblo’s claim.*

### **SEC. 403. DEFINITIONS.**

*In this title:*

(1) *AREA.*—

(A) *IN GENERAL.*—The term “Area” means the T’uf Shur Bien Preservation Trust Area, comprised of approximately 9890 acres of land in the Cibola National Forest, as depicted on the map.

(B) *EXCLUSIONS.*—The term “Area” does not include—

(i) *the subdivisions;*

(ii) *Pueblo-owned land;*

(iii) *the crest facilities; or*

(iv) *the special use permit area.*

(2) *CREST FACILITIES.*—The term “crest facilities” means—

(A) *all facilities and developments located on the crest of Sandia Mountain, including the Sandia Crest Electronic Site;*

(B) *electronic site access roads;*

(C) *the Crest House;*

(D) *the upper terminal, restaurant, and related facilities of Sandia Peak Tram Company;*

(E) *the Crest Observation Area;*

DIVISION J—TREASURY AND GENERAL GOVERNMENT  
APPROPRIATIONS, 2003

*Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, 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 Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003, and for other purposes, namely:*

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

*For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed \$3,500,000 for official travel expenses; not to exceed \$3,813,000, to remain available until expended for information technology modernization requirements; not to exceed \$150,000 for official reception and representation expenses; not to exceed \$258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, \$189,201,000: Provided, That the Office of Foreign Assets Control shall be funded at no less than \$21,206,000 and 120 full time equivalent positions: Provided further, That of these amounts \$2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering: Provided further, That of these amounts, \$5,893,000 shall be for the Treasury-wide Financial Statement Audit Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: Provided further, That this transfer authority shall be in addition to any other provided in this Act.*

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

*For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, \$65,628,000, to remain available until expended: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds ap-*

“(D)(i) In calculating the additional endowment amount required under paragraph (4), the Archivist shall take into account credits given under subparagraph (C), and may also give credits against the additional endowment amount required under paragraph (4), if the Archivist determines that construction features or equipment used in making or equipping the physical or material change or addition are expected to result in quantifiable long-term savings to the Government with respect to the cost of facility operations.

“(ii) The features and equipment described under clause (i) shall comply with the standards promulgated by the Archivist under subsection (a)(2).

“(iii) The Archivist shall promulgate standards to be used in calculating the dollar amount of any credit to be given, and shall consult with all donors of the endowment before giving any credits. The total dollar amount of credits given under this paragraph may not exceed 20 percent of the additional endowment amount required under paragraph (4).”

SEC. 514. 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 appropriations Act.

SEC. 515. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of Homeland Security.

SEC. 516. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 517. The provision of section 516 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 518. None of the funds provided in this Act may be used to procure any products, articles, goods, or wares mined, manufactured, or produced wholly or in part by forced or indentured child labor as identified in the 1995 U.S. Department of Labor Report on Forced and Bonded Child Labor, the 2002 U.S. Department of Labor Findings on the Worst Forms of Child Labor, or the most recent U.S. Department of State Human Rights Country Reports.

## TITLE VI—GENERAL PROVISIONS

### DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2003 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, pos-

session, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at \$8,100 except station wagons for which the maximum shall be \$9,100: Provided, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or

*the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.*

*SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.*

*SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:*

*(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.*

*(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.*

*(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.*

*SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.*

*SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.*

*SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.*

*SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).*

*SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.*

*SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2003, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—*

*(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2002, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2003, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and*

*(2) during the period consisting of the remainder of fiscal year 2003, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—*

*(A) the percentage adjustment taking effect in fiscal year 2003 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and*

*(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2003 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2002 under such section.*

*(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.*

*(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2002, shall be determined*

under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2002, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2002.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any

employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. None of the funds made available in this Act for the United States Customs Service may be used to allow—

(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

(2) the release into the United States of any good, ware, article, or merchandise on which the United States Customs Service has in effect a detention order, pursuant to such section 307, on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

SEC. 620. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the

*employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or*

*(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).*

*SEC. 621. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—*

*(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;*

*(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;*

*(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;*

*(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or*

*(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.*

*(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.*

*SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: “These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive*

*Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.”: Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.*

*SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.*

*SEC. 624. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.*

*SEC. 625. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.*

*SEC. 626. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.*

*SEC. 627. (a) In this section the term “agency”—*

*(1) means an Executive agency as defined under section 105 of title 5, United States Code;*

*(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and*

*(3) shall not include the General Accounting Office.*

*(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.*

*SEC. 628. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP),*

shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of \$800,000 including the salary of the Executive Director and staff support.

SEC. 629. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse the "Policy and Citizen Services" account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed \$17,000,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 630. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 631. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 632. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 633. Section 403(f) of Public Law 103-356 (31 U.S.C. 501 note) is amended by striking "October 1, 2002" and inserting "October 1, 2003".

SEC. 634. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) *EXCEPTIONS.*—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) *DEFINITIONS.*—For the purposes of this section:

(1) The term “regulatory” means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term “supervisory” means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

*SEC. 635.* (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

*SEC. 636.* The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

*SEC. 637.* (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2003 under sections 5303 and 5304 of title 5, United States Code, shall be an increase

of 4.1 percent and shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2003.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2003.

SEC. 638. Not later than 6 months after the date of enactment of this Act, the Inspector General of each applicable department or agency shall submit to the Committee on Appropriations a report detailing what policies and procedures are in place for each department or agency to give first priority to the location of new offices and other facilities in rural areas, as directed by the Rural Development Act of 1972.

SEC. 639. UNITED STATES POSTAL SERVICE. (a) The United States Postal Service (USPS) is required under title 5, chapter 83, United States Code, to fund Civil Service Retirement System benefits attributable to USPS employment since 1971.

(b) The Office of Personnel Management has reviewed the USPS financing of the Civil Service Retirement System and determined current law payments overfund USPS liability.

(c) Therefore, it is the Sense of the Congress that the Congress should address the USPS funding of the Civil Service Retirement System pension benefits.

SEC. 640. SENSE OF CONGRESS ON PAY PARITY. It is the sense of Congress that there should be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States, including blue collar Federal employees paid under the Federal Wage System.

SEC. 641. (a) IN GENERAL.—The Administrator of General Services shall accept all right, title and interest in the property described in subsection (b)—

(1) if written offer therefor (accompanied by such proof of title, property descriptions, and other information as the Administration may require) is received by the Administrator from the owner of such property within 12 months after the date of enactment of this Act;

(2) if all liability with respect to such property and the owner of such property will remain with the owner;

(3) if the private sector is unable to dispose of contaminants in the building on such property;

(4) if the Administrator determines that a significant public health risk exists from such property; and

(5) if the Administrator identifies an appropriate Federal agency to accept all right, title, and interest in such property.

(b) PROPERTY LOCATION.—The property described in this subsection is the property located at 5401 NW Broken Sound Boulevard, Boca Raton, Florida, and all improvements thereon.

(c) CONSIDERATION.—The United States shall pay an amount that does not exceed \$1 in consideration of any right, title, or interest received by the United States under this section.

(d) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall transmit to Congress a comprehensive report describing the efforts made by the Administrator to fulfill the conditions described in subsection (a).

*SEC. 642. (a) Notwithstanding paragraph (17) of subsection (a) of the Policemen and Firemen's Retirement and Disability Act (sec. 5-701(17), D.C. Official Code) or any other provision of such Act to the contrary, for purposes of determining the amount of an annuity required to be paid under such Act with respect to a United States Secret Service member who retired during the period from November 1, 1994, through October 29, 1995 and who received availability pay under 5 U.S.C. 5545a during that period, the member's average pay shall be computed as if the member received availability pay for the 12 consecutive months during which the highest salary was earned prior to retirement.*

*(b) Subsection (a) shall apply with respect to an annuity paid—*

*(1) on or after November 1, 1994, in the case of a survivor's annuity paid with respect to a Secret Service member described in subsection (a); or*

*(2) on or after October 1, 2002, with respect to a Secret Service member described in subsection (a).*

*SEC. 643. Section 902(b) of the Law Enforcement Pay Equity Act of 2000 (as enacted into law by Public Law 106-554), shall cease to be effective on the first day of the first pay period on or after January 1, 2003.*

*SEC. 644. No funds appropriated under this Act or any other Act with respect to any fiscal year shall be available to take any action based upon any provision of 5 U.S.C. 552 with respect to records collected or maintained pursuant to 18 U.S.C. 846(b), 923(g)(3) or 923(g)(7), or provided by Federal, State, local, or foreign law enforcement agencies in connection with arson or explosives incidents or the tracing of a firearm, except that such records may continue to be disclosed to the extent and in the manner that records so collected, maintained, or obtained have been disclosed under 5 U.S.C. 552 prior to the date of the enactment of this Act.*

*SEC. 645. (a) Section 9505(d) of title 5, United States Code, is amended by striking the second sentence and inserting the following: "Such amount may not exceed the maximum amount which would be allowable under paragraph (3) of section 5384(b) if such paragraph were applied by substituting 'the Internal Revenue Service' for 'an agency'."*

*(b) The amendment made by subsection (a) shall apply with respect to fiscal years beginning after September 30, 2002.*

*SEC. 646. None of the funds made available in this Act may be used to finalize, implement, administer, or enforce—*

*(1) the proposed rule relating to the determination that real estate brokerage is an activity that is financial in nature or incidental to a financial activity published in the Federal Register on January 3, 2001 (66 Fed. Reg. 307 et seq.); or*

*(2) the revision proposed in such rule to section 1501.2 of title 12 of the Code of Federal Regulations.*

*SEC. 647. While nothing in this section shall prevent any agency of the executive branch from subjecting work performed by Federal Government employees or private contractors to public-private competition or conversions, none of the funds made available in this Act may be used by an agency of the executive branch to establish, apply, or enforce any numerical goal, target, or quota for subjecting the employees of the executive agency to public-private competitions or for converting such employees or the work performed by such em-*

ployees to private contractor performance under the Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy unless the goal, target, or quota is based on considered research and sound analysis of past activities and is consistent with the stated mission of the executive agency. Nothing in this section shall limit the use of such funds for the administration of the Government Performance and Results Act of 1993 or for the administration of any other provision of law.

SEC. 648. (a) Section 8335(a) of title 5, United States Code, is amended by striking "8336" and inserting "8336(e)".

(b) The amendment made by subsection (a) shall be effective as of January 1, 2003.

This division may be cited as the "Treasury and General Government Appropriations Act, 2003".

## DIVISION K—VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS, 2003

*Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices 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 Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, and for other purposes, namely:*

### TITLE I—DEPARTMENT OF VETERANS AFFAIRS

#### VETERANS BENEFITS ADMINISTRATION

##### COMPENSATION AND PENSIONS

##### (INCLUDING TRANSFER OF FUNDS)

*For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540-548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), \$28,949,000,000, to remain available until expended: Provided, That not to exceed \$17,138,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C.*

*other department, agency, or element of the Federal Government.*

(2) *NON-UNITED STATES PERSON.*—*The term “non-United States person” means any person other than a United States person.*

(3) *UNITED STATES PERSON.*—*The term “United States person” has the meaning given that term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).*

(INCLUDING TRANSFER OF FUNDS)

*SEC. 112. Section 8005 of the Department of Defense Appropriations Act, 2003 (Public Law 107-248) is amended by inserting before the period at the end the following: “: Provided further, That, in addition to the transfer authority provided in this section, and subject to the terms and conditions of this section except the limitation in the fourth proviso, the Secretary of Defense may, only to meet unforeseen fuel costs borne by the Defense Working Capital Fund resulting from fuel cost increases and the global war on terrorism, transfer up to an additional \$500,000,000 of funds made available in this Act to the Department of Defense for military functions (except military construction), from such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund within the Defense Working Capital Fund to which transferred: Provided further, That notwithstanding any other provision of law, none of the funds provided in this or any other appropriations Act for the Department of Defense may be used for the drawdown authority in section 202 of the Afghanistan Freedom Support Act of 2002 (Public Law 107-327) prior to notifying the House and Senate Committees on Appropriations of the source of funds to be used for such purpose”.*

**DIVISION N—EMERGENCY RELIEF AND OFFSETS**

*SECTION 1. SHORT TITLE.*—*This division may be cited as the “Miscellaneous Appropriations Act, 2003”.*

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:*

**TITLE I—ELECTION REFORM**

**ELECTION ASSISTANCE COMMISSION**

**SALARIES AND EXPENSES**

*For necessary expenses to carry out the Help America Vote Act of 2002, \$2,000,000.*

**ELECTION ASSISTANCE COMMISSION**

**ELECTION REFORM PROGRAMS**

*For necessary expenses to carry out programs as authorized by the Help America Vote Act of 2002, \$833,000,000, of which \$830,000,000 shall be for requirements payments under Section 257 of that Act, of which \$1,500,000 shall be available for a Help Amer-*

## TITLE VI—OFFSETS

*SEC. 601. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.65 percent of—*

*(1) the budget authority provided (or obligation limitation imposed) for fiscal year 2003 for any discretionary account in divisions A through K of this joint resolution;*

*(2) the budget authority provided in any advance appropriation for fiscal year 2003 for any discretionary account in any prior fiscal year appropriations Act; and*

*(3) the contract authority provided in fiscal year 2003 for any program subject to limitation contained in this joint resolution.*

*(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—*

*(1) to each discretionary account and each item of budget authority described in subsection (a); and*

*(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).*

*(c) The rescission in subsection (a) shall not apply to budget authority appropriated or otherwise made available by this joint resolution in the following amounts in the following activities or accounts:*

*\$4,696,000,000 provided for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in the Department of Agriculture in division A;*

*\$6,667,533,000 provided for the Head Start Act in the Department of Education in division G;*

*\$23,889,304,000 provided for medical care in the Department of Veterans Affairs in division K; and*

*\$3,836,000,000 provided for the Shuttle program in the National Aeronautics and Space Administration in division K.*

TITLE VII—BONNEVILLE POWER ADMINISTRATION  
BORROWING AUTHORITY

*SEC. 701. For the purposes of providing funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration and to implement the authority of the Administrator under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), an additional \$700,000,000 in borrowing authority is made available under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.), to remain outstanding at any time: Provided, That the Bonneville Power Administration shall not use more than \$531,000,000 of its permanent borrowing authority in fiscal year 2003.*

*SEC. 702. Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217, the provisions of this title that would have been estimated by the Office of Management and Budget as changing direct spending or receipts*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year ending September 30, 2003, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

This conference agreement includes the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003; the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003; the District of Columbia Appropriations Act, 2003; the Energy and Water Development Appropriations Act, 2003; the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 2003; the Department of the Interior and Related Agencies Appropriations Act, 2003; the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003; the Legislative Branch Appropriations Act, 2003; the Department of Transportation and Related Agencies Appropriations Act, 2003; the Treasury and General Government Appropriations Act, 2003; the Departments of Veterans Affairs and Urban Development, and Independent Agencies Appropriations Act, 2003; the Homeland Security Act Amendments of 2003; additional appropriations for the Department of Defense; miscellaneous appropriations; and amendments to the Price-Anderson Act.

### DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS APPROPRIATIONS, 2003

#### CONGRESSIONAL DIRECTIVES

The statement of the managers remains silent on provisions that were in both the House directives as contained in H. Rept. 107-623, and the Senate directives as contained in the Congressional Record of January 15, 2003, pages S356-S410, that remain unchanged by this conference agreement, except as noted in this statement of the managers.

For many years, this Act has included bill language regarding the employment of temporary personnel as authorized by 5 U.S.C. 3109 and/or 7 U.S.C. 2225. The conference agreement does not include this language under individual accounts in this Act, because it appears that this authority is no longer required. In particular, this authority was not utilized by the Farm Service Agency during fiscal year 2001, the most recent year for which information was

Budget estimates of new (obligational) authority, fiscal year 2003 .....	+133,248
House bill, fiscal year 2003 .....	- 5,000
Senate bill, fiscal year 2003 .....	—

## DIVISION D

### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 2003

The language and allocations set forth in House Report 107-681 and the Senate explanatory statement as delineated in the Congressional Record of January 15, 2003, pages S492 through S546, should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Such language should be considered approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House report and Senate explanatory statement address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House report and Senate explanatory statement are not inconsistent and are to be interpreted accordingly. In cases in which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

## TITLE I

### DEPARTMENT OF DEFENSE—CIVIL

#### DEPARTMENT OF THE ARMY

##### CORPS OF ENGINEERS—CIVIL

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Corps of Engineers. Additional items of the conference agreement are discussed below.

The conferees remain concerned about the huge and increasing backlog of infrastructure development, maintenance, and repair over which the Corps of Engineers has jurisdiction. The Administration's proposed fiscal year 2003 budget would have caused the backlog of unconstructed projects to increase from \$40,000,000,000 to \$44,000,000,000, and ignores an accelerating critical maintenance backlog which would increase from \$702,000,000 to \$884,000,000. This maintenance backlog will soon become entirely unmanageable under the weight of an aging and crumbling inventory. Proposing no new studies and only one new construction start, under funding ongoing projects, and providing minimal operation and maintenance funding for completed projects leads the conferees to believe that the budget request may have been influenced by very narrow interest groups rather than the needs of the country. In the face of such an irresponsible position, the Congress has no option but to step forward in support of these vital projects.

The conferees are concerned that Corps of Engineers technical and planning capabilities have diminished over the past decade.

## TITLE III

## DEPARTMENT OF ENERGY

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Department of Energy. Additional items of conference agreement are discussed below.

## BUDGET JUSTIFICATION REQUIREMENTS

The conferees agree with the House language regarding prior approval of proposed budget structure changes. The conferees also agree that budget justifications submitted by the Department must include a section identifying the last year that authorizing legislation was provided by Congress for each program, funding within each construction project data sheet for elimination of excess facilities at least equal to the square footage of new replacement facilities being requested, and funding to eliminate excess facilities at least equal to the square footage of new replacement facilities being constructed as general plant projects.

## SAFEGUARDS AND SECURITY FUNDING

The conferees direct the Department to continue to identify safeguards and security funding as a separate line item in the budget justifications. The conferees also direct the Department to review contractor cost allocation practices to ensure that contractor practices are in compliance with the Cost Accounting Standards and that safeguards and security costs are not being allocated a disproportionate share of indirect costs. The Committees on Appropriations should be informed of the results of this review upon completion.

## MANAGEMENT OF NON-NNSA WORK AT NNSA FACILITIES

The conferees direct the Secretary to report promptly to the House and Senate Committees on Appropriations regarding the procedures established pursuant to Sections 3264 and 3213 of Public Law 106-65, as amended by Section 3157 of Public Law 106-398. The report should include written copies of the tasking agreements, delegations of authority, or other arrangements that demonstrate compliance with these statutory provisions.

## PROJECT MANAGEMENT

The conferees support language included in the House report regarding the efforts of the Office of Engineering and Construction Management (OECM) to improve the Department's construction and project management.

## FACILITIES AND INFRASTRUCTURE

The conferees agree with House language regarding efforts to strengthen and standardize management of the Department's facilities and infrastructure (F&I) program and to address management of all F&I assets. The conferees do not agree with the House proposal to provide direct funding of all maintenance in the fiscal

year 2004 budget. However, the Department is directed to ensure that adequate funds are budgeted for facility maintenance and disposition, and that the amounts reported in the Integrated Facilities and Infrastructure crosscut budget will be expended solely for these purposes. Use of these funds for any other purpose will require advance approval by the Director, Office of Management, Budget and Evaluation. The Department is also directed to provide an annual year-end report on maintenance expenditures to the Committees on Appropriations.

#### EXCESS FACILITIES

The conferees agree with House language pertaining to excess facilities and the requirement to procure decontamination and decommissioning services and disposal of excess facilities through an open competitive process.

#### AUGMENTING FEDERAL STAFF

The conferees agree that the number of management and operating contractor employees assigned to the Washington metropolitan area shall not exceed 220 in fiscal year 2003, the same as the fiscal year 2002 ceiling. The reporting requirements remain as proposed by the House.

#### REPROGRAMMING GUIDELINES

The conferees agree with the House language on reprogramming guidelines. The conference agreement does not provide the Department of Energy with any internal reprogramming flexibility in fiscal year 2003 unless specifically identified by the House, Senate, or conference agreement. Any reallocation of new or prior year budget authority or prior year deobligations must be submitted to the House and Senate Committees on Appropriations in advance, in writing, and may not be implemented prior to approval by the Committees.

#### REDUCTIONS NECESSARY TO ACCOMMODATE SPECIFIC PROGRAM DIRECTIONS

The Department is directed to provide a report to the House and Senate Committees on Appropriations by March 30, 2003, on the actual application of any general reductions of funding or applications of prior year balances contained in the conference agreement. Such reductions are to be applied proportionately against each program, project, or activity. If necessary, the Department must submit a reprogramming to reallocate funds if the proportional reduction unduly impacts a specific program, project, or activity.

#### ENERGY SUPPLY

The conference agreement provides \$701,477,000 for Energy Supply instead of \$633,909,000 as proposed by the House and \$815,306,000 as proposed by the Senate.

## RENEWABLE ENERGY RESOURCES

The conference agreement provides \$422,300,000 instead of \$396,000,000 as proposed by the House and \$448,062,000 as proposed by the Senate for renewable energy resources. The conference agreement does not include language specifying funding allocations as contained in the House report and Senate explanatory statement.

*Biomass/biofuels.*—The conference agreement includes \$90,000,000 for biomass/biofuels. The conferees have combined the subprograms for power systems and transportation into a single program for biomass/biofuels and no longer provide separate allocations for power systems and transportation. The Department is directed to fund not less than the budget request for Integrated Bio refinery Process Development and for Cellulose to Ethanol Production Facilities. The conferees direct the Department to continue the Iowa switchgrass project at agreed-upon levels.

The conference agreement includes \$3,000,000 for the Regional Biomass Energy Program; \$3,000,000 for corn bioproduct research in cooperation with the National Corn Growers Association; \$2,000,000 for the Consortium for Plant Biotechnology Research; \$3,000,000 for the Iroquois Bioenergy Cooperative in Indiana; \$2,000,000 for the Green Institute in Minnesota for combined heat and power from biomass; \$500,000 to continue hybrid poplar research in Wisconsin; \$2,000,000 for the Biomass Gasification Research Facility in Birmingham, Alabama; \$3,000,000 for the Winona Biomass Project in Mississippi; \$500,000 for the Fibrowatt Mississippi biomass project; \$2,500,000 for a cost-shared agricultural mixed waste biorefinery in Colorado using thermo-polymerization; \$1,000,000 for the oxydiesel demonstration program in California and Nevada; \$2,000,000 for the Michigan Biotechnology Initiative; \$500,000 for the Biomass Energy Resource Center in Burlington, Vermont; \$500,000 for the gasification of switchgrass in Iowa; \$1,000,000 for the National Agricultural-Based Industrial Lubricants Center; and \$400,000 for the Center for Biomass Utilization at the University of North Dakota.

*Geothermal.*—The conference agreement includes \$30,000,000 for geothermal activities. The conference agreement provides an additional \$1,400,000 for university research on geothermal energy and an additional \$1,800,000 for Geopowering the West. The conference agreement also includes \$1,000,000 for the Lake County Basin geothermal project in California and \$1,000,000 for geothermal research at the University of Nevada-Reno.

*Hydrogen.*—The conference agreement includes \$40,000,000 for hydrogen activities. From within available funds, the Department is directed to spend not less than \$3,000,000 for the continued development and validation of advanced proton exchange membrane fuel cells and metal membrane fuel purification technologies. The conference agreement also includes \$4,000,000 for the Ohio University fuel cell pilot project; \$1,000,000 for fuel cell research and development at the University of South Alabama Energy Center; \$2,000,000 for the Next Energy fuel cell demonstration project in Michigan; \$2,000,000 for an engineering study and evaluation of solar-powered thermo-chemical production of hydrogen from water;

\$1,000,000 for the fuel cell project at Gallatin County, Montana; and \$1,000,000 for the University of Nevada, Las Vegas, hydrogen filling station.

*Hydropower.*—The conference agreement includes \$5,300,000 for hydropower.

*Solar Energy.*—The conference agreement includes \$95,000,000 for solar energy programs. As in fiscal year 2002, the conferees have combined the concentrating solar power, photovoltaic energy systems, and solar building technology subprograms into a single program for solar energy, with the control level at the solar energy program account level.

The conference agreement includes funding for continuation of the Million Solar Roofs program at the prior year level; \$2,500,000 for the Southeast and Southwest photovoltaic experiment stations; \$2,500,000 for the Navajo electrification project; \$1,500,000 to continue development of advanced integrated power modules for photovoltaic applications; \$1,500,000 for the Palo Alto photovoltaic demonstration project in California; and \$115,000 for a renewable energy demonstration at the Hard Bargain Farm Environmental Center in Maryland. The conference agreement also provides \$4,000,000 for the National Center for Energy Management and Building Technology. Within available funds, the conferees direct the Department to spend not less than \$5,500,000 for the continuation of work on concentrating solar power.

*Wind.*—The conference agreement includes \$44,000,000 for wind programs. The Wind Powering America initiative is to be continued at the fiscal year 2002 funding level. In addition, the conference agreement includes \$500,000 for wind generating facilities for the Vermont Department of Public Service; and \$1,000,000 for a wind generation facility to serve St. Paul and Unalaska, Alaska.

The conferees continue to recognize the need for a set-aside for small wind programs.

*Electric energy systems and storage.*—The conference agreement includes \$85,000,000 for electric energy systems and storage. The conference agreement includes the budget request of \$9,000,000 for the joint Oak Ridge and Los Alamos effort to develop high-performance, low-cost, second-generation, high-temperature superconducting wire. The control level is at the electric energy systems and storage program account level.

The conference agreement includes \$3,000,000 to continue field testing of advanced aluminum matrix composite conductors; \$2,000,000 for the PowerGrid project in New Jersey and Pennsylvania; \$3,000,000 for the automated energy distribution and reliability system in Indiana; \$750,000 to Co-Op Plus of Western Massachusetts for installing and servicing fuel cells and distributing green electricity; \$2,000,000 for the distributed energy systems integration, demonstration and technology transition program at the Fuel Cell Test and Evaluation Center in Pennsylvania; \$350,000 for the Microgrid distributed generation prototype in Vermont; \$400,000 for the Diné Power Authority in New Mexico to continue development of the Navajo Transmission Project; \$5,000,000 for the Upper Lynn Canal power supply project in Alaska; \$5,000,000 for the Swan Lake-Lake Tyee segment of the Southeastern Alaska Intertie System; \$2,000,000 for the Tok-to-Chistochina trans-

mission project in Alaska; \$1,000,000 to continue development of the bipolar nickel metal hydride battery storage system; \$2,500,000 for research, development, and demonstration of advanced thermal energy storage technology integrated with renewable thermal energy technology; and \$500,000 for the Natural Energy Laboratory in Hawaii to continue development and deployment of distributed energy systems.

*Renewable Support and Implementation.*—The conference agreement includes \$21,500,000 for renewable support and implementation.

The conference agreement provides \$1,500,000 for departmental energy management; \$4,000,000 for the international renewable energy program, including \$1,250,000 for International Utility Efficiency Partnerships; \$5,000,000 for the renewable energy production incentive program; \$6,000,000 for renewable Indian energy resources, including \$1,000,000 for the Council of Renewable Energy Resource Tribes (CERT) within available funds to provide technical expertise and training of Native Americans in renewable energy resource development and electrical generation facilities management; and \$5,000,000 for renewable program support, of which \$1,000,000 is to support the National Alliance for Clean Energy Incubators and \$4,000,000 is to continue the efforts of the National Renewable Energy Laboratory, through a virtual site office in Nevada, to develop renewable energy resources in the Southwestern United States.

*National Renewable Energy Laboratory.*—The conference agreement provides \$5,500,000 for the National Renewable Energy Laboratory (NREL), including \$800,000 for construction and \$500,000 to reduce the maintenance backlog.

*Program direction.*—The conference agreement includes \$16,000,000 for program direction.

*Use of prior year balances.*—The conference agreement includes the use of \$10,000,000 of prior year funds to be carried over from fiscal year 2002 to offset fiscal year 2003 requirements.

#### NUCLEAR ENERGY

The conference agreement provides \$261,688,000 for nuclear energy activities instead of \$213,698,000 as proposed by the House and \$324,108,000 as proposed by the Senate. The conference agreement does not include language specifying funding allocations as contained in the House report and Senate explanatory statement. The conferees revised the fiscal year 2003 budget structure for Radiological Facilities Management and Idaho Facilities Management to conform to the structure proposed in the fiscal year 2004 budget request.

*Radiological Facilities Management.*—The Office of Nuclear Energy, Science and Technology operates a variety of facilities and equipment to support the needs of space, defense, and medical customers who obtain radiological materials from the Department of Energy on a reimbursable basis.

*Space and defense power systems infrastructure.*—The conference agreement includes \$28,950,000 to maintain the infrastructure necessary to support future national security needs and National Aeronautics and Space Administration missions. The Depart-

ment is directed to provide \$2,500,000 for Neptunium-237 storage and Plutonium-238 production facilities at Oak Ridge National Laboratory.

*Medical isotopes infrastructure.*—The conference agreement includes a total program level of \$27,218,000 for the isotope program. This amount is reduced by offsetting collections of \$6,400,000 to be received in fiscal year 2003, resulting in a net appropriation of \$20,818,000. The conference agreement includes the request of \$1,721,000 for the Isotope Production Facility at the Los Alamos National Laboratory. Within available funds, the Department is directed to provide \$600,000 in additional funding for the Cyclotron Isotope Research Center at Brookhaven National Laboratory. The conference agreement provides an additional \$7,000,000 for upgrades of the hot cells at the Bethel Valley Hot Cell Complex.

The conferees recognize the potential medical value of alpha-emitting isotopes and direct the Department to proceed expeditiously with the project to extract thorium-229 from excess uranium-233 stored at Oak Ridge. The Department shall keep the Appropriations Committees fully informed at the key decision points in the project development process to ensure the Department is making sound business decisions on this project.

*University reactor fuel assistance and support.*—The conference agreement includes \$18,500,000, an increase of \$1,000,000 over the budget request. The additional funds are provided for the Department to fund additional regional university reactor consortia, and the conferees strongly encourage the Department to request sufficient funding in future years to fund all meritorious proposals.

*Research and development.*—The conference agreement provides \$75,000,000 for nuclear energy research and development activities. The conference agreement includes \$5,000,000 for nuclear energy plant optimization (NEPO), \$25,000,000 for the nuclear energy research initiative (NERI), and \$45,000,000 for nuclear energy technologies.

Within the funds provided for nuclear energy technologies, the conferees recommend that \$1,000,000 be allocated from within the funds provided for nuclear energy technologies for the joint DOE and NRC development of a licensing process that would be risk-informed and technology-neutral to support the future certification and licensing of advanced reactor designs. The conference agreement also provides \$2,000,000 within nuclear energy technologies for the purpose of accelerating the engineering evaluation of an integrated sulfur/iodine thermo-chemical water-splitting cycle for coupling with a high temperature nuclear reactor power source. Of this \$2,000,000, the conferees direct that \$750,000 be provided to the Research Foundation of the University of Nevada, Las Vegas, for the purpose of establishing a public-private partnership to develop and evaluate innovative high temperature heat exchangers. The conference agreement also includes \$2,000,000 within nuclear energy technologies to begin design work for a plant to demonstrate the viability of small modular reactors.

*Domestic Enrichment Capability.*—The conferees note that two private firms, the United States Enrichment Corporation and Louisiana Energy Services, are moving forward with plans to deploy advanced uranium enrichment technologies in the United States.

The Department is encouraged to make its expertise available on a reimbursable basis to support these private sector efforts. However, the interest and capability of the private sector to address future U.S. enrichment requirements obviates the need for the Department to pursue its own efforts on advanced enrichment technologies. The Department should reserve its limited research resources for those areas that are not adequately addressed by the private sector.

*Fast Flux Test Facility.*—The conference agreement transfers the Fast Flux Test Facility (FFTF) and its associated funding to the Non-Defense Environmental Management account.

*Idaho Facilities Management.*—The Department recently reassigned the lead responsibility for the Idaho National Engineering and Environmental Laboratory (INEEL) from the Office of Environmental Management to the Office of Nuclear Energy, Science and Technology. The conference agreement provides funding for a number of infrastructure activities under a new Idaho Facilities Management program account to reflect the new responsibilities of the Office of Nuclear Energy, Science and Technology for this site. The conference agreement provides \$42,770,000 for Idaho Facilities Management, including \$31,615,000 for ANL-West operations and \$8,815,000 for Test Reactor Area Landlord costs. In future fiscal years, all Idaho Landlord activities should be included within this account.

*Advanced Fuel Cycle Initiative.*—The conference agreement includes \$58,221,000 for spent fuel processing and advanced fuel cycles. This amount includes \$15,450,000 for EBR-II spent fuel treatment and \$2,771,000 for research and development on pyroprocessing of sodium-bonded spent fuel, the same as the budget request. The Department has recently proposed an Advanced Fuel Cycle Initiative (AFCI) that defines the future research program for technologies to treat spent nuclear fuel (AFCI Series One) and for advanced fuel cycles (AFCI Series Two). The conference agreement provides \$40,000,000 to support AFCI applied research. The conferees encourage the Department to seek active university participation in this research.

In order to ensure that the Department's AFCI can lead to useful and practical technologies, the Office of Nuclear Energy, Science and Technology is directed to provide Congress with an annual AFCI Comparison Report. The report will provide qualitative and quantitative information to enable Congress to compare the various technology approaches to managing commercial spent fuel. The first such report is due by May 30, 2003, and should be updated by May 30 each year thereafter so long as the Department continues its AFCI research activity. This report should include comparison matrices that contrast the advantages and disadvantages of possible fuel treatment and advanced fuel cycle technologies. The technologies should be evaluated with respect to energy and chemical inputs, product and waste stream outputs, proliferation considerations, estimated R&D and facility life cycle costs (i.e., capital, operating, and D&D, plus disposal of wastes), and the estimated number and type of facilities required. If the Department cannot provide specific, quantitative information (such as for yet-to-be developed technologies), it should identify in the matrices the esti-

mated dates by which ongoing R&D will provide the answers. Today's commercial light water reactor fuel cycle and spent nuclear fuel disposition should be used as the basis for comparison and to bound and define performance objectives for the new technologies.

One matrix should compare spent fuel treatment technologies, comparing advanced fast reactor systems, accelerator systems, and other existing and proposed reprocessing and transmutation technologies (e.g., PUREX, UREX, UREX+) against the current once-through approach with spent fuel from light water reactors. The second matrix should include a similar contrast of the advantages and disadvantages and facility requirements for advanced fuel cycles, and should specifically address the six innovative reactor concepts that the member countries of the Generation IV International Forum have agreed to pursue. The second fuel cycle matrix should also include consideration of thorium-uranium and thorium-plutonium fuel cycles and the gas turbine modular helium reactor.

Within the funds made available for AFCI, the conference agreement provides funding for the Department to pursue the recommendations of the joint U.S.-Russia task force on advanced reactor and fuel cycle technologies. The conference agreement also includes \$1,500,000 for the Idaho Accelerator Center and \$4,500,000 for AFCI-related research by the University of Nevada at Las Vegas.

*Program direction.*—The conference agreement includes \$23,439,000 for program direction.

*Use of prior year balances.*—The conference agreement includes the use of \$6,000,000 of prior year funds to be carried over from fiscal year 2002 to offset fiscal year 2003 requirements.

#### ENVIRONMENT, SAFETY AND HEALTH

The conference agreement provides \$22,700,000 for non-defense environment, safety and health activities, which includes \$15,860,000 for program direction.

Under the Science portion of this report, the Office of Science is directed to submit to the House and Senate Energy and Water Development Appropriations Subcommittees a report providing a detailed estimate of the cost of bringing the ten DOE Office of Science laboratories (named in House Report 107–112) into compliance with Nuclear Regulatory Commission (NRC) and Occupational Safety and Health Administration (OSHA) standards for nuclear safety and worker safety, respectively. To support this task, the Department is directed to transfer \$2,500,000 to the NRC and \$1,300,000 to OSHA. In addition, the Department is directed to transfer \$1,000,000 to OSHA to cover the costs of OSHA regulation of worker health and safety at those sites transferred to non-Federal entities and the Department's non-nuclear facilities not covered under the Atomic Energy Act.

#### TECHNICAL INFORMATION MANAGEMENT PROGRAM

The conference agreement moves the Technical Information Management program from the Energy Supply account to the Science account.

## ENERGY SUPPLY INFRASTRUCTURE

The conference agreement does not include this new program as proposed by the Senate.

## FUNDING ADJUSTMENTS

The conference agreement includes a general reduction of \$5,211,000.

## NON-DEFENSE ENVIRONMENTAL MANAGEMENT

The conference agreement provides \$215,100,000 for Non-Defense Environmental Management instead of \$213,259,000 as proposed by the House and \$176,000,000 as proposed by the Senate.

*Site closure.*—The conference agreement includes \$95,000,000 for the West Valley site as proposed by the Senate. Funding for the program was moved from the Post 2006 program to the site closure program as proposed by the House.

*Site/project completion.*—The conference agreement provides \$57,425,000. This includes an additional \$15,000,000 for the Brookhaven National Laboratory and the transfer of \$8,847,000 for long-term stewardship activities to a separate program.

*Post 2006 completion.*—The conference agreement includes \$22,688,000 for Post 2006 completion activities. This includes the budget request of \$1,848,000 for Los Alamos and \$16,740,000 to continue the cleanup activities at the Energy Technology Engineering Center in California.

Funding of \$4,100,000, an increase of \$3,134,000, is provided for the Atlas uranium mill tailings site at Moab, Utah, to prepare a scientifically sound remediation plan. The conferees expect the Department to undertake an objective evaluation of costs, benefits, and risks associated with remediation alternatives for the site, including removal and stabilization in place or variations on these two options.

*Fast Flux Test Facility.*—The conference agreement includes the budget request of \$36,100,000 for the Fast Flux Test Facility at Richland, Washington, as proposed by the Senate and transfers the funding from the Energy Supply appropriation account as proposed by the House.

*Long-term Stewardship.*—The conference agreement includes \$14,180,000 for long-term stewardship activities as proposed by the House. The conferees are aware that the Department will be consolidating long-term stewardship and legacy management activities in the fiscal year 2004 budget, and these activities will no longer be managed by the Office of Environmental Management. Thus, the requirement for a review of the long-term stewardship program will be addressed as part of the fiscal year 2004 appropriation.

*Excess facilities.*—The conference agreement provides the budget request of \$1,841,000 for excess facilities to begin decontamination and decommissioning of excess facilities in the environmental management program.

*Funding adjustment.*—The conference agreement includes an adjustment of \$12,134,000 for the use of prior year balances.

## URANIUM FACILITIES MAINTENANCE AND REMEDIATION

The conference agreement provides \$456,539,000 for uranium activities instead of \$382,154,000 as proposed by the House and \$471,154,000 as proposed by the Senate.

*Uranium Enrichment Decontamination and Decommissioning Fund.*—The conference agreement provides \$340,329,000 for activities funded from the uranium enrichment decontamination and decommissioning (D&D) fund. This amount includes \$324,329,000 for decontamination and decommissioning activities and \$16,000,000 for uranium and thorium reimbursements.

The conference agreement provides an additional \$34,000,000 for cleanup at the Paducah Gaseous Diffusion Plant, an additional \$65,000,000 for the East Tennessee Technology Park (ETTP), and an additional \$15,000,000 for thorium cleanup reimbursement. The amount provided for decontamination and decommissioning has been reduced by \$9,194,000 to pay for increased safeguards and security costs that are funded under the Defense Environmental Restoration and Waste Management account.

The General Accounting Office (GAO) is directed to conduct a study of the cleanup progress at the Paducah Gaseous Diffusion Plant in Paducah, Kentucky. Not later than six months after the date of enactment of this Act, the GAO shall submit a report to the House and Senate Committees on Appropriations, the Senate Energy and Natural Resources Committee, and the House Energy and Commerce Committee on the results of this study. The conferees direct the GAO not to displace any other requests by the House and Senate Committees on Appropriations.

*Other Uranium Activities.*—The conference agreement provides \$141,210,000 for other uranium activities. The conference agreement provides the requested amounts for the East Tennessee Technology Park, the Paducah Gaseous Diffusion Plant, and the Portsmouth Gaseous Diffusion Plant. The amount provided has been reduced by \$5,421,000 to pay for increased safeguards and security costs that are funded under the Defense Environmental Restoration and Waste Management account.

*Funding adjustment.*—The conference agreement includes the use of \$25,000,000 of prior year balances.

## SCIENCE

The conference agreement provides \$3,305,894,000 instead of \$3,271,233,000 as proposed by the House and \$3,329,456,000 as proposed by the Senate. The conference agreement does not include language specifying funding allocations as contained in the House report and Senate explanatory statement.

*High energy physics.*—The conference agreement provides \$726,990,000 for high energy physics. The conferees have provided an additional \$2,000,000 for operations and activities of the program.

*Nuclear physics.*—The conference agreement provides \$384,370,000 for nuclear physics. The conferees encourage the Department to use these additional funds to enhance operation of the Relativistic Heavy Ion Collider (RHIC) at the Brookhaven National Laboratory and the Continuous Electron Beam Accelerator Facility

at the Thomas Jefferson National Accelerator Facility, and to continue research and development and preconceptual design in support of the Rare Isotope Accelerator.

*Biological and environmental research.*—The conference agreement includes \$530,000,000 for biological and environmental research. The conference agreement provides \$7,000,000 for the Savannah River Ecology Laboratory, \$20,000,000 in total funding for the low dose effects program, continues the free air carbon dioxide experiments at the current year level, and provides \$2,000,000 in additional funding for the EMSL computer. The conference agreement also includes \$4,000,000 for research on arsenic removal.

The conference agreement includes \$3,800,000 for infrastructure and equipment for the Wittenberg University Science Center; \$3,000,000 for the University of South Alabama Cancer Center; \$2,000,000 for the Institute for Biomedical Science and Biotechnology at the University of Arizona; \$1,200,000 for the University of Southern Florida Center for Biological Defense; \$1,000,000 for the Barry University Minority Science Center in Florida; \$1,000,000 for the Riverside Hospital Regional Cancer Center in Illinois; \$500,000 for the Stanley Scott Cancer Center in Louisiana; \$500,000 for the Western Michigan University Nanoscience Research and Computational Institute; \$1,000,000 for the North Mississippi Health Services Positron Emission Tomography Cancer Center; \$500,000 to upgrade the Drew University Hall of Science in New Jersey; and \$500,000 for the Environmental Systems Center at Syracuse University in New York.

The conference agreement includes \$4,600,000 for a Purdue University technology incubator in northwest Indiana; \$1,000,000 for the University of Notre Dame College of Engineering Multidisciplinary Research Facility; \$500,000 for vocational education programs at the Los Angeles Trade Technical College; \$500,000 for the fuel cell advanced materials and demonstration project at Humboldt State University in California; \$650,000 for the National Center for Neurogenetic Research and Computational Genomics at the University of Southern California; \$500,000 for the bioengineering research program at the University of Illinois at Chicago; \$500,000 for the Pioneer Valley Life Sciences Initiative between the University of Massachusetts and the Baystate Medical Center; \$250,000 for the Hampshire College National Center for Science Education in Massachusetts; \$500,000 for the Audubon Biomedical Science and Technology Park at Columbia University in New York; \$500,000 for the Center for Sustainable Energy at the Bronx Community College in New York; and \$500,000 for the Green Chemistry Project at Carnegie Mellon University in Pennsylvania.

The conference agreement includes \$10,000,000 for operations and capital investments at the Mental Illness and Neuroscience Discovery Institute; \$2,000,000 for the University of Missouri-Columbia nuclear medicine and cancer research program; \$1,000,000 for the University of Southern Maine School of Applied Sciences, Engineering, and Technology; \$1,000,000 for the Center for Environmental Radiation Studies at Texas Tech University; \$500,000 for the Legume Genome Initiative at the University of Oklahoma;

and \$500,000 for the University of Northern Iowa Existing Business Enhancement Program.

The conference agreement includes \$1,000,000 for the University of Louisiana-LaFayette National Wetlands Research Center; \$1,000,000 for the Medical University of South Carolina; \$500,000 for a Magnetic Resonance Microscope at the Children's Hospital of Los Angeles; \$500,000 for a PET/CT scanner at Christiana Care Health System in Delaware; \$500,000 for the Natural Energy Laboratory in Hawaii; \$500,000 for a CT scanner at Edward Hospital in Illinois; \$500,000 for the University of Massachusetts at Boston Multidisciplinary Research Facility and Library; \$1,000,000 for the Nevada Cancer Institute; \$500,000 for the Inland Northwest Natural Resources Research Center at Gonzaga University; \$500,000 for the Morgan State University Center for Environmental Toxicology; \$450,000 for nanotechnology applications at Western Michigan University in partnership with Altair; \$250,000 for the International Water Institute; \$450,000 for the New York University Genomics Project; \$1,000,000 for the linear accelerator at the University Medical Center of Southern Nevada; \$500,000 for the Indiana Genomics Initiative at Indiana University; \$250,000 for the Boston University Photonics Center; \$100,000 for the Nevada Space Grant Consortium at the Desert Research Institute; and \$500,000 for the Public Health Research Institute Rapid Detection for Bioterrorism program in New Jersey.

*Basic energy sciences.*—The conference agreement includes \$1,030,000,000 for basic energy sciences. The conference agreement includes \$551,378,000 for materials sciences and engineering research, and \$221,551,000 for chemical sciences, geosciences, and energy biosciences. For purposes of reprogramming in fiscal year 2003, the Department may reallocate funding among all operating accounts within Basic Energy Sciences.

The conference agreement provides the requested amounts of \$210,571,000 for construction of the Spallation Neutron Source, \$6,000,000 for project engineering and design (PED) for the Linac Coherent Light Source at the Stanford Linear Accelerator Center, and \$24,000,000 for the design and construction of the Oak Ridge Center for Nanophase Materials Sciences. The conference agreement provides \$4,500,000 in additional funding to complete PED and initiate construction of the Center for Integrated Nanotechnologies, and an additional \$1,000,000 to initiate PED in fiscal year 2003 for the Brookhaven Center for Functional Nanomaterials.

The conference agreement also provides \$11,985,000 for the Experimental Program to Stimulate Competitive Research (EPSCoR).

*Advanced scientific computing research.*—The conference agreement includes \$172,625,000 for advanced scientific computing research (ASCR), an increase of \$3,000,000 over the budget request. The conferees provide these additional funds for the Department to pursue alternative approaches to advance the United States capability in advanced scientific computing. The recent developments by the Japanese on scientific supercomputing are cause for concern. The conferees strongly support DOE's role in Advanced Scientific Computing development missions, and will consider a request for

reprogramming of fiscal year 2003 funds in order for U.S. manufacturers and laboratories to address the recent developments by Japan relating to the Earth Simulator.

*Energy research analyses.*—This activity is transferred as a subprogram under Science Program Direction.

*Science laboratories infrastructure.*—The conference agreement provides \$45,680,000 for science laboratories infrastructure, including a total of \$8,000,000 for excess facilities disposition.

*Fusion energy sciences.*—The conference agreement includes \$250,000,000 for fusion energy sciences, an increase of \$1,505,000 over fiscal year 2002. The conferees note that the fiscal year 2002 funding level included \$19,604,000 for the completion of decontamination and decommissioning of the Tokamak Fusion Test Reactor (TFTR), leaving \$228,891,000 available for fusion research and facility operations in fiscal year 2002. By comparison, the conference agreement for fiscal year 2003 makes this \$19,604,000, plus an additional \$1,505,000, available for fusion research and facility operations, an increase of 9.2 percent over the comparable amount available in fiscal year 2002.

Within the funding available for fusion energy sciences, the Department should make additional funding of \$1,500,000 available to the Princeton Plasma Physics Laboratory to support the National Spherical Torus Experiment (NSTX) research, NSTX operations, and preliminary design for the National Compact Stellarator Experiment (NCSX). Within available funding, the Department should report back to the Appropriations Committees no later than August 1, 2003, with an evaluation of the “fast ignition” concept and with any recommendations regarding the schedule and milestones of the High Energy Density Physics Program.

*Safeguards and security.*—The conference agreement includes \$48,765,000 for safeguards and security activities at laboratories and facilities managed by the Office of Science. The additional \$638,000 over the budget request represents a transfer from Weapons Activities for the costs of safeguards and security at Building 3019 at Oak Ridge National Laboratory.

*Science workforce development.*—The conference agreement provides \$5,460,000 for science workforce development. This activity had previously been funded as the Science Education subprogram within Program Direction.

*Science program direction.*—The conference agreement includes \$136,387,000 for science program direction. This amount includes \$72,403,000 for field offices, \$55,984,000 for headquarters, \$7,000,000 for the Technical Information Management program (transferred from the Energy Supply account), and \$1,000,000 for Energy Research Analyses. The control level for fiscal year 2003 is at the program account level of Science Program Direction.

*External regulation.*—Funds are provided in the Environment, Safety and Health (non-defense) account within the Energy Supply appropriation for the Nuclear Regulatory Commission (NRC) and the Occupational Safety and Health Administration (OSHA) to conduct compliance audits of the ten DOE Science laboratories. The Office of Science should use this information to develop estimates of the costs needed to bring these ten laboratories into compliance with NRC and OSHA safety standards. The Office of Science, in co-

operation with NRC and OSHA, should complete the compliance audits and cost estimates for an initial set of four representative Science laboratories not later than September 30, 2003, and for all remaining Science laboratories by March 31, 2004. The Office of Science is directed to submit a report to the House and Senate Energy and Water Development Appropriations Subcommittees summarizing the audit results and cost estimates for all ten laboratories not later than April 30, 2004.

*Funding adjustments.*—A general reduction of \$20,000,000 has been applied to this account.

#### NUCLEAR WASTE DISPOSAL

The conference agreement provides \$145,000,000 for Nuclear Waste Disposal, instead of \$209,702,000 as proposed by the House and \$56,000,000 as proposed by the Senate. When combined with the \$315,000,000 appropriated from the Defense Nuclear Waste Disposal account, a total of \$460,000,000 will be available for program activities in fiscal year 2003. The conference agreement includes not to exceed \$2,500,000 for the State of Nevada and \$7,000,000 for affected units of local government. The conferees direct the Department to provide \$2,000,000 to Clark County, Nevada, to study and demonstrate the integration of emergency response planning systems and advanced transportation technologies. The conferees further direct that \$2,500,000 be provided to the Research Foundation of the University of Nevada, Las Vegas, for continuing and expanding its efforts in ground water characterization and research into the transport and fate of radionuclides in the vicinity of the Yucca Mountain repository.

#### DEPARTMENTAL ADMINISTRATION

The conference agreement provides \$309,872,000 for Departmental Administration expenses instead of \$249,259,000 as proposed by the House and \$295,587,000 as proposed by the Senate. Funding adjustments include the transfer of \$87,468,000 from Other Defense Activities and the use of \$15,000,000 of prior year balances. Revenues of \$120,000,000, a reduction of \$17,524,000 from the budget request, are estimated to be received in fiscal year 2003, resulting in a net appropriation of \$87,404,000.

Specific funding levels for each Departmental organization are provided in the accompanying table.

*Engineering and construction management reviews.*—The conference agreement provides \$5,000,000 for the Office of Engineering and Construction Management for external independent reviews of proposed projects and programs.

*Cybersecurity and secure communications.*—The conferees have provided \$30,000,000 for cybersecurity and secure communications.

*Corporate management information program.*—The conferees have provided \$15,000,000 for the Department's Corporate Management Information Program.

*Cost of work for others.*—Since initiating direct budgeting and funding of safeguards and security activities, the Department has used the cost of work for others program to fund reimbursable safeguards and security costs incurred for work performed for other

Federal agencies. This was originally planned to be a one-year transitional fix; however, the Department has continued to use this procedure beyond that time. The conferees expect the Department to submit to the Committees on Appropriations a proposal that would allow the direct funding of these costs within each program account in fiscal year 2004.

*Reprogramming guidelines.*—The conference agreement provides reprogramming authority of \$1,000,000 or 10 percent, whichever is less, within the Departmental Administration account without prior submission of a reprogramming to be approved by the House and Senate Committees on Appropriations. No individual program account may be increased or decreased by more than this amount during the fiscal year using this reprogramming authority. Congressional notification within 30 days of the use of this reprogramming authority is required. Transfers which would result in increases or decreases in excess of \$1,000,000 or 10 percent to an individual program account require prior notification and approval.

## OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides \$37,671,000 for the Inspector General as proposed by the House and the Senate.

### ATOMIC ENERGY DEFENSE ACTIVITIES

#### NATIONAL NUCLEAR SECURITY ADMINISTRATION

The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department of Energy, manages the Nation's nuclear weapons, nuclear nonproliferation, and naval reactors activities.

*Availability of funds.*—The conference agreement makes funds appropriated to the NNSA available until expended as proposed by the Senate.

*Other provisions.*—The conference agreement includes language authorizing \$12,000,000 to be appropriated for Project 03–D–102, LANL administration building, at Los Alamos National Laboratory, and \$113,000,000 to be appropriated for Project 01–D–108, Microsystems and engineering science applications (MESA), at Sandia National Laboratories, in New Mexico.

The conference agreement does not include bill language proposed by the House limiting the obligation of funds until the Nuclear Weapons Council certifies the Selected Acquisition Reports, limiting the obligation of funds until the NNSA budgets by weapons system, or providing \$10,000,000 to upgrade financial systems to track costs by weapons system. Each of these issues is addressed further in the statement of the managers.

*Future Years Nuclear Security Program.*—The conferees agree with the House language pertaining to the inadequate multi-year programming and budgeting information and direct the NNSA to contract for an independent assessment of the NNSA's planning, programming, and budgeting system, including its comparability to that of the Department of Defense.

*Strategic weapons modernization.*—The conferees direct the Secretary of Energy in conjunction with the Secretary of Defense to provide a report to the Appropriations and Armed Services Committees of Congress providing a specific inventory objective for each nuclear weapon system by year and in total through 2012; an indication of the likely number of warheads that must be modernized and why; and an estimate of the cost in then-year dollars to perform such modernization. This report is due to the Congressional defense committees not later than March 15, 2003.

*Selected Acquisition Reports.*—The conferees direct NNSA to submit Selected Acquisition Reports to Congress in fiscal year 2004 and subsequent fiscal years in an identical manner to those submitted by the Department of Defense. NNSA shall use the title “Selected Acquisition Report”, use the Department of Defense standard format and classification methodology, and include identical types of information on program cost, schedule, and contractor performance.

*Budget and accounting for nuclear weapons systems.*—The conferees understand that the Department is implementing a pilot project to budget and account for costs by weapons system and expect to be kept informed by the Administrator of the NNSA and the Department’s Chief Financial Officer on the status of this project.

*Cerro Grande Fire Funds.*—The conferees direct that the Secretary not defer, deobligate, withdraw to headquarters, reserve for contemplated future rescissions, reprogram or otherwise adversely affect the planned and continuing expenditure of funds previously made available for Cerro Grande fire activities unless a reprogramming is submitted in advance and approval received from the House and Senate Committees on Appropriations.

#### WEAPONS ACTIVITIES

The conference agreement provides \$5,954,204,000 for Weapons Activities instead of \$5,772,068,000 as proposed by the House and \$6,108,959,000 as proposed by the Senate.

*Reprogramming.*—The conference agreement provides limited reprogramming authority within the Weapons Activities account without submission of a reprogramming to be approved in advance by the House and Senate Committees on Appropriations. The reprogramming thresholds will be as follows: directed stockpile work, science campaigns, engineering campaigns, inertial confinement fusion, advanced simulation and computing, pit manufacturing and certification, readiness campaigns, and operating expenses for readiness in technical base and facilities. This should provide the needed flexibility to manage these programs.

In addition, funding of not more than \$5,000,000 may be transferred between each of these categories and each construction project subject to the following limitations: only one transfer may be made to or from any program or project; the transfer must be necessary to address a risk to health, safety or the environment or to assure the most efficient use of weapons activities funds at a site; and funds may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

Congressional notification within 15 days of the use of this reprogramming authority is required. Transfers during the fiscal year which would result in increases or decreases in excess of \$5,000,000 or which would be subject to the limitations outlined in the previous paragraph require prior notification and approval from the House and Senate Committees on Appropriations. Failure to notify the Committees within the 15-day period will result in denial of the reprogramming.

*Directed stockpile work.*—The conference agreement includes the budget request of \$1,234,467,000 for directed stockpile work as proposed by the House and the Senate.

*Campaigns.*—Funding for individual campaigns is shown on the accompanying table. The conferees agree with the House language requesting detailed project baseline data for each campaign showing the total, annual, and five-year costs, schedule, scope, and deliverables for individual project activities as part of the annual budget request.

From within funds provided for the various campaigns, \$2,175,000 is provided for the University Research Program in Robotics. An additional \$2,175,000 is provided for the robotics program in the environmental management program.

For science campaigns, the conference agreement provides \$255,468,000, an increase of \$20,000,000 over the budget request. The conference agreement provides \$47,159,000 for primary certification as proposed by the Administration. In the dynamic materials properties program, the conferees have provided \$5,000,000 for materials properties studies using the capabilities of the Nevada Test Site and the budget request of \$13,110,000 for university partnerships. In the advanced radiography program, funding of \$20,000,000 is provided to continue research, development and conceptual design activities for an advanced hydrodynamics test facility and an additional \$5,000,000 to fund other experiments that might be conducted in the Contained Firing Facility.

For engineering campaigns, the conference agreement provides \$233,697,000, a reduction of \$5,713,000 from the budget request. Enhanced surety is funded at \$32,000,000, as proposed by the Senate.

For inertial confinement fusion, the conference agreement provides \$504,293,000, an increase of \$52,500,000 over the budget request, and includes several program funding adjustments. The conference agreement includes \$10,000,000 for the Naval Research Laboratory, the same as the budget request. Funding of \$22,000,000 has been provided to further development of high average power lasers.

The conference agreement includes \$36,400,000, the same as the budget request, for the on-going program at the Laboratory for Laser Energetics at the University of Rochester. An increase of \$13,000,000 over the budget request is provided for the University of Rochester for the Omega Extended Performance Facility to enhance the capabilities of the Omega facility in support of the nation's stockpile stewardship program by providing additional high-energy, high-intensity beams to be used with the existing Omega facility.

The conference agreement provides an additional \$8,000,000 for enhanced National Ignition Facility (NIF) diagnostics and/or cryogenic target activities, and \$214,045,000, the same as the budget request, for continued construction of the NIF.

For petawatt laser capabilities, funding of \$5,000,000 is provided to modify the beamlet laser at the Sandia National Laboratories and \$1,000,000 is provided for technical community activities in developing critical short-pulse, high power laser technology.

The conferees have provided an additional \$3,500,000 for university grants/other ICF support. This includes \$2,500,000 for installation, operation, and continued research and development on a petawatt laser at the University of Nevada-Reno, and \$1,000,000 for short pulse, high power laser development at the University of Texas.

For advanced simulation and computing, the conference agreement provides \$704,335,000, as proposed by the Senate. The NNSA is directed to commission two independent studies as proposed by the Senate. These reports are due to the Committees on Appropriations by August 1, 2003.

For pit manufacturing and certification, the conference agreement provides \$222,000,000, an increase of \$27,516,000 over the budget request of \$194,484,000. The increase will ensure that the NNSA maintains its commitment to produce a certifiable W88 pit by 2003 and a certified W88 pit by 2007. The NNSA has refused to request funds consistent with its own project plan submitted in September 2001. As directed by the Senate explanatory statement, the NNSA is to provide a revised pit production and certification plan to the relevant Congressional committees by March 31, 2003, and annually thereafter. To ensure that all sites under study for the modern pit facility receive full and equal consideration, the conferees recognize that future land withdrawal action by Congress may be required to proceed with construction of the facility.

For readiness campaigns, the conference agreement provides \$213,752,000, a reduction of \$8,065,000 from the budget request. Funding for the tritium readiness campaign includes \$42,734,000 for operating expenses as proposed by the Senate and an additional \$5,335,000 to complete dismantlement of the Accelerator Production of Tritium program.

*Readiness in technical base and facilities.*—For readiness in technical base and facilities, the conference agreement provides \$1,832,222,000, an increase of \$143,993,000 over the budget request, and includes several funding adjustments.

Within funds provided for operations of facilities, the conferees direct that, at a minimum, an additional \$25,000,000 be provided for the Pantex Plant in Texas and an additional \$20,000,000 be provided for the Y-12 Plant in Oak Ridge, Tennessee, as proposed by the House. The conference agreement includes an additional \$6,000,000 for the Z machine operations at Sandia and \$3,000,000 for technology transfer activities as proposed by the Senate. The conferees encourage the Department to utilize the UNLV Research Foundation and other academic institutions to facilitate such technology transfer activities at the Nevada Test Site.

The conference agreement provides \$56,725,000 for activities at the Nevada Test Site and an additional \$23,500,000 for the Na-

tional Center for Combating Terrorism for facility upgrades, refurbishments, equipment, and operation and maintenance.

Funding of \$638,000 has been transferred to the Office of Science safeguards and security program to support weapons-related activities at the Oak Ridge National Laboratory.

Within funds provided for program readiness, the conference agreement includes \$60,000,000 to maintain Nevada Test Site readiness and \$6,164,000 for activities related to the TA-18 relocation to Nevada. The conference agreement provides the budget request of \$15,000,000 for enhanced test readiness. The Department is directed to notify the House and Senate Committees on Appropriations before any of these funds are obligated in fiscal year 2003.

Within funds provided for special projects, the conference agreement includes \$600,000 for the Oral History of the Nevada Test Site; \$6,900,000 for the New Mexico Education Enrichment Foundation; \$2,500,000 for the National Museum of Nuclear Science and History relocation project; \$500,000 for the Atomic Testing History Institute; \$1,000,000 for the UNLV Research Foundation; \$3,000,000 to update aircraft navigational and other related avionics; and the budget request for the Los Alamos County Schools. Within available funds, the conferees urge NNSA to conduct a field installation of the truck stopping device developed by Lawrence Livermore National Laboratory and to continue research on bridges and new techniques for scanning shipping containers.

The conference agreement includes \$103,816,000 for materials recycling, an increase of \$5,000,000 over the budget request for activities at the Y-12 Plant in Tennessee as proposed by the House.

The conference agreement includes the budget request of \$17,721,000 for containers, \$14,593,000 for storage, and \$91,000,000 for nuclear weapons incident response.

*Construction projects.*—For construction projects, the conference agreement includes adjustments proposed by the Department to the budget request for several projects to reflect the latest program planning assumptions. In addition, the conference agreement provides \$12,000,000 for Project 03-D-102, LANL administration building replacement project, and \$113,000,000 for Project 01-D-108, Microsystems and Engineering Sciences Applications Complex at Sandia, in New Mexico.

*Facilities and infrastructure recapitalization.*—The conference agreement includes the budget request of \$242,512,000 for the facilities and infrastructure (F&I) recapitalization program. The conferees agree with the House language to procure decontamination, decommissioning and demolition services through an open competitive process. At least \$50,000,000 is to be used to dispose of excess facilities.

*Secure Transportation Asset.*—The conference agreement provides the budget request of \$152,989,000 for secure transportation asset.

*Safeguards and security.*—The conference agreement includes \$526,254,000, an increase of \$16,300,000 over the budget request, for safeguards and security activities at laboratories and facilities managed by the National Nuclear Security Administration.

*Funding adjustments.*—The conference agreement includes an adjustment of \$28,985,000 for a security charge for reimbursable work, as proposed in the budget, and a general reduction of \$138,800,000.

#### DEFENSE NUCLEAR NONPROLIFERATION

The conference agreement provides \$1,113,630,000 for Defense Nuclear Nonproliferation instead of \$1,167,630,000 as proposed by the House and \$1,115,630,000 as proposed by the Senate.

*Availability of funds.*—The conference agreement makes the funds available for obligation until expended as proposed by the Senate.

*Nonproliferation and verification research and development.*—The conference agreement provides the budget request of \$283,407,000 for nonproliferation and verification research and development. This includes \$20,160,000, the same as the budget request, for ground-based systems for treaty monitoring.

From within available funds for research and development activities, \$10,000,000 is provided to support ongoing activities at the Remote Sensing Test and Evaluation Center at the Nevada Test Site. The conferees encourage the Department to use a portion of the additional funds provided to the Remote Sensing Test and Evaluation Center to support applied research activities related to national security at UNLV and other universities that are participating in cooperative ventures at the Nevada Test Site.

The conference agreement provides \$3,000,000 for the Incorporated Research Institutions for Seismology PASSCAL Instrument Center. The conferees expect the NNSA to conduct a site-wide survey of the Iowa Army Ammunition Plant in Middletown, Iowa, for radiological contamination as proposed by the Senate. Within available funds, the NNSA is directed to provide \$10,000,000 for the sustained development of advanced technologies needed to counter nuclear terrorism threats and focus on improving capability through research and development.

The conferees continue to support more opportunity for open competition in appropriate areas of the nonproliferation and verification research and development program. The conferees expect the Department to continue to implement recommendations provided by the external review group in support of open competition and direct the Department to continue a free and open competitive process for at least 25 percent of its research and development activities during fiscal year 2003 for ground-based systems treaty monitoring. The competitive process should be open to all Federal and non-Federal entities.

The conferees direct the Department to identify ways to increase competition to ensure that the best possible researchers in the private sector and academia are provided the opportunity to compete for nonproliferation research and development funds and to contribute to these critical national security programs. In this time of increased threats to the nation, the Department should make every effort to seek out new and innovative ideas and concepts beyond those developed by the Department's own contractors.

The conferees request an annual report on the nonproliferation and verification research and development program that includes

each major research project with the total baseline cost, cost by year, scope, schedule, deliverables, entity performing the research, and proposed user. This report in an unclassified form with a classified appendix as necessary is due to the Committees on Appropriations on March 15, 2003, and annually thereafter. The Department should work with the Committees to ensure the appropriate level of detail.

*Nonproliferation and international security.*—The conference agreement provides the budget request of \$92,668,000 for nonproliferation and international security.

*Nonproliferation programs with Russia.*—The conferees continue to be concerned that too much of the money for Russian programs is being spent in the United States at the Department of Energy's own facilities rather than going to the facilities in Russia. The Department is directed to submit a plan to the Committees on Appropriations that shows how the ratio of the funding within each program that is spent in Russia versus the funding that remains the United States for the Department's contractors will be increased significantly in each subsequent fiscal year.

*International materials protection, control and cooperation (MPC&A).*—The conference agreement includes \$233,077,000, the same as the budget request, for the MPC&A program. From within available funds, the conference agreement provides at least \$15,000,000 for expanded activities within the Second Line of Defense program that is responsible for improving border and transportation security. The conferees support expanded program work in major transit/transportation hubs and ports in countries other than Russia and the Newly Independent States. The conference agreement also provides \$5,000,000 for the radiological dispersion devices (RDD) program to protect, control and account for RDD materials in countries other than Russia and the Newly Independent States.

*Accelerated Highly Enriched Uranium (HEU) Disposition.*—The conference agreement provides \$14,000,000 to develop and implement efforts with the Russian Federation for blending or otherwise securing highly enriched uranium. These efforts may include the purchase of highly enriched uranium from the Russian Federation and transporting it to the United States. This program is in addition to the U.S./Russian HEU Agreement to blend down 500 metric tons of highly enriched uranium over twenty years.

*Russian Transition Initiatives.*—The conference agreement provides \$39,334,000, the same as the budget request, for the Initiatives for Proliferation Prevention program and the Nuclear Cities Initiative.

*HEU transparency implementation.*—The conference agreement provides \$17,229,000, the same as the budget request.

*International nuclear safety.*—The conference agreement provides \$11,576,000, a reduction of \$3,000,000 from the budget request, for the international nuclear safety program, as proposed by the House.

*Elimination of weapons-grade plutonium production.*—The conference agreement includes the budget request of \$49,339,000 for the elimination of weapons-grade plutonium production program. The conferees strongly support the Department's efforts to provide

an open procurement competition to find the best-qualified contractor to implement this program and have not included language to limit repayment of program expenditures.

*Fissile materials disposition.*—The conference agreement provides \$48,000,000 for fissile materials disposition, the same as the budget request. At the request of the Department, funding of \$2,000,000 was transferred from operating expenses to Project 99–D–141, Pit disassembly and conversion facility, and \$6,372,000 was transferred from Project 01–D–407, highly enriched uranium blend down, to operating expenses.

*Program direction.*—The conference agreement does not provide any program direction funds in this account as proposed by the Senate. Program direction funding for the Defense Nuclear Nonproliferation office will be identified separately within the Office of the Administrator account.

*Funding adjustments.*—The conference agreement includes funding adjustments of \$75,000,000. This includes the use of \$68,000,000 of prior year balances and the additional \$7,000,000 remaining from completion of Project 00–D–192, Nonproliferation and international security center.

#### NAVAL REACTORS

The conference agreement provides \$706,790,000 for Naval Reactors, the same as the budget request. These funds are to remain available until expended as proposed by the Senate.

#### OFFICE OF THE ADMINISTRATOR

The conference agreement provides \$330,929,000 for the Office of the Administrator instead of \$261,929,000 as proposed by the House and \$335,929,000 as proposed by the Senate. These funds are available for obligation through September 30, 2003, as proposed by the House. Statutory language providing \$12,000 for official reception and representation expenses has also been included.

The conferees urge the Administrator of NNSA to provide at least \$5,000,000 for the NNSA Office of Project Management and Engineering Support to continue its project oversight work and to provide training and mentoring programs to improve the skills of NNSA program and project managers.

*Defense Nuclear Nonproliferation.*—The conference agreement provides \$57,000,000 for the Federal employees in the Office of Defense Nuclear Nonproliferation. None of these funds may be taxed by the NNSA for any purpose without prior notification and approval by the House and Senate Committees on Appropriations.

#### ENVIRONMENTAL AND OTHER DEFENSE RELATED ACTIVITIES

##### DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conference agreement provides \$5,470,180,000 for Defense Environmental Restoration and Waste Management instead of \$4,543,661,000 as proposed by the House and \$5,370,532,000 as proposed by the Senate. Additional funding of \$1,138,314,000 is contained in the Defense Facilities Closure Projects account and \$158,399,000 in the Defense Environmental Management Privat-

ization account for a total of \$6,766,893,000 provided for all defense environmental management activities.

*Accelerated cleanup funding.*—The conference agreement has merged funds proposed for the Environmental Management Cleanup Reform account into the appropriate existing appropriation accounts rather than providing a lump sum in a separate appropriation account as proposed by the Administration.

*Reprogramming authority.*—The conferees support the need for flexibility to meet changing funding requirements and have provided internal reprogramming authority as proposed by the House.

*Site/project completion.*—Total funding of \$990,950,000 is provided for site/project completion. The conference agreement provides additional funding to accelerate cleanup at the following sites: \$40,000,000 for the Savannah River Site in South Carolina; \$5,000,000 for the Idaho site; \$141,000,000 for the Hanford site in Richland, Washington; \$8,000,000 for Sandia National Laboratories in New Mexico; \$5,000,000 for the Pantex plant in Texas; and \$4,000,000 to expedite the remediation and conveyance of up to 2,000 acres of land for the use of Pueblo of San Ildefonso and approximately 100 acres to the County of Los Alamos consistent with the direction of section 632 of Public Law 105–119.

Funding of \$7,000,000 for the Savannah River Ecology Laboratory is included in the Office of Science in fiscal year 2003.

Funding of \$8,800,000 is transferred from operating expenses at the Savannah River Site to a new construction project, Project 03–D–414, Preliminary Project Engineering and Design, to initiate design activities for the salt waste processing facility and an additional glass waste storage building.

*Post 2006 completion.*—The conference agreement provides total funding of \$3,322,367,000 for post 2006 completion. The conference agreement provides additional funding to accelerate cleanup at the following sites: \$176,000,000 for the Savannah River Site in South Carolina; \$54,000,000 to accelerate remediation, waste management, and nuclear materials stewardship activities at Los Alamos National Laboratory; \$40,000,000 to accelerate cleanup at the Oak Ridge Reservation in Tennessee; \$33,000,000 to accelerate cleanup at the Nevada Test Site; \$22,000,000 to accelerate cleanup activities at the Lawrence Livermore National Laboratory; and \$2,000,000 to accelerate cleanup activities in Alaska.

Additional funding of \$105,000,000 is provided for the Idaho site. From within these funds, \$2,000,000 is for the national spent nuclear fuel program; \$4,000,000 is for the Subsurface Science Research Institute operated by the Inland Northwest Research Alliance and the INEEL; and the Department is directed to pay its Title V air permitting fees at the INEEL consistent with prior year levels.

The conferees are aware that the district court has ordered the parties to enter into mediation to resolve the Pit 9 issue at Idaho. The conferees commend that initiative and encourage the pursuit of action to avert continued costly and protracted litigation. The conferees expect the Department to participate directly in that mediation, not through the contractor. If mediation is not successful, the conferees expect the Department to initiate and participate in arbitration to resolve this dispute.

Additional funding of \$63,000,000 is provided for the Hanford site in Richland, Washington, to accelerate cleanup of the River Corridor and tank waste management activities. From within available funds, \$600,000 is provided for State of Oregon oversight activities, and funding at the fiscal year 2002 level is provided for the Hazardous Materials Management and Emergency Response (HAMMER) training and education center. The conferees understand that the HAMMER facility will seek another source of funding and be moved from the environmental management program after fiscal year 2003. The Department is expected to continue making PILT payments at last year's level to counties that have the Hanford reservation within their boundaries.

Additional funding of \$20,000,000 is provided to the Carlsbad field office. This includes \$14,000,000 to accelerate shipping and disposing of transuranic waste throughout the complex; \$3,500,000 to be made available to the Carlsbad community for educational support, infrastructure improvements, and related initiatives to address the impacts of accelerated operations; and \$2,500,000 to continue the U.S.-Mexico Border Health Commission/Materials Corridor Partnership Initiative.

From within available funds, \$36,732,000 has been transferred to the safeguards and security program to offset increased security costs in fiscal year 2003.

*Office of River Protection.*—The conference agreement provides \$1,126,988,000, an increase of \$229,000,000 over the budget request, for the Office of River Protection at the Hanford site in Washington. Funding of \$619,000,000 has been provided for Project 01-D-416, the Hanford Waste Treatment Plant, to vitrify the high-level waste in underground tanks.

*Uranium enrichment decontamination and decommissioning (UED&D) fund.*—The conference agreement includes the budget request of \$442,000,000 for the Federal government's contribution to the UED&D fund.

*Science and technology development.*—The conference agreement provides \$118,175,000 for the science and technology development program. The conference agreement includes \$4,000,000 to continue the international agreement with AEA Technology; \$7,000,000 for the Department's current five-year cooperative agreement with the Florida International University's Hemispheric Center for Environmental Technology; \$750,000 for the Mid-Atlantic Recycling Center for End-of-Life Electronics project; \$5,000,000 for the Diagnostic Instrumentation and Analysis Laboratory; \$2,000,000 to continue micro-sensing technology development and prototype deployment of remote monitoring systems for the underground test area; \$2,175,000 for the university robotics research program; \$12,000,000 for research and development at Idaho on environmental technologies; and \$1,000,000 for basic science experiments at the Waste Isolation Pilot Plant. The Department is directed to continue its ongoing cooperative agreements with the University of Nevada-Las Vegas and the University of Nevada-Reno on terms consistent with recent years. The conferees urge the Department to consider continued evaluation, development and demonstration of the Advanced Vitrification System.

The Office of Environmental Management is directed to report to the House and Senate Committees on Appropriations as soon as information is available on the projects and activities which are to be performed with funding provided in fiscal year 2003 to the Florida International University, AEA Technology, the Mid-Atlantic Recycling Center for End-of-Life Electronics project, the Diagnostic Instrumentation and Analysis Laboratory, the micro-sensing technology development and prototype deployment of remote monitoring systems for the underground test area, the university robotics research program, the Western Environmental Technology Office, and the National Energy Technology Laboratory. The Department should work with the Committees on the detail and format for this report.

*Excess facilities.*—The conference agreement includes \$5,000,000, an increase of \$3,700,000 over the budget request, for excess facilities. These funds are to be used to initiate decontamination and decommissioning of excess facilities owned by the environmental management program.

*Multi-site activities.*—The conference agreement includes \$64,352,000, a decrease of \$415,519,000 from the budget request, for multi-site activities. Funding of \$442,000,000 for the uranium enrichment decontamination and decommissioning fund is transferred to a separate program; \$1,000,000 is provided for packaging and certification activities; and \$8,481,000 is provided for the hazardous waste worker training program. The conferees expect the Department to continue its support for a variety of small programs identified in the Senate explanatory statement.

Funding of \$17,000,000 is provided for the National Energy Technology Laboratory (NETL) in West Virginia, including \$5,000,000 for the Western Environmental Technology Office. The Department is establishing an Office of Legacy Management that will gain responsibility for the long-term stewardship program now managed by the Office of Environmental Management. The conferees expect the Department to use the NETL to begin preparatory actions to ensure a smooth and effective transition of people, records, and programs including the responsibility for long-term stewardship of records dealing with physical and human issues at current sites as well as from the closure of the Ohio and Rocky Flats cleanup sites. The enormous records management requirements at closure sites will require solicitation and management of contracts to assess both the current status of environmental management records as well as performing an evaluation of best practices. A critical examination of the numerous complex issues of annuitant benefit continuity for retirees/annuitants at closure sites will also be required. Preparatory work in fiscal year 2003 will ensure a smooth transition of these responsibilities to the Office of Legacy Management and provide the Department with an assessment of its needs to provide potential bidders with sufficient data to successfully compete on the forthcoming contracts to institute long-term stewardship of environmental management records and contractor continuity of benefits.

*Safeguards and security.*—The conference agreement includes \$268,607,000, an increase of \$40,347,000 over the budget request, for safeguards and security activities at laboratories and facilities

managed by the Office of Environmental Management. Safeguards and security costs at several cleanup facilities have increased significantly since the fiscal year 2003 budget request was submitted.

*Program direction.*—The conferees have provided \$344,000,000, the same as the budget request, for the program direction account.

*Funding adjustments.*—The conference agreement includes reduction of \$80,924,000 due to funding constraints. A security charge for reimbursable work of \$4,347,000, the same as the budget request, is included.

#### ENVIRONMENTAL MANAGEMENT CLEANUP REFORM

The conference agreement does not provide funding for accelerated cleanup activities in this separate appropriation account as proposed by the Administration. Funds for accelerated cleanup have been allocated among the existing appropriation accounts.

#### DEFENSE FACILITIES CLOSURE PROJECTS

The conference agreement provides \$1,138,314,000 instead of \$1,091,314,000 as proposed by the House and \$1,125,314,000 as proposed by the Senate. The budget request of \$664,000,000 is provided for the Rocky Flats site in Colorado. Additional funding to accelerate cleanup is provided for the following projects: \$25,000,000 for Fernald, Ohio; \$4,000,000 for the Mound site in Ohio; and \$5,000,000 for the Columbus environmental management project in Ohio. The conferees expect the Department to request adequate funds to keep each of these projects on schedule for closure by 2006 or earlier.

From within available funds, \$5,500,000 has been transferred to the safeguards and security program to offset increased security costs in fiscal year 2003.

Funding of \$55,651,000, an increase of \$18,500,000 over the budget request, is provided for safeguards and security. Any savings resulting from safeguards and security costs are to be retained and used for cleanup activities at the closure sites.

#### DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

The conference agreement provides \$158,399,000, the same as the budget request, for the defense environmental management privatization program.

#### OTHER DEFENSE ACTIVITIES

The conference agreement provides \$546,554,000 for Other Defense Activities instead of \$485,076,000 as proposed by the House and \$537,664,000 as proposed by the Senate. Details of the conference agreement are provided below.

#### ENERGY SECURITY AND ASSURANCE

The conference agreement provides \$56,686,000 for the energy security and assurance program. Funding of \$27,500,000 is provided for the National Infrastructure Simulation and Analysis Center (NISAC) in New Mexico, and \$16,000,000 to the National Energy Technology Laboratory in West Virginia to assist the energy assurance office, as proposed by the Senate. The conference agree-

ment includes \$2,000,000 for a pilot project in Washington, DC, to be carried out in conjunction with the local power provider and administered by the Washington Metropolitan Council of Governments to protect and harden electricity infrastructure in the Nation's Capital, an area uniquely susceptible to terrorist attack. The conference agreement also includes \$3,000,000 to establish the Idaho Critical Infrastructure Testbed at the Idaho National Environmental and Engineering Laboratory.

#### OFFICE OF SECURITY

The conference agreement provides \$185,515,000, the same as the budget request, for the office of security.

The conference agreement provides total safeguards and security funding of \$1,267,791,000 for safeguards and security activities at the Department of Energy. In addition to the funding provided for the office of security, the conference agreement provides \$30,000,000 for security and safeguards activities performed by the Department's chief information officer and \$1,052,276,000 for safeguards and security activities at the Department's field offices and facilities.

#### INTELLIGENCE

The conference agreement includes \$41,246,000, the same as the budget request, for the Department's intelligence program.

#### COUNTERINTELLIGENCE

The conference agreement includes \$45,955,000, the same as the budget request, for the Department's counterintelligence program.

#### INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE

The conference agreement provides \$22,430,000, the same as the budget request, for the independent oversight and performance assurance program.

#### ENVIRONMENT, SAFETY AND HEALTH (DEFENSE)

The conference agreement provides \$103,850,000 for defense-related environment, safety and health activities including \$48,160,000 for health effects studies and \$13,500,000 for the Radiation Effects Research Foundation, the same as the budget request. The conferees have provided \$3,550,000 for medical monitoring at the gaseous diffusion plants and \$5,000,000 to continue a program at the University of Nevada-Las Vegas for Department-wide management of electronic records. From within available funds, the Department is directed to complete the health studies at the Iowa Army Ammunition Plant and initiate a beryllium screening and outreach program for workers employed at vendors in the Worcester, Massachusetts, area who supplied beryllium to the Atomic Energy Commission.

The General Accounting Office (GAO) is directed to conduct a study on the effectiveness of the benefit program under Subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 in assisting the Department of Energy contractor

employees in obtaining compensation for occupational illness. Not later than 120 days after the date of enactment of this Act, the GAO shall submit a report to the House and Senate Committees on Appropriations, the Senate Energy and Natural Resources Committee, and the House Energy and Commerce Committee on the results of this study. The conferees direct the GAO not to displace any other requests by the House and Senate Committees on Appropriations.

The conference agreement includes \$17,149,000 for program direction, the same as the budget request.

#### WORKER AND COMMUNITY TRANSITION

The conference agreement provides \$21,183,000 for the worker and community transition program instead of \$19,683,000 as proposed by the House and \$25,683,000 as proposed by the Senate. The conference agreement includes a total of \$3,500,000, an increase of \$1,500,000 over the budget request, for workforce restructuring at the Paducah, Kentucky, gaseous diffusion plant. Funding of \$2,000,000 has been provided for infrastructure improvements at the former Pinellas weapons plant as proposed by the House.

The conference agreement does not provide any guidance on the proposed final rule implementing Part D of the Energy Employees Occupational Illness Compensation Program.

No funds may be used to augment the \$21,183,000 made available for obligation for severance payments and other benefits and community assistance grants unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

#### NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT

The conference agreement provides \$87,468,000 for national security programs administrative support instead of \$30,587,000 as proposed by the House and \$50,587,000 as proposed by the Senate. Included within this amount is \$21,800,000 for the national security portion of the cybersecurity and communications initiative and the corporate management improvement program that are fully funded in the Departmental Administration account.

#### OFFICE OF HEARINGS AND APPEALS

The conference agreement provides \$2,933,000 for the Office of Hearings and Appeals, the same as the budget request.

#### FUNDING ADJUSTMENTS

Funding adjustments include a security charge for reimbursable work of \$712,000 and a reduction of \$20,000,000 to be applied to those programs that have balances carried over from prior fiscal years and lower priority program activities.

#### DEFENSE NUCLEAR WASTE DISPOSAL

The conference agreement provides \$315,000,000 for the defense contribution to the nuclear waste repository program as proposed by the House instead of \$280,000,000 as proposed by the Senate.

## POWER MARKETING ADMINISTRATIONS

## BONNEVILLE POWER ADMINISTRATION

The conference agreement provides \$700,000,000 of new borrowing authority to the Bonneville Power Administration as proposed by the Senate. The bill language is included in Division N of the conference report. The conferees direct the Bonneville Power Administration to submit a detailed budget justification, by project, for its total capital improvement program to the House and Senate Committees on Appropriations not later than March 30, 2003, and to be submitted thereafter as part of the annual budget request, for approval by the House and Senate Committees on Appropriations.

No new direct loan obligations may be made during fiscal year 2003.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER  
ADMINISTRATION

The conference agreement includes \$4,534,000, the same as the budget request, for the Southeastern Power Administration. The conference agreement provides for the same level of purchase power and wheeling as in fiscal year 2002.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER  
ADMINISTRATION

The conference agreement includes \$27,378,000, the same as the budget request, for the Southwestern Power Administration. The conference agreement provides for the same level of purchase power and wheeling as in fiscal year 2002. The conference agreement also provides Southwestern with the authority to accept an additional \$8,043,000 of non-Federal reimbursable funding to fulfill its obligations under the Southwest Power Pool Open Access Transmission Tariff.

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

The conference agreement provides \$168,858,000 as proposed by the Senate instead of \$162,758,000 as proposed by the House. The conference agreement includes \$6,100,000 for the Utah Mitigation and Conservation Account. The conference agreement also includes language as proposed by the Senate regarding the Belfield-Hettinger transmission line in North Dakota and includes \$4,000,000 to fund high priority portions of the South of Phoenix portion of the Parker-Davis Project transmission system as proposed by the House.

## FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

The conference agreement includes \$2,734,000, the same as the budget request, for the Falcon and Amistad Operating and Maintenance Fund.

## FEDERAL ENERGY REGULATORY COMMISSION

## SALARIES AND EXPENSES

The conference agreement includes \$192,000,000 for the Federal Energy Regulatory Commission (FERC). Revenues for FERC are set at an amount equal to the budget authority, resulting in a net appropriation of \$0.

The conferees are aware that the California Public Utilities Commission (CPUC) has requested several FERC actions in regard to investigating electricity market manipulations. The conferees expect FERC to act diligently upon the CPUC's requests.

The conferees are very concerned about the possible impact on regional electricity prices of FERC's proposed rule for Standard Market Design (SMD). The Secretary of Energy is directed to submit to the House and Senate Committees on Appropriations, the House Energy and Commerce Committee, and the Senate Energy and Natural Resources Committee an independent analysis of the impact of the SMD rule that FERC proposes to finalize. This independent analysis must compare wholesale and retail electricity prices and the impact on the safety and reliability of generation and transmission facilities in the major regions of the country both under existing conditions and under the proposed SMD rule. This analysis must also address the proposed SMD rule's:

- (a) costs and benefits, including its impacts on energy infrastructure development and investor confidence;
- (b) impacts on state utility regulation;
- (c) financial impact on retail customers;
- (d) impact on the reasonableness of electricity prices; and
- (e) impact on the safe, reliable, and secure operation of the Nation's generation and transmission facilities.

The Secretary shall work in consultation with the FERC so that the Secretary's analysis will most accurately address the contents and conclusions of the most current version of the proposed rule. The Secretary shall submit the independent analysis no later than April 30, 2003.

## GENERAL PROVISIONS

## DEPARTMENT OF ENERGY

Sec. 301.—The conference agreement modifies a provision proposed by the House that none of the funds may be used to award a management and operating contract, or a contract for environmental remediation or waste management in excess of \$100,000,000 in annual funding, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures, or the Secretary of Energy grants a waiver to allow for such a deviation.

Within 30 days of formally notifying the incumbent contractor that the Secretary intends to grant such a waiver, the Secretary must submit a report setting forth, in specificity, the substantive reasons why the requirement for competition should be waived.

This language modifies a provision carried in previous Energy and Water Development Appropriations Acts.

Sec. 302.—The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or implement workforce restructuring plans or provide enhanced severance payments and other benefits and community assistance grants for Federal employees of the Department of Energy under section 3161 of the National Defense Authorization Act of Fiscal Year 1993, Public Law 102-484. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 303.—The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to augment the \$21,183,000 made available for obligation for severance payments and other benefits and community assistance grants unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 304.—The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or initiate Requests for Proposals for a program if that program has not been funded by Congress in the current fiscal year. This provision also precludes the Department from initiating activities for new programs which have been proposed in the budget request, but which have not yet been funded by Congress. This provision has been carried in previous Energy and Water Development Appropriations Acts.

#### TRANSFERS OF UNEXPENDED BALANCES

Sec. 305.—The conference agreement includes a provision proposed by the House and Senate that permits the transfer and merger of unexpended balances of prior appropriations with appropriation accounts established in this bill. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 306.—The conference agreement includes a provision proposed by the House prohibiting the Bonneville Power Administration from performing energy efficiency services outside the legally defined Bonneville service territory unless the Administrator certifies in advance that such services are not available from private sector businesses. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 307.—The conference agreement includes a provision proposed by the House establishing certain notice and competition requirements for Department of Energy user facilities. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 308.—The conference agreement includes a provision proposed by the House and Senate allowing the Administrator of the National Nuclear Security Administration to authorize certain nuclear weapons production plants to use not more than 2 percent of available funds for research, development and demonstration activities. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 309.—The conference agreement includes a provision proposed by the House and Senate allowing the Administrator of the National Nuclear Security Administration to authorize the manager of the Nevada Operations Office to use not more than 2 percent of available funds for research, development and demonstration activities necessary for operations and readiness of the Nevada Test Site.

Sec. 310.—The conference agreement includes a provision proposed by the House that would repeal section 310 of Public Law 106–60, the Energy and Water Development Appropriations Act, 2000, which required submission of funding plans from Department of Energy laboratories.

Sec. 311.—The conference agreement includes a provision proposed by the House which would authorize intelligence activities of the Department of Energy for purposes of section 504 of the National Security Act of 1947 until enactment of the Intelligence Authorization Act for fiscal year 2003.

Sec. 312.—The conference agreement includes a provision proposed by the Senate limiting the types of waste that can be disposed of in the Waste Isolation Pilot Plant in New Mexico. None of the funds may be used to dispose of transuranic waste in excess of 20 percent plutonium by weight for the aggregate of any material category. At the Rocky Flats site, this provision includes ash residues; salt residues; wet residues; direct repackage residues; and 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”. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 313.—The conference agreement includes a provision proposed by the Senate providing that 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.—The conference agreement includes a provision proposed by the Senate requiring that upon the request of the licensee for FERC License No. 11393, the Federal Energy Regulatory Commission shall issue an order staying the license.

Sec. 315.—The conference agreement modifies a provision proposed by the Senate providing that none of the funds for Department of Energy environmental management activities may be obligated at a Department of Energy site or laboratory in excess of the current-year level of funding or the fiscal year 2003 budget request, whichever is greater, unless the site or laboratory has entered into a site performance management plan consistent with the intent of the Department’s environmental management acceleration and reform initiative.

Sec. 316.—The conference agreement modifies a provision proposed by the Senate prohibiting the National Nuclear Security Administration (NNSA) from taking any actions adversely affecting employment at its Nevada Operations Office for a period of not less than 365 days. The conference agreement includes a provision allowing the Administrator of the NNSA to seek a waiver from this

requirement. Similar to a reprogramming action, written approval must be received from the Chairmen and Ranking Members of the House and Senate Energy and Water Development Appropriations Subcommittees.

Sec. 317.—The conference agreement includes a provision providing that notwithstanding any other provision of law, the Secretary of Energy shall proceed with planning and analyses for external regulation of the Department's laboratories under the Office of Science.

Provisions not adopted by the conference.—The conference agreement deletes language proposed by the Senate that: requires the General Accounting Office to conduct a study of the effectiveness of the benefit program under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000; requires the General Accounting Office to conduct a study of the cleanup progress at the Paducah Gaseous Diffusion Plant in Paducah, Kentucky; and prohibits the use of funds in this or any other Act to withdraw from availability or otherwise adversely affect the planned expenditure of funds previously made available for Cerro Grande Fire activities.—These requirements are addressed in the statement of the managers.

Language proposed by the Senate allowing the Secretary of Interior to participate in the CALFED Bay-Delta Authority has been modified and moved to Title II.

#### CONFERENCE RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs in title III are contained in the following table.

DEPARTMENT OF ENERGY  
 (AMOUNTS IN THOUSANDS)

	Budget Request	Conference
-----		
ENERGY SUPPLY		
RENEWABLE ENERGY RESOURCES		
Renewable energy technologies		
Biomass/biofuels energy systems.....	86,005	90,000
Geothermal technology development.....	26,500	30,000
Hydrogen research.....	39,881	40,000
Hydropower.....	7,489	5,300
Solar energy.....	87,625	95,000
Wind energy systems.....	44,000	44,000
Total, Renewable energy technologies.....	291,500	304,300
Electric energy systems and storage.....	70,447	85,000
Renewable support and implementation		
Departmental energy management.....	3,000	1,500
International renewable energy program.....	6,500	4,000
Renewable energy production incentive program.....	4,000	5,000
Renewable Indian energy resources.....	8,307	6,000
Renewable program support.....	2,059	5,000
Total, Renewable support and implementation.....	23,866	21,500
National renewable energy laboratory.....	4,200	4,700
Construction		
02-E-001 Project engineering and design, NREL Golden, CO.....	800	800
Total, National renewable energy laboratory.....	5,000	5,500
Program direction.....	16,187	16,000
Subtotal, Renewable Energy Resources.....	407,000	432,300
=====		
Use of prior year balances.....	---	-10,000
TOTAL, RENEWABLE ENERGY RESOURCES.....	407,000	422,300
=====		
NUCLEAR ENERGY		
Radiological facilities management		
Space and defense infrastructure.....	---	28,950
Medical isotopes infrastructure		
Isotope support and production.....	---	25,497
Construction		
99-E-201 Isotope production facility (LANL)...	---	1,721
Subtotal, Isotope support and production.....	---	27,218
Offsetting collections.....	---	-6,400
Subtotal, Medical isotopes infrastructure.....	---	20,818
Total, Radiological facilities management.....	---	49,768
University reactor fuel assistance and support.....	17,500	18,500

DEPARTMENT OF ENERGY  
 (AMOUNTS IN THOUSANDS)

	Budget Request	Conference
-----		
Research and development		
Nuclear energy plant optimization.....	---	5,000
Nuclear energy research initiative.....	25,000	25,000
Nuclear energy technologies.....	46,500	45,000
Total, Research and development.....	71,500	75,000
Fast flux test facility (FFTF).....	36,100	---
Idaho facilities management		
Radiological facilities.....	78,977	---
ANL-West operations.....	---	31,615
Test reactor area landlord.....	---	8,815
Subtotal.....	78,977	40,430
Construction		
99-E-2-1 Isotope production facility (LANL).....	1,721	---
99-E-200 Test reactor area electrical utility upgrade, Idaho National Engineering Lab, ID.....	1,840	1,840
95-E-201 Test reactor area fire and life safety improvements, Idaho National Engineering Lab, ID..	500	500
Subtotal, Construction.....	4,061	2,340
Total, Idaho facilities management.....	83,038	42,770
Advanced fuel cycle initiative.....	18,221	58,211
Program direction.....	23,439	23,439
Subtotal, Nuclear Energy.....	249,798	267,688
=====		
Use of prior year balances.....	---	-6,000
TOTAL, NUCLEAR ENERGY.....	249,798	261,688
=====		
ENVIRONMENT, SAFETY AND HEALTH		
Office of Environment, Safety and Health (non-defense) Program direction.....	10,340 18,871	6,840 15,860
TOTAL, ENVIRONMENT, SAFETY AND HEALTH.....	29,211	22,700
=====		
ENERGY SUPPORT ACTIVITIES		
Technical information management program.....	1,400	---
Program direction.....	6,525	---
TOTAL, ENERGY SUPPORT ACTIVITIES.....	7,925	---
=====		
Subtotal, Energy supply.....	693,934	706,688
=====		
General reduction.....	---	-5,211
=====		
TOTAL, ENERGY SUPPLY.....	693,934	701,477
=====		

DEPARTMENT OF ENERGY  
 (AMOUNTS IN THOUSANDS)

	Budget Request	Conference
-----		
NON-DEFENSE ENVIRONMENTAL MANAGEMENT		
Site closure.....	---	95,000
Site/project completion.....	51,272	57,425
Post 2006 completion.....	112,887	22,688
Fast flux test facility (FFTF).....	---	36,100
Long-term stewardship.....	---	14,180
Excess facilities.....	1,841	1,841
	-----	-----
Subtotal, Non-Defense Environmental Management....	166,000	227,234
	=====	=====
Use of prior year balances.....	---	-12,134
	=====	=====
TOTAL, NON-DEFENSE ENVIRONMENTAL MANAGEMENT.....	166,000	215,100
	=====	=====
URANIUM FACILITIES MAINTENANCE AND REMEDIATION		
Uranium Enrichment Decontamination and Decommissioning Fund		
Decontamination and decommissioning.....	234,523	324,329
Uranium/thorium reimbursement.....	1,000	16,000
	-----	-----
Total, Uranium enrichment D&D fund.....	235,523	340,329
Other Uranium Activities		
Maintenance and pre-existing liabilities.....	146,631	141,210
Use of prior year balances.....	---	-25,000
	=====	=====
TOTAL, URANIUM FACILITIES MAINTENANCE AND REMEDIATION.....	382,154	456,539
	=====	=====
SCIENCE		
High energy physics.....		
Construction	704,897	706,897
98-G-304 Neutrinos at the main injector, Fermilab.....	20,093	20,093
	-----	-----
Total, High energy physics.....	724,990	726,990
Nuclear physics.....	382,370	384,370
Biological and environmental research.....	504,215	530,000
Basic energy sciences		
Research		
Materials sciences and engineering research.....	547,883	551,378
Chemical sciences, geosciences and energy biosciences.....	220,146	221,551
	-----	-----
Subtotal, Research.....	768,029	772,929
Construction		
03-SC-002 Project engineering & design (PED) SLAC.....	6,000	6,000
03-R-312 Center for nanophase materials sciences, ORNL.....	24,000	24,000
03-R-313 Center for Integrated Nanotechnology.....	---	4,500
02-SC-002 Project engineering and design (VL).....	11,000	12,000

DEPARTMENT OF ENERGY  
 (AMOUNTS IN THOUSANDS)

	Budget Request	Conference
99-E-334 Spallation neutron source (ORNL).....	210,571	210,571
Subtotal, Construction.....	251,571	257,071
Total, Basic energy sciences.....	1,019,600	1,030,000
Advanced scientific computing research.....	169,625	172,625
Energy research analyses.....	1,020	---
Science laboratories infrastructure		
Infrastructure support.....	1,020	1,020
Oak Ridge landlord.....	5,079	5,079
Excess facilities disposal.....	5,055	8,000
Construction		
03-SC-001 Science laboratories infrastructure project engineering and design (PED), various loc.	3,355	3,355
MEL-001 Multiprogram energy laboratory infrastructure projects, various locations.....	28,226	28,226
Subtotal, Construction.....	31,581	31,581
Total, Science laboratories infrastructure.....	42,735	45,680
Fusion energy sciences program.....	257,310	250,000
Safeguards and security.....	48,127	48,765
Science workforce development.....	---	5,460
Science program direction		
Field offices.....	70,163	72,403
Headquarters.....	58,224	55,984
Science education.....	5,460	---
Technical information management program.....	---	7,000
Energy research analyses.....	---	1,000
Total, Science program direction.....	133,847	136,387
Subtotal, Science.....	3,283,839	3,330,277
General reduction/use of prior year balances.....	---	-20,000
Less security charge for reimbursable work.....	-4,383	-4,383
TOTAL, SCIENCE.....	3,279,456	3,305,894
NUCLEAR WASTE DISPOSAL		
Repository program.....	212,813	85,000
Program direction.....	62,989	60,000
TOTAL, NUCLEAR WASTE DISPOSAL.....	275,802	145,000
DEPARTMENTAL ADMINISTRATION		
Administrative operations		
Salaries and expenses		
Office of the Secretary.....	4,645	4,300
Board of contract appeals.....	743	743
Chief information officer.....	30,862	29,000
Congressional and intergovernmental affairs.....	4,953	4,500
Economic impact and diversity.....	5,121	5,000

DEPARTMENT OF ENERGY  
(AMOUNTS IN THOUSANDS)

	Budget Request	Conference
General counsel.....	22,813	21,813
Office of Management, Budget and Evaluation.....	106,536	103,000
Policy and international affairs.....	16,840	14,000
Public affairs.....	4,531	3,900
Subtotal, Salaries and expenses.....	197,044	186,256
Program support		
Minority economic impact.....	1,400	1,200
Policy analysis and system studies.....	800	400
Energy security and assurance.....	2,000	1,500
Environmental policy studies.....	1,200	600
Engineering and construction management reviews...	---	5,000
Cybersecurity and secure communications.....	32,027	30,000
Corporate management information program.....	20,420	15,000
Subtotal, Program support.....	57,847	53,700
Total, Administrative operations.....	254,891	239,956
Cost of work for others.....	69,916	69,916
Subtotal, Departmental Administration.....	324,807	309,872
Use of prior year balances and other adjustments.....	---	-15,000
Funding from other defense activities.....	-25,587	-87,468
Total, Departmental administration (gross).....	299,220	207,404
Miscellaneous revenues.....	-137,524	-120,000
TOTAL, DEPARTMENTAL ADMINISTRATION (net).....	161,696	87,404
OFFICE OF INSPECTOR GENERAL		
Office of Inspector General.....	37,671	37,671
TOTAL, OFFICE OF INSPECTOR GENERAL.....	37,671	37,671
ATOMIC ENERGY DEFENSE ACTIVITIES		
NATIONAL NUCLEAR SECURITY ADMINISTRATION		
WEAPONS ACTIVITIES		
Directed stockpile work		
Stockpile research and development.....	467,149	467,149
Stockpile maintenance.....	401,157	401,157
Stockpile evaluation.....	197,184	197,184
Dismantlement/disposal.....	24,378	24,378
Production support.....	137,706	137,706
Field engineering, training and manuals.....	6,893	6,893
Total, Directed stockpile work.....	1,234,467	1,234,467

DEPARTMENT OF ENERGY  
 (AMOUNTS IN THOUSANDS)

	Budget Request	Conference
-----		
Campaigns		
Science campaigns		
Primary certification.....	47,159	47,159
Dynamic materials properties.....	87,594	87,594
Advanced radiography.....	52,925	72,925
Secondary certification and nuclear systems margins.....	47,790	47,790
Subtotal, Science campaigns.....	235,468	255,468
Engineering campaigns		
Enhanced surety.....	37,713	32,000
Weapons system engineering certification.....	27,007	27,007
Nuclear survivability.....	23,394	23,394
Enhanced surveillance.....	77,155	77,155
Advanced design and production technologies.....	74,141	74,141
Subtotal, Engineering campaigns.....	239,410	233,697
Inertial confinement fusion ignition and high yield. Construction	237,748	290,248
96-D-111 National ignition facility, LLNL.....	214,045	214,045
Subtotal, Inertial confinement fusion.....	451,793	504,293
Advanced simulation and computing.....	669,527	649,000
Construction		
01-D-101 Distributed information systems laboratory, SNL, Livermore, CA.....	13,305	13,305
00-D-103, Terascale simulation facility, LLNL, Livermore, CA.....	35,030	35,030
00-D-107 Joint computational engineering laboratory, SNL, Albuquerque, NM.....	7,000	7,000
Subtotal, Construction.....	55,335	55,335
Subtotal, Advanced simulation and computing.....	724,862	704,335
Pit manufacturing and certification.....	194,484	222,000
Readiness campaigns		
Stockpile readiness.....	61,027	61,027
High explosives manufacturing and weapons assembly/disassembly readiness.....	12,093	12,093
Non-nuclear readiness.....	22,398	22,398
Tritium readiness.....	56,134	48,069
Construction		
98-D-125 Tritium extraction facility, SR.....	70,165	70,165
Subtotal, Tritium readiness.....	126,299	118,234
Subtotal, Readiness campaigns.....	221,817	213,752
Total, Campaigns.....	2,067,834	2,133,545
-----		
Readiness in technical base and facilities		
Operations of facilities.....	949,920	1,026,782
Program readiness.....	208,089	219,963
Special projects.....	37,744	49,500

DEPARTMENT OF ENERGY  
 (AMOUNTS IN THOUSANDS)

	Budget Request	Conference
Material recycle and recovery.....	98,816	103,816
Containers.....	17,721	17,721
Storage.....	14,593	14,593
Nuclear weapons incident response.....	91,000	91,000
Subtotal, Readiness in technical base and fac.....	1,417,883	1,523,375
Construction		
03-D-101 Sandia underground reactor facility SURF, SNL, Albuquerque, NM.....	2,000	---
03-D-102 LANL Administration Building (LANL).....	---	12,000
03-D-103 Project engineering and design various locations.....	15,539	11,139
03-D-121 Gas transfer capacity expansion, Kansas City Plant, Kansas City, MO.....	4,000	4,000
03-D-122 Purification facility, Y-12 plant, Oak Ridge, TN.....	20,800	28,184
03-D-123 Special nuclear materials regualification, Pantex plant, Amarillo, TX.....	3,000	6,620
02-D-103 Project engineering and design, various locations.....	27,245	17,306
02-D-105 Engineering technology complex upgrade, LLNL.....	10,000	10,000
02-D-107 Electrical power systems safety communications and bus upgrades, NV.....	7,500	7,500
01-D-103 Project engineering and design (PE&D), various locations.....	6,164	---
01-D-107 Atlas relocation, Nevada test site.....	4,123	4,123
01-D-108 Microsystems and engineering sciences applications complex (MESA), SNL.....	75,000	113,000
01-D-124 HEU materials facility, Y-12 plant, Oak Ridge, TN.....	25,000	25,000
01-D-126 Weapons Evaluation Test Laboratory Pantex Plant, Amarillo, TX.....	8,650	8,650
01-D-800 Sensitive compartmented information facility, LLNL.....	9,611	9,611
99-D-103 Isotope sciences facilities, LLNL, Livermore, CA.....	4,011	4,011
99-D-104 Protection of real property (roof reconstruction-Phase II), LLNL, Livermore, CA.....	5,915	5,915
99-D-127 Stockpile management restructuring initiative, Kansas City plant, Kansas City, MO....	29,900	29,900
99-D-128 Stockpile management restructuring initiative, Pantex consolidation, Amarillo, TX....	407	407
98-D-123 Stockpile management restructuring initiative, Tritium factory modernization and consolidation, Savannah River, SC.....	10,481	10,481

DEPARTMENT OF ENERGY  
(AMOUNTS IN THOUSANDS)

	Budget Request	Conference
96-D-102 Stockpile stewardship facilities revitalization (Phase VI), various locations.....	1,000	1,000
Subtotal, Construction.....	270,346	308,847
Total, Readiness in technical base and facilities.	1,688,229	1,832,222
Facilities and infrastructure recapitalization program	242,512	242,512
Secure transportation asset		
Operations and equipment.....	100,863	100,863
Program direction.....	52,126	52,126
Total, Secure transportation asset.....	152,989	152,989
Safeguards and security.....	501,054	517,354
Construction		
99-D-132 SMRI nuclear material safeguards and security upgrade project (LANL), Los Alamos, NM...	8,900	8,900
Total, Safeguards and security.....	509,954	526,254
Subtotal, Weapons activities.....	5,895,985	6,121,989
Use of prior year balances.....	---	-138,800
Less security charge for reimbursable work.....	-28,985	-28,985
TOTAL, WEAPONS ACTIVITIES.....	5,867,000	5,954,204
DEFENSE NUCLEAR NONPROLIFERATION		
Nonproliferation and verification, R&D.....	283,407	283,407
Nonproliferation and international security.....	92,668	92,668
Nonproliferation programs with Russia		
International materials protection, control, and cooperation.....	233,077	233,077
Accelerated highly enriched uranium (HEU) disposition.....	---	14,000
Russian transition initiative.....	39,334	39,334
HEU transparency implementation.....	17,229	17,229
International nuclear safety.....	14,576	11,576
Elimination of weapons-grade plutonium production program.....	49,339	49,339
Fissile materials disposition		
U.S. surplus materials disposition.....	194,000	198,372
Russian surplus materials disposition.....	98,000	98,000
Construction		
01-D-407 Highly enriched uranium (HEU) blend down, Savannah River, SC.....	30,000	23,628
99-D-141 Pit disassembly and conversion facility Savannah River, SC.....	33,000	35,000

DEPARTMENT OF ENERGY  
 (AMOUNTS IN THOUSANDS)

	Budget Request	Conference
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC.....	93,000	93,000
Subtotal, Construction.....	156,000	151,628
Subtotal, Fissile materials disposition.....	448,000	448,000
Total, Nonproliferation programs with Russia.....	801,555	812,555
Subtotal, Defense nuclear nonproliferation.....	1,177,630	1,188,630
Use of prior year balances.....	-64,000	-75,000
TOTAL, DEFENSE NUCLEAR NONPROLIFERATION.....	1,113,630	1,113,630
NAVAL REACTORS		
Naval reactors development.....	671,290	671,290
Construction		
03-D-201 Cleanroom technology facility, Bettis atomic power lab, West Mifflin, PA.....	7,200	7,200
01-D-200 Major office replacement building, Schenectady, NY.....	2,100	2,100
90-N-102 Expeded core facility dry cell project, Naval Reactors Facility, ID.....	2,000	2,000
Subtotal, Construction.....	11,300	11,300
Total, Naval reactors development.....	682,590	682,590
Program direction.....	24,200	24,200
TOTAL, NAVAL REACTORS.....	706,790	706,790
OFFICE OF THE ADMINISTRATOR		
Office of the Administrator.....	335,929	273,929
Defense nuclear nonproliferation.....	---	57,000
TOTAL, OFFICE OF THE ADMINISTRATOR.....	335,929	330,929
TOTAL, NATIONAL NUCLEAR SECURITY ADMINISTRATION...	8,023,349	8,105,553
DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MGMT.		
Site/project completion		
Operation and maintenance.....	779,706	973,906
Construction		
03-D-414, Preliminary project engineering and design (PE&D), Aiken, SC.....	---	8,800
02-D-402 Intec cathodic protection system expansion project, INEEL, Idaho Falls, ID.....	1,119	1,119
02-D-420 Plutonium packaging and stabilization, Savannah River.....	2,000	2,000

DEPARTMENT OF ENERGY  
(AMOUNTS IN THOUSANDS)

	Budget Request	Conference
01-D-414 Preliminary project, engineering and design (PE&D), various locations.....	5,125	5,125
Subtotal, Construction.....	8,244	17,044
Total, Site/project completion.....	787,950	990,950
Post 2006 completion		
Operation and maintenance.....	1,702,241	2,180,509
Construction		
93-D-187 High-level waste removal from filled waste tanks, Savannah River, SC.....	14,870	14,870
Office of River Protection		
Operation and maintenance.....	226,256	455,256
Construction		
03-D-403 Immobilized high-level waste interim storage facility, Richland, WA.....	6,363	6,363
01-D-416 Hanford waste treatment plant, Richland, WA.....	619,000	619,000
97-D-402 Tank farm restoration and safe operations, Richland, WA.....	25,424	25,424
94-D-407 Initial tank retrieval systems, Richland, WA.....	20,945	20,945
Subtotal, Construction.....	671,732	671,732
Subtotal, Office of River Protection.....	897,988	1,126,988
Total, Post 2006 completion.....	2,615,099	3,322,367
Uranium enrichment D&D fund contribution.....	---	442,000
Science and technology.....	92,000	118,175
Excess facilities.....	1,300	5,000
Multi-site activities.....	479,871	64,352
Safeguards and security.....	228,260	268,607
Program direction.....	344,000	344,000
Subtotal, Defense environmental management.....	4,548,480	5,555,451
Use of prior year balances.....	---	-80,924
Less security charge for reimbursable work.....	-4,347	-4,347
TOTAL, DEFENSE ENVIRON. RESTORATION AND WASTE MGMT	4,544,133	5,470,180
ENVIRONMENTAL MANAGEMENT CLEANUP REFORM		
Environmental management cleanup reform.....	1,100,000	---
DEFENSE FACILITIES CLOSURE PROJECTS		
Site closure.....	1,054,153	1,082,653
Safeguards and security.....	37,161	55,661
TOTAL, DEFENSE FACILITIES CLOSURE PROJECTS.....	1,091,314	1,138,314

DEPARTMENT OF ENERGY  
(AMOUNTS IN THOUSANDS)

	Budget Request	Conference
-----		
DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION		
Privatization initiatives, various locations.....	158,399	158,399
TOTAL, DEFENSE ENVIRONMENTAL MGMT. PRIVATIZATION..	158,399	158,399
	=====	=====
TOTAL, DEFENSE ENVIRONMENTAL MANAGEMENT.....	6,893,846	6,766,893
	=====	=====
OTHER DEFENSE ACTIVITIES		
Other national security programs		
Energy security and assurance		
Energy security.....	23,411	52,411
Program direction.....	4,275	4,275
Subtotal, Energy security and assurance.....	27,686	56,686
Office of Security		
Nuclear safeguards and security.....	91,102	91,102
Security investigations.....	45,870	45,870
Program direction.....	48,543	48,543
Subtotal, Office of Security.....	185,515	185,515
Intelligence.....	41,246	41,246
Counterintelligence.....	45,955	45,955
Independent oversight and performance assurance.....	22,430	22,430
Environment, safety and health (Defense).....	81,892	86,701
Program direction - EH.....	17,149	17,149
Subtotal, Environment, safety & health (Defense)	99,041	103,850
Worker and community transition.....	22,965	19,183
Program direction - WT.....	2,718	2,000
Subtotal, Worker and community transition.....	25,683	21,183
National Security programs administrative support...	25,587	87,468
Office of hearings and appeals.....	2,933	2,933
Subtotal, Other defense activities.....	476,076	567,266
Use of prior year balances.....	-6,700	-20,000
Less security charge for reimbursable work.....	-712	-712
	=====	=====
TOTAL, OTHER DEFENSE ACTIVITIES.....	468,664	546,554
	=====	=====
DEFENSE NUCLEAR WASTE DISPOSAL		
Defense nuclear waste disposal.....	315,000	315,000
	=====	=====
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES.....	15,700,859	15,734,000
	=====	=====

DEPARTMENT OF ENERGY  
(AMOUNTS IN THOUSANDS)

	Budget Request	Conference
-----		
POWER MARKETING ADMINISTRATIONS		
SOUTHEASTERN POWER ADMINISTRATION		
Operation and maintenance		
Purchase power and wheeling.....	20,000	34,463
Program direction.....	4,606	4,606
Subtotal, Operation and maintenance.....	24,606	39,069
Offsetting collections.....	---	-14,463
Offsetting collections (P.L. 106-377).....	-20,000	-20,000
Use of prior year balances.....	-72	-72
TOTAL, SOUTHEASTERN POWER ADMINISTRATION.....	4,534	4,534
=====		
SOUTHWESTERN POWER ADMINISTRATION		
Operation and maintenance		
Operating expenses.....	3,814	3,814
Purchase power and wheeling.....	288	1,800
Program direction.....	17,933	17,933
Construction.....	6,031	6,031
Subtotal, Operation and maintenance.....	28,066	29,578
Offsetting collections.....	---	-1,512
Offsetting collections (P.L. 106-377).....	-288	-288
Use of prior year balances.....	-400	-400
TOTAL, SOUTHWESTERN POWER ADMINISTRATION.....	27,378	27,378
=====		
WESTERN AREA POWER ADMINISTRATION		
Operation and maintenance		
Construction and rehabilitation.....	17,784	17,784
System operation and maintenance.....	37,796	37,796
Purchase power and wheeling.....	30,000	186,124
Program direction.....	108,378	108,378
Utah mitigation and conservation.....	---	6,100
Subtotal, Operation and maintenance.....	193,958	356,182
Offsetting collections.....	---	-156,124
Offsetting collections (P.L. 106-377).....	-30,000	-30,000
Use of prior year balances.....	-1,200	-1,200
TOTAL, WESTERN AREA POWER ADMINISTRATION.....	162,758	168,858
=====		
FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND		
Operation and maintenance.....	2,734	2,734
TOTAL, POWER MARKETING ADMINISTRATIONS.....	197,404	203,504
=====		
FEDERAL ENERGY REGULATORY COMMISSION		
Federal energy regulatory commission.....	192,000	192,000
FERC revenues.....	-192,000	-192,000
GRAND TOTAL, DEPARTMENT OF ENERGY.....	20,894,976	20,886,589
=====		

curity expenses, but applies the fee recovery requirement to this increment of funding.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$6,800,000 as proposed by the House and Senate, to be offset by revenues of \$6,392,000, for a net appropriation of \$408,000. This reflects the statutory language adopted by the conference in fiscal year 2001 to reduce the fee recovery requirement to 94 percent in fiscal year 2003.

### NUCLEAR WASTE TECHNICAL REVIEW BOARD

#### SALARIES AND EXPENSES

The conference agreement provides \$3,200,000, the same as the budget request.

## TITLE V

### GENERAL PROVISIONS

Sec. 501.—The conference agreement includes language directing that none of the funds in this Act or any prior appropriations 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 section 1913 of title 18, United States Code. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 502.—The conference agreement includes language regarding the purchase of American-made equipment and products, and prohibiting contracts with persons falsely labeling products as made in America. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 503.—The conference agreement includes language proposed by the House providing that 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 transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

Sec. 504.—The conference agreement includes language proposed by the Senate that extends the existing authority for the Denali Commission until 2008.

Sec. 505.—The conference agreement includes language proposed by the Senate that amends section 503 of the Energy and Water Development Appropriations Act, 2002, by extending the prohibition of oil and gas drilling in the Great Lakes until 2005.

Sec. 506.—The conference agreement includes a provision clarifying that the Department of Energy's discretionary indemnification authority will protect communities, lenders, and subsequent owners of former Department of Energy property to the same extent that communities impacted by base closures are protected.

Sec. 507.—The conference agreement includes a provision directing the Director of the Office of Management and Budget to transmit to Congress by April 1, 2003, a cross-cut budget displaying, by fiscal year, all CALFED Bay-Delta Program related ex-

penditures by the Federal government for fiscal years 1996 through 2004.

Provisions not adopted.—The conference agreement deletes language proposed by the House prohibiting obligation of funds by the Federal Energy Regulatory Commission to grant any public utility the authority to use market-based rates until the Commission has issued a final order in all market-based rate cases that have been pending before the Commission for more than 18 months.

#### CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2003 recommended by the Committee of Conference, with comparisons to the fiscal year 2002 amount, the 2003 budget estimates, and the House and Senate bills for 2003 follow:

[In thousands of dollars]	
New budget (obligational) authority, fiscal year 2002 .....	\$25,795,359
Budget estimates for new (obligational) authority, fiscal year 2003 .....	26,163,457
House bill, fiscal year 2003 .....	26,541,000
Senate bill, fiscal year 2003 .....	26,649,991
Conference agreement, fiscal year 2003 .....	26,678,000
Conference agreement compared with: .....	
New budget (obligational) authority, fiscal year 2002 .....	+882,641
Budget estimates of new (obligational) authority, fiscal year 2003 .....	+514,543
House bill, fiscal year 2003 .....	+137,000
Senate bill, fiscal year 2003 .....	+28,009

#### DIVISION E

#### FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 2003

In determining Congressional intent for the obligation and programming of funds for fiscal year 2003, the appropriate departments and agencies funded under this Act shall rely on House Report 107-663, the Senate report as printed in the Congressional Record of January 15, 2003, and the statement of the managers. Any ambiguity shall be resolved by consulting with the Committees on Appropriations.

#### TITLE I—EXPORT AND INVESTMENT ASSISTANCE

##### EXPORT-IMPORT BANK OF THE UNITED STATES

The conference agreement appropriates \$512,900,000 for the subsidy appropriation for the Export-Import Bank.

The managers are aware of an inter-agency agreement among the Departments of State and Defense, the Export-Import Bank, and USAID that establishes reporting procedures regarding compliance with section 512 of the Act, the so-called Brooke amendment, and section 620(q) of the Foreign Assistance Act. The procedures provide a mechanism to share information among those agencies regarding countries that are either in arrears on loan repayments owed the United States or which may soon become in arrears. Since the provision of foreign assistance to countries in arrears is

## DIVISION F

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES  
APPROPRIATIONS

The conference agreement on the Interior and Related Agencies Appropriations Act, 2003, incorporates some of the provisions of H.R. 5093 as passed by the House of Representatives on July 18, 2002, and the Senate version of H.J. Res. 2 (Division F and Division N) as passed by the Senate on January 23, 2003. Report language and allocations set forth in either House Report 107-564 or the Senate report language published in the Congressional Record of January 15, 2003, that are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

No funds in this Act are derived from the Conservation Spending Category established in the Department of the Interior and Related Agencies Appropriations Act, 2001. However, the programs previously funded under this category are, for the most part, continued in fiscal year 2003.

## TITLE I—DEPARTMENT OF THE INTERIOR

## BUREAU OF LAND MANAGEMENT

## MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides \$825,712,000 for management of lands and resources instead of \$826,932,000 as proposed by the House and \$816,062,000 as proposed by the Senate.

Increases above the House for land resources include \$1,000,000 for noxious weeds for the Montana State University weed program, \$500,000 for Idaho weed control, and a decrease of \$500,000 for range monitoring.

There is a decrease below the House for wildlife and fisheries of \$500,000 for fisheries management.

There is a decrease below the House for threatened and endangered species of \$87,000 for travel.

Increases above the House for recreation management include \$1,000,000 for Missouri River undaunted stewardship, \$400,000 for Colorado Canyons, and decreases of \$250,000 for recreation access, and \$302,000 for conversion of certain lands to fee sites.

The managers do not concur with the House proposal concerning funding for the energy and minerals program. Funding for this program shall be at the level proposed for activities in the request but with the following modifications. An increase of \$750,000 for permitting of geothermal energy applications and wind energy rights-of-way in Nevada, \$1,000,000 for applications for permits to drill, principally in the Powder River Basin, and \$272,000 for the Alaska minerals program.

Increases above the House for realty and ownership management include \$2,000,000 for Alaska conveyance, \$1,100,000 for the cadastral survey program, of which \$750,000 is for continuation of the public lands database in AK, \$350,000 is for the State of Utah

comparable land within the 8.5 Square Mile Area. The language also clarifies that this provision is not intended in any way to stop the alternative 6D project from moving forward. This issue is addressed in greater detail under National Park Service land acquisition.

Section 158—The conference agreement includes language prohibiting the study or implementation of a plan to drain Lake Powell.

Section 159—The conference agreement includes language raising the ceiling for fees by the National Indian Gaming Commission from \$8,000,000 to \$12,000,000 in fiscal year 2004.

Section 160—The conference agreement includes language establishing, as a unit of Chickamauga and Chattanooga National Memorial Park, the Moccasin Bend National Archaeological District.

Section 161—The conference agreement includes language authorizing a transfer of 1.7 acres of excess lands to the Lower Elwha Klallam Tribe.

TITLE II—RELATED AGENCIES  
DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
FOREST AND RANGELAND RESEARCH

The conference agreement provides \$251,685,000 for forest and rangeland research instead of \$252,000,000 as proposed by the House and \$247,804,000 as proposed by the Senate. Changes to project funding from the House bill include: an increase of \$2,000,000 for Forest Inventory and Analysis (FIA), a decrease of \$850,000 for the advanced housing research consortium, a reduction of \$500,000 for adelgid and insect research in the east, an increase of \$1,500,000 for sudden oak death research, an increase of \$500,000 for the global climate change program, a decrease of \$4,165,000 for fixed costs, an increase of \$500,000 for invasive species research, \$500,000 for the Joe Skeen Institute for Rangeland Restoration, and an increase of \$200,000 for Baltimore, MD, urban watershed research.

The managers agree to the following more specific direction for the above items:

1. The managers provide \$500,000 for the development of carbon sequestration rules and protocols as part of the Climate Change Initiative.

2. The managers direct \$500,000 for expanded research in the control and management of pests and pathogens, including hemlock woolly adelgid, to the forest science laboratory at Morgantown, West Virginia. The managers expect these funds to address high priority work throughout the northeast.

3. The managers provide \$200,000 to the Northeastern Research Station for high priority research associated with the Urban Watershed Forestry Research and Demonstration Cooperative in Baltimore, Maryland, as part of the program direction for Revitalizing Baltimore and the Baltimore Ecosystem Study.

the transfer of up to \$15,000,000 to reimburse the Departments of the Interior and Commerce for endangered species act activities.

## DEPARTMENT OF ENERGY

The managers have not agreed to the budget amendment, which would fund a new National Climate Change Technology Initiative at the expense of important, ongoing research in other areas. The House and Senate Committees on Appropriations will consider a reprogramming request for this new program should one be submitted and contain acceptable offsets.

### CLEAN COAL TECHNOLOGY

(DEFERRAL)

The conference agreement provides for the deferral of \$87,000,000 in previously appropriated funds for the clean coal technology program instead of \$50,000,000 as proposed by the House and \$70,000,000 as proposed by the Senate. These funds will become available on October 1, 2003, to complete the remaining projects in this program.

The managers agree that up to \$15 million in prior year funds may be used for administration of the clean coal technology program in fiscal year 2003.

### FOSSIL ENERGY RESEARCH AND DEVELOPMENT

The conference agreement provides \$624,900,000 for fossil energy research and development instead of \$664,205,000 as proposed by the House and \$625,665,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In central systems, there is a decrease of \$3,000,000 in innovations for existing plants for mercury research and, in advanced systems, there are decreases of \$4,500,000 for the integrated gasification combined cycle program and \$1,700,000 for pressurized fluidized bed systems.

In distributed generation systems/fuel cells, there is an increase of \$500,000 in advanced research for the electrochemical engineering program at Montana State University and decreases of \$6,500,000 in innovative concepts for the solid state energy conversion alliance and \$975,000 in novel generation for ramjet technology.

There is a decrease of \$1,800,000 for carbon sequestration research and development.

In solid fuels and feedstocks, there is a \$1,000,000 increase for the consortium for premium carbon products from coal and a \$1,000,000 decrease for the testing of byproducts from coal-derived jet fuels. In advanced fuels research, there are increases of \$500,000 for the C-1 chemistry program and \$1,300,000 for the carbon products program and a decrease of \$2,000,000 in advanced concepts for research on sulphur tolerant catalysts and cleanup technology for coal use in fuel cells.

In advanced research, there is an increase of \$1,000,000 in coal utilization science for the Arctic Energy Office and decreases of

\$1,000,000 for university coal research and \$500,000 for HBCU education and training.

In natural gas exploration and production, there is an increase of \$3,000,000 for the Arctic Energy Office of which \$2,000,000 is for Alaska gas pipeline research and \$1,000,000 is for other research. For advanced drilling, completion, and stimulation, there is an increase of \$1,500,000 for the Deep Trek program and a general reduction of \$2,200,000. There is also a reduction of \$1,000,000 for the National laboratory/industry partnership.

Other changes in natural gas technologies include an increase in emerging processing technology of \$80,000 to complete the coal mine methane program and decreases of \$1,300,000 for the gas hydrates program and \$950,000 for the natural gas infrastructure program.

In oil exploration and production, there is an increase of \$1,500,000 for the Arctic Energy Office of which \$500,000 is for oxygen transport membrane research and \$1,000,000 is for other research, and decreases of \$1,000,000 for the National laboratory/industry partnership, \$500,000 for fundamental research/PRIME, and a general reduction of \$7,000,000.

Other changes in oil technology research include decreases in reservoir life extension of \$4,000,000 for reservoir practices and technology transfer and \$1,000,000 for preferred upstream management practices, and a decrease of \$600,000 for effective environmental protection.

In cooperative research and development, there is an increase of \$240,000.

There is a decrease of \$920,000 for headquarters program direction and an increase of \$1,020,000 for energy technology center program direction. In general plant projects, there is a decrease of \$7,000,000 for renovations at the National Energy Technology Laboratory.

Finally, there is a decrease of \$500,000, for a National Academy of Sciences review of programs, which leaves \$500,000 in the budget for this purpose.

The managers agree to the following:

1. In the mercury research area, the Department should consider research on mercury emissions reductions from lignite-fired power plants if a competitive proposal is submitted and ranks among the high priority project proposals.

2. In the central systems, advanced systems program, the Department should continue the ITM oxygen project to the extent possible within available funds.

3. Within the funds provided for fuel cell systems, \$3,000,000 is for the molten carbonate fuel cell hybrid program.

4. The \$7,000,000 increase in transportation fuels and chemicals, provided by both the House and the Senate, is for the ultra clean fuels program.

5. In natural gas technologies, within the \$2,000,000 provided for Alaska gas pipeline research at the Arctic Energy Office, \$500,000 is to be used for a study of a pipeline spur from Anchorage to Fairbanks.

6. The increase above the budget request for energy technology center program direction should be applied as necessary to cover

the cost of in-house personnel and contract services at the National Energy Technology Laboratory.

The conference agreement includes bill language earmarking \$4,000,000 for infrastructure upgrades at the National Energy Technology Laboratory as proposed by the Senate instead of \$11,000,000 as proposed by the House.

#### NAVAL PETROLEUM AND OIL SHALE RESERVES

The conference agreement provides \$17,831,000 for the naval petroleum and oil shale reserves instead of \$20,831,000 as proposed by both the House and the Senate.

#### ELK HILLS SCHOOL LANDS FUND

The conference agreement provides \$36,000,000 to become available on October 1, 2003, for the Elk Hills school lands fund as proposed by both the House and the Senate.

#### ENERGY CONSERVATION

The conference agreement provides \$897,603,000 for energy conservation instead of \$984,653,000 as proposed by the House and \$884,293,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In building research and standards there are decreases of \$1,000,000 for residential buildings integration and \$500,000 for commercial buildings integration. For equipment materials and tools, there are increases of \$3,000,000 for the next generation lighting initiative, \$500,000 for lighting and appliance standards, and \$500,000 for windows research and decreases of \$1,500,000 for electrochromics research in the windows program and \$500,000 for the National Fenestration Rating Council database.

In building technology assistance there are decreases of \$25,000,000 for the weatherization assistance program, \$5,000,000 for State energy conservation grants, \$1,000,000 for community partnerships and \$2,000,000 for Energy Star.

Funding for the cooperative programs with the States (\$2,000,000) and the energy efficiency science initiative (\$4,000,000) has been eliminated in each of the buildings, industry, and transportation areas and funded at lower amounts at the end of energy conservation account.

There are also decreases of \$700,000 for management and planning/program direction in the buildings and technology assistance program and \$1,000,000 for the Federal Energy Management Program.

In industries of the future/specific, there are decreases of \$3,000,000 for petroleum refining, \$2,000,000 for bio-based products consortia in the agriculture program, and \$500,000 for the mining program.

In industries of the future/crosscutting there is an increase of \$1,000,000 for bio-based products consortia and decreases of \$4,000,000 for industrial gasification in the combustion systems program, \$2,000,000 for robotics in the sensors and controls program, \$1,000,000 for best practices in the technical assistance program, \$1,000,000 for industrial assessment centers, \$500,000 for

inventions and innovations, and \$1,000,000 for technical and program management support.

Funding for the cooperative programs with the States (\$2,000,000) and the energy efficiency science initiative (\$4,000,000) has been eliminated in each of the buildings, industry, and transportation areas and funded at lower amounts at the end of the energy conservation account.

There is also a decrease of \$1,500,000 in management and planning for program direction in the industry sector programs.

In distributed generation technologies, there is an increase of \$500,000 for the turbines program and decreases of \$4,000,000 for microturbines, \$1,000,000 for reciprocating engines, \$2,000,000 for power electronics in the advanced materials and sensors program, \$250,000 for oil heat research in the fuel flexibility program, and \$2,000,000 for applications integration. There are also decreases in management and planning of \$200,000 for evaluation and planning and \$100,000 for program direction.

In vehicle technologies research, there is a decrease of \$4,000,000 for heavy vehicle propulsion in the hybrid program. In fuel cell programs decreases include \$1,400,000 for fuel cell systems, \$2,000,000 for stack subsystem components of which \$1,000,000 is for platinum substitutes and \$1,000,000 is a general decrease, and \$600,000 for fuel processor storage. In advanced combustion engine research, there are decreases of \$1,000,000 for light truck engines and \$500,000 for heavy truck engines. For off-highway engine research, there is a \$3,000,000 general increase and a decrease of \$4,500,000 for specific programs mentioned in the House report. There are also decreases of \$3,500,000 for heavy vehicle systems optimization and \$1,000,000 for advanced battery development.

Other changes in the transportation area are as follows. There is a decrease of \$2,000,000 for fuels utilization. In the materials program, there is an increase of \$500,000 for automotive propulsion materials and a decrease of \$2,000,000 for lightweight materials technologies. In technology deployment, there is a decrease of \$500,000 for the Clean Cities program.

Funding for the cooperative programs with the States (\$2,000,000) and the energy efficiency science initiative (\$4,000,000) has been eliminated in each of the buildings, industry, and transportation areas and funded at lower amounts at the end of the energy conservation account.

There is also a decrease of \$300,000 in management and planning for program direction in transportation programs.

In policy and management, there is a decrease of \$1,000,000 for the regional support offices.

There is a decrease of \$500,000 for a National Academy of Sciences review of programs, which leaves \$500,000 in the budget for this purpose.

The conference agreement also includes an increase of \$3,000,000 to restore a general reduction to program administration.

Finally, there are increases of \$3,000,000 for a consolidated cooperative program with the States and \$5,000,000 for the energy efficiency science initiative.

The managers agree to the following:

1. Within the funds provided for the windows program, the Department should consider increasing funds for the National Fenestration Rating Council database.

2. Within the funds provided for off-highway engine research, the Department should consider emissions reduction research, locomotive research, and fuel cell applications for off-road vehicles.

3. The Department recently established a five-year agreement with the National Association of State Energy Officials (NASEO) and the Association of State Energy Research and Technology Transfer Institutions (ASERTI) to implement a State Technologies Advancement Collaborative. The Department, through this collaborative, should use the resources of NASEO and ASERTI to implement the consolidated cooperative program with the States and the consolidated energy efficiency science initiative.

4. As mandated in the fiscal year 2002 Interior Appropriations Act, half of the funds for the energy efficiency science initiative are for fossil energy research.

5. Within available funds, the Department should continue the robotics/repetitive systems project in the Industries of the Future Program.

The conference agreement earmarks \$270,000,000 for energy conservation grant programs as proposed by the Senate instead of \$300,000,000 as proposed by the House. Within the funds provided, \$225,000,000 is further earmarked for weatherization assistance grants as proposed by the Senate instead of \$250,000,000 as proposed by the House and \$45,000,000 is earmarked for State energy conservation grants as proposed by the Senate instead of \$50,000,000 as proposed by the House.

#### ECONOMIC REGULATION

The conference agreement provides \$1,487,000 for economic regulation as proposed by both the House and the Senate.

#### STRATEGIC PETROLEUM RESERVE

The conference agreement provides \$172,856,000 for the strategic petroleum reserve as proposed by the Senate instead of \$175,856,000 as proposed by the House.

#### SPR PETROLEUM ACCOUNT

(INCLUDING RESCISSION)

The conference agreement provides \$7,000,000 for the SPR petroleum account as proposed by both the House and the Senate. The conference agreement also rescinds \$5,000,000 in funds available from previous appropriations.

#### NORTHEAST HOME HEATING OIL RESERVE

The conference agreement provides \$6,000,000 for the northeast home heating oil reserve as proposed by the Senate instead of \$8,000,000 as proposed by the House.

## ENERGY INFORMATION ADMINISTRATION

The conference agreement provides \$80,611,000 for the energy information administration as proposed by the House instead of \$80,111,000 as proposed by the Senate.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## INDIAN HEALTH SERVICE

## INDIAN HEALTH SERVICES

The conference agreement provides \$2,492,115,000 for Indian health services instead of \$2,508,756,000 as proposed by the House and \$2,455,881,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

For hospital and health clinic programs, there are increases of \$230,000 for the Ketchikan Native Corporation and \$4,435,000 to restore administrative reductions proposed in the budget request and decreases of \$6,788,000 for the Indian health care improvement fund, \$1,500,000 for the Lawton, OK hospital, \$500,000 for epidemiological centers, and \$500,000 for the Alaska telemedicine program.

For contract health services, there is a decrease of \$5,000,000. For Indian health professions there is an increase of \$95,000 for the recruitment and retention of American Indians into nursing (RAIN) program at the University of North Dakota and a decrease of \$4,150,000 for recruitment programs. For direct operations, there is an increase of \$4,436,000 to restore administrative reductions proposed in the budget request. For the self-governance program, there is an increase of \$4,500,000. Finally, there is a decrease of \$11,899,000 for annuitant health care payments for Public Health Service personnel.

The managers agree to the following:

1. The direction in the House report should be followed with respect to the distribution of the Indian Health Care Improvement Fund. The Service should report to the House and Senate Committees on Appropriations on the distribution on funds.

2. The increased funding proposed by the House for staffing and operations at the Lawton Hospital in Oklahoma will be phased in over two years. The \$1,500,000 increase provided in fiscal year 2003 should remain in the base budget for fiscal year 2004 and an additional \$1,500,000 should be added in 2004.

3. Unless specifically identified to the contrary, any increases above the fiscal year 2002 level for the direct operations activity shall be used by the Indian Health Service for inherently Federal functions.

4. Payments required as the Service's portion of Departmental initiatives should be included in the budget as uncontrollable funding increases and not applied as across-the-board health program reductions.

5. The Service should carefully review its use of funds under the self-governance activity.

6. Any Departmental efforts to consolidate functions or restructure or realign programs that affect the Indian Health Service must be approved through the reprogramming process by the

## PRESIDIO TRUST

## PRESIDIO TRUST FUND

The conference agreement provides \$21,327,000 for the Presidio Trust Fund as proposed by both the House and the Senate. The Senate receded to the House language directing the Presidio Trust to contract with the National Academy of Public Administration. The scope of work should focus on finance and business practices.

## TITLE III—GENERAL PROVISIONS

The conference agreement includes sections 301 through 306, which were identical in both the House and the Senate bills.

The conference agreement includes the text of the following sections in the House bill, which contained identical text in the Senate bill, but had different section numbers in the Senate bill. The House section numbers were 307, 308, 309, 310, 311, 312, 313, 314, 317, 318, 320, and 328.

Section 314—The conference agreement includes language proposed in section 316 of the Senate bill prohibiting the use of funds for GSA telecommunications centers. This provision was carried last year.

Section 315—The conference agreement includes language proposed in section 310 of the Senate bill, allowing competition for watershed restoration projects through the “Jobs in the Woods” program.

Section 317—The conference agreement includes language proposed in section 315 of the House bill limiting the use of answering machines during core business hours. This provision was carried in previous years. The Senate had no similar provision.

Section 318—The conference agreement includes language proposed in section 319 of the Senate bill concerning the export of western redcedar from national forest system lands in Alaska rather than the similar House section 316.

Section 321—The conference agreement modifies language proposed in section 319 of the House bill, which clarifies how the Forest Service should conduct cooperative agreements.

Section 323—The conference agreement includes language modifying language proposed in House section 321 and language in Senate section 323 concerning stewardship contracting for the Forest Service. The bill language in the conference agreement is altered from the House version as follows: the Bureau of Land Management is now included in the program; the authority is extended a total of ten years; the program is no longer a demonstration effort with a cap on the number of projects; language clarifies that the program may include contracts where trees have commercial value; monitoring requirements are clarified at the programmatic level; and language clarifies that the Secretaries may designate one contracting officer to administer a contract or agreement.

Section 324—The conference agreement includes language proposed in section 322 of the House bill, which makes a technical correction to the Cabin User Fee Fairness Act of 2000.

Section 325—The conference agreement modifies language proposed in section 323 of the House bill, which extends the Forest Service conveyances pilot program and now also allows the Forest Service to include 3 conveyances where the receipts can be used to replace or modify facilities, upon Committee approval.

Section 326—The conference agreement includes language proposed in section 324 of the Senate bill providing for the use of GSA contract airfares by employees of foundations established by Acts of Congress to solicit funds on behalf of Federal land management agencies. The House had a similar provision in section 325 of the House bill.

Section 328—The conference agreement modifies language proposed in section 324 of the House bill regarding expiring grazing permits by the Bureau of Land Management and the Forest Service. The modification deals with permits expiring during 2003. The Senate had a similar provision.

Section 329—The conference agreement includes language proposed in section 326 of the House bill authorizing a demonstration program to recruit health professionals at the Eagle Butte service unit in South Dakota. The Senate had no similar provision.

Section 330—The conference agreement includes language proposed in section 327 of the House bill prohibiting the transfer of funds to other agencies other than provided in this Act. The Senate had no similar provision.

Section 331—The conference agreement includes language proposed in section 329 of the House bill, which continues a legislative provision prohibiting funds for oil or gas leasing or permitting within the Finger Lakes National Forest, NY.

The conference agreement does not retain language proposed in section 330 of the House bill regarding certain OCS leases in California. This issue is addressed in Title I, section 156.

Section 332—The conference agreement retains language proposed in section 331 of the House bill prohibiting funding to improve Pennsylvania Avenue in front of the White House without prior approval by the House and Senate Appropriations Committees.

Section 333—The conference agreement includes language proposed in section 327 of the Senate bill, which allows the Secretaries of the Interior and Agriculture to consider local contractors when awarding contracts for certain activities on public lands.

Section 334—The conference agreement includes language proposed in section 328 of the Senate bill increasing the cap on administrative expenses of the North Pacific Research Board. The House had no similar provision.

Section 335—The conference agreement retains language proposed in section 329 of the Senate bill limiting review of certain elements in the land management plan for the Tongass National Forest, AK.

Section 336—The conference agreement includes language proposed in section 330 of the Senate bill extending the authorization for assistance to the Four Corners Interpretive Center.

Section 337—The conference agreement retains language proposed in section 331 of the Senate bill amending the Alaska Native

Claims Settlement Act to allow native corporations to establish settlement trusts.

Section 338—The conference agreement includes language proposed in section 141 of the Senate bill, which extends the Quincy Library Group forestry project in California for five more years.

Section 339—The conference agreement modifies language proposed in section 145 (Title I) of the Senate bill extending the authorization for the Strategic Petroleum Reserve; requiring the filling of SPR to capacity as soon as practicable; and amending legislation dealing with the Northeast Home Heating Oil Reserve. The language in the conference agreement is limited to a five-year extension of the SPR authorization. The House had no similar provision.

Section 340—The conference agreement includes language requiring formal approval by the House and Senate Committees on Appropriations of all Declarations of Taking and Complaints in Condemnations with the exception of the South Florida Restoration Project.

Section 341—The conference agreement includes a new provision, which names the 6,294 acre Panthertown Valley Tract of the Nantahala National Forest, North Carolina, in honor of James and Elspeth McClure Clarke.

#### TITLE IV—T'UF SHUR BIEN PRESERVATION TRUST AREA

The conference agreement includes the T'uf Shur Bien Preservation Trust Area Act as proposed by the Senate.

The conference agreement does not include Title V—the Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act as proposed by the Senate.

#### TITLE V—NATIONAL FOREST ORGANIZATIONAL CAMP FEE IMPROVEMENT ACT OF 2003

The conference agreement includes a new Title V—The National Forest Organizational Camp Fee Improvement Act of 2003.

The National Forest Organizational Camp Fee Improvement Act reforms and improves the fee schedules being paid to the Forest Service by non-profit recreational camps, which are operated by organizations such as the Girl Scouts and church groups. A new fee structure is needed so that these important uses of the public lands are encouraged and not excluded due to new appraisal methods. This new fee system allows camps to remain on national forest system lands while providing a fair and equitable return to the American taxpayer.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
(AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
-----			
Wildland Fire Management			
Preparedness.....	622,618	600,703	616,000
Fire suppression operations.....	255,321	420,699	420,699
Other operations.....	336,410	347,736	343,239
Suppression (contingent emergency appropriations).....	266,000	---	---
Other operations (contingent emergency appropriations)	80,000	---	---
Total, Wildland Fire Management.....	1,560,349	1,369,138	1,379,938
=====			
Capital Improvement and Maintenance			
Facilities.....	185,447	200,500	203,636
Roads.....	229,666	231,893	232,858
Trails.....	70,075	68,829	69,679
Infrastructure improvement.....	---	---	45,866
Conservation (infrastructure improvement).....	61,000	50,866	---
Total, Capital Improvement and Maintenance.....	546,188	552,088	552,039
Appropriations.....	(485,188)	(501,222)	(552,039)
Conservation.....	(61,000)	(50,866)	---
=====			
Land Acquisition			
Forest Service			
Acquisitions.....	---	---	114,315
Conservation.....	132,242	112,746	---
Acquisition management.....	---	---	15,000
Conservation.....	13,000	17,764	---
Cash equalization.....	---	---	1,500
Conservation.....	1,500	---	---
Forest inholdings.....	2,000	---	---
Wilderness inholdings/wilderness protection.....	---	---	3,000
Conservation.....	1,000	---	---
Total, Land Acquisition.....	149,742	130,510	133,815
=====			
Acquisition of lands for national forests, special acts.....	1,069	1,069	1,069
Acquisition of lands to complete land exchanges.....	234	234	234
Range betterment fund.....	3,290	3,402	3,402
Gifts, donations and bequests for forest and rangeland research.....	92	92	92
Management of national forest lands for subsistence uses.....	5,488	5,542	5,542
Reduction for conservation funding.....	-2,000	-2,000	---
Conservation (Youth Conservation Corps).....	2,000	2,000	---
=====			
TOTAL, FOREST SERVICE.....	4,130,416	3,948,711	3,976,689
Appropriations.....	(3,470,674)	(3,609,777)	(3,976,689)
Conservation.....	(313,742)	(338,934)	---
Contingent emergency appropriations.....	(346,000)	---	---
=====			
DEPARTMENT OF ENERGY			
Clean Coal Technology			
Deferral.....	-40,000	---	-87,000
(Transfer to Fossil Energy).....	(-33,700)	(-40,000)	---
Fossil Energy Research and Development			
Clean coal power initiative.....	116,300	110,000	150,000
(By transfer from Clean Coal Technology).....	(33,700)	(40,000)	---
Total, Program level.....	(150,000)	(150,000)	(150,000)
Fuels and Power Systems			
Central Systems			
Innovations for existing plants.....	23,500	21,200	22,200

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
 (AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
<hr/>			
Advanced Systems			
Integrated gasification combined cycle.....	43,000	40,650	44,650
Pressurized fluidized bed systems.....	11,000	9,100	10,400
Turbines.....	18,500	14,000	17,000
Subtotal, Advanced Systems.....	72,500	63,750	72,050
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Subtotal, Central Systems.....	96,000	84,950	94,250
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Distributed Generation Systems - Fuel Cells			
Advanced research.....	4,000	3,000	3,500
Systems development.....	13,500	10,000	10,000
Vision 21-hybrids.....	13,500	11,500	13,500
Innovative concepts.....	27,124	22,500	34,000
Novel generation.....	---	2,500	3,025
Subtotal, Distributed Generation Systems - Fuel Cells.....	58,124	49,500	64,025
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Sequestration R&D			
Greenhouse gas control.....	32,177	54,000	40,200
<hr/>			
Fuels			
Transportation fuels and chemicals.....	24,000	5,000	22,100
Solid fuels and feedstocks.....	5,000	---	6,000
Advanced fuels research.....	3,200	---	3,300
Subtotal, Fuels.....	32,200	5,000	31,400
<hr/>			
Advanced Research			
Coal utilization science.....	6,250	8,000	9,000
Materials.....	7,000	9,000	9,000
Technology crosscut.....	10,750	9,150	11,150
University coal research.....	3,000	4,000	3,000
HBCUs, education and training.....	1,000	1,500	1,000
Subtotal, Advanced Research.....	28,000	31,650	33,150
<hr/>			
Subtotal, Fuels and Power Systems.....	246,501	225,100	263,025
<hr/>			
Gas			
Natural Gas Technologies			
Exploration and production.....	20,500	15,450	23,450
Gas hydrates.....	9,800	4,500	9,500
Infrastructure.....	10,050	---	9,050
Emerging processing technology applications.....	2,250	---	2,680
Effective environmental protection.....	2,600	2,640	2,640
Subtotal, Gas.....	45,200	22,590	47,320
<hr/>			
Petroleum - Oil Technology			
Exploration and production supporting research.....	32,350	16,400	23,400
Reservoir life extension/management.....	12,949	9,500	9,000
Effective environmental protection.....	10,700	9,500	9,900
Subtotal, Petroleum - Oil Technology.....	55,999	35,400	42,300
<hr/>			
Cooperative R&D.....	8,240	6,000	8,240
Possible energy environmental restoration.....	9,500	9,715	9,715
Import/export authorization.....	2,400	2,500	3,000
Headquarters program direction.....	18,700	19,820	18,900
Energy Technology Center program direction.....	67,300	64,880	68,900
General plant projects.....	13,450	2,000	7,000
Advanced metallurgical processes.....	5,200	5,300	6,000
Use of prior year balances.....	-6,000	-14,000	---
National Academy of Sciences program review.....	---	---	500
Total, Fossil Energy Research and Development... =====	582,790	489,305	624,900
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Alternative Fuels Production			
Transfer to Treasury.....	-2,000	---	---

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
 (AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
-----			
Naval Petroleum and Oil Shale Reserves			
Oil Reserves			
Naval petroleum reserves Nos. 1 & 2.....	5,144	5,626	5,626
Naval petroleum reserve No. 3.....	7,235	7,250	7,250
Program direction (headquarters).....	9,992	7,955	7,955
Use of prior year funds.....	-5,000	---	---
General reduction.....	---	---	-3,000
Total, Naval Petroleum and Oil Shale Reserves....	17,371	20,831	17,831
=====			
Elk Hills School Lands Fund			
Elk Hills school lands fund.....	---	36,000	---
Advance appropriations, FY 2003.....	36,000	---	36,000
Total, Elk Hills School Lands Fund.....	36,000	36,000	36,000
=====			
Energy Conservation			
Building Technology, State and Community Sector			
Building research and standards			
Technology roadmaps and competitive R&D.....	6,857	2,357	2,357
Residential buildings integration.....	12,478	13,478	12,478
Commercial buildings integration.....	4,510	5,010	4,510
Equipment, materials and tools.....	38,547	31,718	40,418
Subtotal, Building research and standards.....	62,392	52,563	59,763
Building Technology Assistance			
Weatherization assistance.....	230,000	277,100	225,000
State energy program.....	45,000	38,798	45,000
Community partnerships.....	18,788	20,037	18,037
Energy star program.....	3,000	6,200	4,200
Subtotal, Building technology assistance.....	296,788	342,135	292,237
Cooperative programs with States.....			
Energy efficiency science initiative.....	2,000	---	---
Management and planning.....	4,000	---	---
Management and planning.....	15,090	14,093	14,093
Subtotal, Building Technology, State and Community Sector.....	380,270	408,791	366,093
Federal Energy Management Program			
Program activities.....	18,900	23,425	19,425
Program direction.....	4,400	4,455	4,455
Subtotal, Federal Energy Management Program.....	23,300	27,880	23,880
Industry Sector			
Industries of the future (specific).....	72,624	71,615	72,115
Industries of the future (crosscutting).....	60,900	57,109	58,609
Cooperative programs with States.....	2,000	2,000	---
Energy efficiency science initiative.....	4,000	---	---
Management and planning.....	9,400	7,635	7,635
Subtotal, Industry Sector.....	148,924	138,359	138,359
Power Technologies			
Distributed generation technologies development.....	61,896	62,284	69,034
Management and planning.....	1,950	1,620	1,620
Subtotal, Power Technologies.....	63,846	63,904	70,654
Transportation			
Vehicle technology R&D.....	155,122	149,280	164,280
Fuels utilization R&D.....	25,908	18,483	20,183
Materials technologies.....	40,293	29,800	37,400
Technology deployment.....	15,160	15,000	16,100
Cooperative programs with States.....	2,000	---	---
Energy efficiency science initiative.....	4,000	---	---
Management and planning.....	10,232	10,101	10,101
Subtotal, Transportation.....	252,715	222,664	248,064
Policy and management.....	43,750	40,053	42,053

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
 (AMOUNTS IN THOUSANDS)

	FY 2002 Enacted	FY 2003 Request	Conference
National Academy of Sciences program review.....	---	---	500
Cooperative programs with States.....	---	---	3,000
Energy efficiency science initiative.....	---	---	5,000
<b>Total, Energy Conservation.....</b>	<b>912,805</b>	<b>901,651</b>	<b>897,603</b>
Economic Regulation			
Office of Hearings and Appeals.....	1,996	1,487	1,487
Strategic Petroleum Reserve			
Storage facilities development and operations.....	154,009	154,856	158,856
Home heating oil reserve.....	8,000	---	---
Management.....	17,000	14,000	14,000
<b>Total, Strategic Petroleum Reserve.....</b>	<b>179,009</b>	<b>168,856</b>	<b>172,856</b>
SPR Petroleum Account			
Oil acquisition.....	---	11,000	7,000
Rescission of previously appropriated funds.....	---	---	-5,000
<b>Total, SPR petroleum account.....</b>	<b>---</b>	<b>11,000</b>	<b>2,000</b>
Northeast Home Heating Oil Reserve			
Northeast home heating oil reserve.....	---	8,000	6,000
Energy Information Administration			
National Energy Information System.....	78,499	80,611	81,111
Use of prior year balances.....	---	-500	-500
<b>Total, Energy Information Administration.....</b>	<b>78,499</b>	<b>80,111</b>	<b>80,611</b>
<b>TOTAL, DEPARTMENT OF ENERGY.....</b>	<b>1,766,470</b>	<b>1,717,241</b>	<b>1,752,288</b>
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
INDIAN HEALTH SERVICE			
Indian Health Services			
Clinical Services			
IHS and tribal health delivery			
Hospital and health clinic programs.....	1,153,711	1,188,540	1,219,917
Dental health program.....	95,305	100,085	100,285
Mental health program.....	47,142	50,626	50,626
Alcohol and substance abuse program.....	135,005	137,744	137,744
Contract care.....	460,776	468,130	478,130
<b>Subtotal, Clinical Services.....</b>	<b>1,891,939</b>	<b>1,945,125</b>	<b>1,986,702</b>
Preventive Health			
Public health nursing.....	37,781	39,875	39,875
Health education.....	10,628	11,063	11,063
Community health representatives program.....	49,789	50,774	50,774
Immunization (Alaska).....	1,526	1,556	1,556
<b>Subtotal, Preventive Health.....</b>	<b>99,724</b>	<b>103,268</b>	<b>103,268</b>
Urban health projects.....	30,947	31,528	31,528
Indian health professions.....	31,165	35,373	31,318
Tribal management.....	2,406	2,406	2,406
Direct operations.....	55,323	54,474	60,570
Self-governance.....	9,876	10,089	5,589
Contract support costs.....	268,234	270,734	270,734
Medicare/Medicaid Reimbursements			
Hospital and clinic accreditation (Est. collecting).....	(499,985)	(449,985)	(449,985)
<b>Total, Indian Health Services.....</b>	<b>2,389,614</b>	<b>2,452,997</b>	<b>2,492,115</b>

The conference agreement deletes the House provision that encourages the Secretary of Transportation and the FAA to implement a plan between the State of Illinois and the City of Chicago for the purpose of modernizing O'Hare International Airport, continuing operation of Meigs Field, and utilizing existing airports to help relieve congestion. The Senate included no similar provision.

The conference agreement deletes the Senate provision that directs the Secretary of the Department of Transportation to approve the use of national highway system and surface transportation funds for construction of noise barriers in Georgia. The House included no similar provision.

The conference agreement deletes the House provision relating to Medicare eligible retiree health care funds, as it is contained elsewhere in the bill. The Senate included no similar provision.

The conference agreement deletes the House provision relating to a proposed rule on statewide and metropolitan transportation planning. The Senate included no similar provision.

The conference agreement deletes the House provision that amended the Air Transportation Safety and System Stabilization Act. The Senate included no similar provision.

The conference agreement deletes the Senate provision relating to a municipal dock in Escanaba, Michigan. The House included no similar provision.

The conference agreement deletes the Senate provision relating to rebates, refunds, incentive payments and fees received by the Department of Transportation. The House included no similar provision.

#### CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2003 recommended by the Committee of Conference, with comparisons to the fiscal year 2002 amount, the 2003 budget estimates and the House and Senate bills for 2003 follow:

[In the thousands of dollars]	
New budget (obligational) authority, fiscal year 2002 .....	\$24,376,970
Budget estimates of new (obligational) authority, fiscal year 2003 .....	21,345,680
House bill, fiscal year 2003 .....	21,797,930
Senate bill, fiscal year 2003 .....	22,576,162
Conference agreement, fiscal year 2003 .....	22,159,095
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2002 .....	-2,217,875
Budget estimates of new (obligational) authority, fiscal year 2003 .....	+813,415
House bill, fiscal year 2003 .....	+361,165
Senate bill, fiscal year 2003 .....	-417,067

#### DIVISION J

##### TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS, 2003

The conference agreement on the Treasury and General Government Appropriations Act, 2003, incorporates some of the language and allocations set forth in House Report 107-575 and some of the language and allocations set forth by the Senate explanatory statement as delineated in the Congressional Record of January 15, 2003, pages S765-S794. The language in House Report 107-575

and the Congressional Record of January 15, 2003, pages S765–S794, should be complied with unless specifically addressed in the accompanying statement of managers.

Throughout the accompanying explanatory statement, the managers refer to the Committee and the Committees on Appropriations. Unless otherwise noted, in both instances, the managers are referring to the House Subcommittee on Treasury, Postal Service, and General Government and the Senate Subcommittee on Treasury and General Government.

In a number of instances, House Report 107–575 and the explanatory statement in the Congressional Record of January 15, 2003, pages S765–S794, require agencies to report to the Committees by specific dates that have now passed. In those instances, and unless alternative dates are provided by the committee of conference, agencies are directed to provide these reports to the House and Senate Committees on Appropriations not later than 60 days after enactment of this Act.

#### REPROGRAMMING AND TRANSFER OF FUNDS GUIDELINES

The conference agreement includes the following reprogramming guidelines that shall be complied with by all agencies funded by the Treasury and General Government Appropriations Act, 2003:

1. Except under extraordinary and emergency situations, the Committees on Appropriations will not consider requests for a reprogramming or a transfer of funds, or use of unobligated balances, which are submitted after the close of the third quarter of the fiscal year, June 30;

2. Clearly stated and detailed documentation presenting justification for the reprogramming, transfer, or use of unobligated balances shall accompany each request;

3. For agencies, departments, or offices receiving appropriations in excess of \$20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of \$500,000 or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;

4. For agencies, departments, or offices receiving appropriations less than \$20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of \$50,000, or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;

5. For any action where the cumulative effect of below threshold reprogramming actions, or past reprogramming and/or transfer actions added to the request, would exceed the dollar threshold mentioned above, a reprogramming shall be submitted;

6. For any action that would result in a major change to the program or item that is different than that presented to and approved by either of the Committees, or the Congress, a reprogramming shall be submitted;

7. For any action where funds earmarked by either of the Committees for a specific activity are proposed to be used for a different activity, a reprogramming shall be submitted; and,

## TITLE VI—GENERAL PROVISIONS

## DEPARTMENTS, AGENCIES AND CORPORATIONS

Section 601. The conferees agree to continue the provision authorizing agencies to pay costs of travel to the United States for the immediate families of Federal employees assigned to foreign duty in the event of a death or a life threatening illness of the employee.

Section 602. The conferees agree to continue the provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from the illegal use of controlled substances.

Section 603. The conferees agree to continue the provision regarding price limitations on vehicles to be purchased by the Federal Government.

Section 604. The conferees agree to continue the provision allowing funds made available to agencies for travel to also be used for quarters allowances and cost-of-living allowances.

Section 605. The conferees agree to continue the provision prohibiting the Federal Government, with certain specified exceptions, from employing non-U.S. citizens whose posts of duty would be in the continental U.S.

Section 606. The conferees agree to continue the provision ensuring that agencies will have authority to pay GSA bills for space renovation and other services.

Section 607. The conferees agree to continue the provision allowing agencies to finance the costs of recycling and waste prevention programs with proceeds from the sale of materials recovered through such programs.

Section 608. The conferees agree to continue the provision providing that funds may be used by certain groups to pay rent and other service costs in the District of Columbia.

Section 609. The conferees agree to continue the provision prohibiting the use of funds to pay the salary of any nominee after the Senate voted not to approve the nomination.

Section 610. The conferees agree to continue the provision precluding the financing of groups by more than one Federal agency absent prior and specific statutory approval.

Section 611. The conferees agree to continue the provision authorizing the Postal Service to employ guards and give them the same special police powers as GSA guards.

Section 612. The conferees agree to continue the provision prohibiting the use of funds for enforcing regulations disapproved in accordance with the applicable law of the U.S.

Section 613. The conferees agree to continue the provision limiting the pay increases of certain prevailing rate employees.

Section 614. The conferees agree to continue the provision limiting the amount of funds that can be used for redecoration of offices under certain circumstances.

Section 615. The conferees agree to continue the provision prohibiting the expenditure of funds for the acquisition of additional law enforcement training facilities.

Section 616. The conferees agree to continue the provision to allow for interagency funding of national security and emergency telecommunications initiatives.

Section 617. The conferees agree to continue the provision requiring agencies to certify that a Schedule C appointment was not created solely or primarily to detail the employee to the White House.

Section 618. The conferees agree to continue the provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment.

Section 619. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 620. The conferees agree to continue the provision prohibiting the payment of the salary of any employee who prohibits, threatens or prevents another employee from communicating with Congress.

Section 621. The conferees agree to continue the provision prohibiting Federal training not directly related to the performance of official duties.

Section 622. The conferees agree to continue the provision prohibiting the expenditure of funds for implementation of agreements in nondisclosure policies unless certain provisions are included.

Section 623. The conferees agree to continue the provision prohibiting use of appropriated funds for publicity or propaganda designed to support or defeat legislation pending in Congress.

Section 624. The conferees agree to continue the provision prohibiting any Federal agency from disclosing an employee's home address to any labor organization, absent employee authorization or court order.

Section 625. The conferees agree to continue the provision prohibiting funds to be used to provide non-public information such as mailing or telephone lists to any person or organization outside the Federal Government without the approval of the Committees on Appropriations.

Section 626. The conferees agree to continue the provision prohibiting the use of funds for propaganda and publicity purposes not authorized by Congress.

Section 627. The conferees agree to continue the provision directing agency employees to use official time in an honest effort to perform official duties.

Section 628. The conferees agree to modify and continue the provision authorizing the use of funds to finance an appropriate share of the Joint Financial Management Improvement Program.

Section 629. The conferees agree to modify and continue the provision authorizing agencies to transfer funds to the Policy and Citizen Services account of GSA to finance an appropriate share of the Joint Financial Management Improvement Program and other purposes.

Section 630. The conferees agree to continue the provision authorizing breastfeeding at any location in a Federal building or on Federal property.

Section 631. The conferees agree to continue the provision that permits interagency funding of the National Science and Technology Council and provides for a report on the budget and resources of the National Science and Technology Council.

Section 632. The conferees agree to continue the provision requiring that any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

Section 633. The conferees agree to modify and continue the provision to extend the authorization for franchise fund pilots for one year, as proposed by the House and Senate.

Section 634. The conferees agree to continue the provision to prohibit the use of funds to monitor personal information relating to the use of Federal Internet sites.

Section 635. The conferees agree to continue the provision addressing contraceptive coverage in health plans participating in the FEHBP with exceptions.

Section 636. The conferees agree to continue the provision clarifying that the US Anti-Doping Agency is the official anti-doping agency for Olympic games.

Section 637. The conferees agree to include a new provision regarding the adjustment in rates of basic pay for Federal employees that takes effect in fiscal year 2003, as proposed by the House and Senate, with technical modifications. The conferees endorse the Federal Salary Council's recommendation for allocating locality pay in its October 17, 2002, Memorandum to the President's Pay Agent.

Section 638. The conferees agree to continue the provision directing the Inspector General of applicable departments and agencies to submit a report detailing policies or procedures they have in place to ensure compliance with the Rural Development Act of 1972.

Section 639. The conferees agree to include a new provision expressing the sense of the Congress regarding the United States Postal Service funding of Civil Service Retirement System benefits, as proposed by the Senate, with a modification.

Section 640. The conferees agree to include a new provision expressing the sense of the Congress regarding pay parity between uniformed employees and civilian employees, including wage grade civilian employees, as proposed by the Senate.

Section 641. The conferees agree to include a new provision directing the General Services Administration to accept all right, title, and interest in a certain piece of real property in Boca Raton, Florida, as proposed by the Senate, with modifications.

Section 642. The conferees agree to include a new provision changing the definition of average pay for certain Secret Service retirees for purposes of determining their annual retirement annuity, as proposed by the House, with technical modifications.

Section 643. The conferees agree to include a new provision creating a sunset clause for Section 902(b) of the Law Enforcement Pay Equity Act of 2000 (as enacted into law by Public Law 106-554), as proposed by the House, with technical modifications.

Section 644. The conferees agree to include a new provision prohibiting the use of funds to facilitate the release of certain law enforcement database information in response to requests made

under the Freedom of Information Act, as proposed by the House, with technical modifications.

Section 645. The conferees agree to include a new provision amending Section 9505(d) of title 5 to allow Internal Revenue Service Senior Executive Service employees to be eligible to receive the same bonus payments as other Federal Senior Executive Service employees, as proposed by the House.

Section 646. The conferees agree to include a new provision prohibiting the use of funds to implement or enforce regulations relating to the determination that real estate brokerage is an activity that is financial in nature or incidental to a financial activity, as proposed by the House.

Section 647. The conferees agree to include a new provision prohibiting the use of funds to establish, apply or enforce any numerical goal, target, or quota for contracting out, as proposed by the Senate.

Section 648. The conferees agree to include a technical correction regarding benefits for air traffic controllers.

#### CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2003 recommended by the Committee of Conference, with comparisons to the fiscal year 2002 amount, the 2003 budget estimates, and the House and Senate bills for 2003 follow:

New budget (obligational) authority, fiscal year 2002 .....	\$33,817,112
Budget estimates of new (obligational) authority, fiscal year 2003 .....	34,276,280
House bill, fiscal year 2003 .....	34,821,460
Senate bill, fiscal year 2003 .....	34,533,464
Conference agreement, fiscal year 2003 .....	34,653,476
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2002 .....	+836,364
Budget estimates of new (obligational) authority, fiscal year 2003 .....	+377,196
House bill, fiscal year 2003 .....	-167,984
Senate bill, fiscal year 2003 .....	+120,012

#### DIVISION K

##### VETERANS AFFAIRS, HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS

The language and allocations set forth in House Report 107-740 and the Senate explanatory statement as delineated in the *Congressional Record* of January 15, 2003, pages S356 through S410 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference and Senate report language which is not changed by the conference is approved by the committee of the conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

erating bases in the United States to assist in the conduct of lawful U.S. foreign intelligence activities against non-United States citizens only. The conferees agree with the clear intent of the Senate provision that, in no case, should the TIA program be used by the Department of Defense to conduct intelligence activities on United States citizens, or transferred to any other Federal agency for the same purpose.

The conferees agree to amend section 112, as proposed by the House, which provides the Secretary of Defense additional transfer authority of \$500,000,000, only for unforeseen fuel cost requirements resulting from revised pricing and the global war on terrorism. Additionally, this provision is further amended to require prior notification of the Committees on Appropriations before any funds made available to the Department of Defense are used for the drawdown authority provided in Section 202 of the Afghanistan Freedom Support Act (Public Law 107-327).

The conferees are supportive of the overall objectives of the Afghanistan Freedom Support Act (AFSA). Nonetheless the conferees are extremely troubled that, in its first use of this authority, the Administration chose to use the U.S. military services' operations accounts as its funding source for the initial increment of AFSA drawdown—diverting \$165,000,000 originally requested and subsequently appropriated for U.S. Army, Navy, and Air Force unit training and flying hours. As noted by the Deputy Secretary of Defense in a February 10, 2003 letter to the Defense Appropriations Subcommittees of the House and Senate, “DoD cannot absorb these costs without affecting readiness.”

To implement this provision, the conferees therefore direct that the Department of Defense provide not less than 15 days prior written notification to the Committees on Appropriations prior to exercising any use of the section 202 drawdown authority which would use DoD funds. This notification should be provided no later than other required AFSA drawdown notifications to the Committees on Appropriations (e.g., Presidential determinations, or notifications from the Department of State, or others, as required under the AFSA or other laws). Each such notification shall include the proposed source of DoD funds by appropriations account and activity, as well as a description of the impact these funding transfers will have on the DoD programs so affected.

## DIVISION N

### TITLE I

#### ELECTION REFORM

The conferees agree to provide \$1,500,000,000 for election reform. This includes funds to establish an Election Assistance Commission and to carry out programs authorized by the Help America Vote Act of 2002. The conferees agree to provide \$650,000,000 to the General Services Administration (GSA) to carry out a program of payments to the States for improving the administration of elections and replacing punch card and lever voting machines with new voting technology. The conferees also agree to provide \$15,000,000

## DIVISION N—TITLE V—FISHERIES DISASTERS

Section 501.—The conference agreement includes section 501, included in the Senate, providing \$100,000,000 for various fishery disasters. The House did not include a similar provision.

## TITLE VI

## OFFSETS

The conference agreement includes a 0.65 percent across-the-board rescission to discretionary budgetary resources provided in divisions A through K of this Act, as well as to any previously enacted fiscal year 2003 advance appropriation. This rescission does not apply to the Head Start program, the Veterans' Medical Care program, the Women, Infants, and Children nutrition program, or the space shuttle program. Specific exemptions for these programs are also included in the respective sections of this joint resolution.

## TITLE VII

## BONNEVILLE POWER ADMINISTRATION BORROWING AUTHORITY

The conference agreement provides \$700,000,000 of new borrowing authority to the Bonneville Power Administration as proposed by the Senate. The conferees direct the Bonneville Power Administration to submit a detailed budget justification, by project, for its total capital improvement program to the House and Senate Committees on Appropriations not later than March 30, 2003, and to submit thereafter as part of the annual budget request, for approval by the House and Senate Committees on Appropriations.

## DIVISION O

## PRICE-ANDERSON ACT AMENDMENTS

The conference agreement modifies bill language as proposed by the Senate to extend portions of the Price-Anderson Act through December 31, 2003.

## DIVISION P—U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The conferees have included, under Division P, language and funding regarding the U.S.-China Economic and Security Review Commission.

BILL YOUNG,  
RALPH REGULA,  
JERRY LEWIS,  
HAL ROGERS,  
FRANK R. WOLF,  
JIM KOLBE,  
JAMES T. WALSH,  
CHARLES H. TAYLOR,  
DAVID L. HOBSON,  
ERNEST J. ISTOOK, Jr.,  
HENRY BONILLA,

JOE KNOLLENBERG,  
 JACK KINGSTON,  
 JOHN P. MURTHA,  
 NORMAN D. DICKS  
 (except sections 323 and 335  
 of Division F, and con-  
 servation spending),  
 ALAN B. MOLLOHAN,  
 PETER J. VISCLOSKY,  
 JOSÉ E. SERRANO,

*Managers on the Part of the House.*

TED STEVENS,  
 THAD COCHRAN,  
 ARLEN SPECTER,  
 PETE V. DOMENICI,  
 KIT BOND,  
 MITCH McCONNELL,  
 CONRAD BURNS,  
 RICHARD C. SHELBY,  
 JUDD GREGG,  
 ROBERT F. BENNETT,  
 BEN NIGHTHORSE CAMPBELL,  
 LARRY CRAIG,  
 KAY BAILEY HUTCHISON,  
 MIKE DeWINE,  
 SAM BROWNBACk,  
 ROBERT C. BYRD,  
 DANIEL K. INOUE,  
 ERNEST F. HOLLINGS,  
 PATRICK J. LEAHY,  
 BARBARA A. MIKULSKI,  
 PATTY MURRAY

(except for sections 323 and  
 335 of Division F),

BYRON L. DORGAN,  
 DIANNE FEINSTEIN,  
 TIM JOHNSON,  
 MARY L. LANDRIEU,

*Managers on the Part of the Senate.*

