

Calendar No. 213108TH CONGRESS
1ST SESSION**S. 1424****[Report No. 108-105]**

Making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 17, 2003

Mr. DOMENICI, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2004, for energy and
6 water development, and for other purposes, namely:

1 Account subject to appropriations. After ten fiscal years
2 from the date of enactment of this Act, the Utah Reclama-
3 tion Mitigation and Conservation Commission is hereby
4 authorized to utilize interest earned and accrued to the
5 Utah Reclamation Mitigation and Conservation Account.

6

TITLE III

7

DEPARTMENT OF ENERGY

8

ENERGY PROGRAMS

9

ENERGY SUPPLY

10 For Department of Energy expenses including the
11 purchase, construction, and acquisition of plant and cap-
12 ital equipment, and other expenses necessary for energy
13 supply activities in carrying out the purposes of the De-
14 partment of Energy Organization Act (42 U.S.C. 7101 et
15 seq.), including the acquisition or condemnation of any
16 real property or any facility or for plant or facility acquisi-
17 tion, construction, or expansion, and the purchase of not
18 to exceed 12 passenger motor vehicles for replacement
19 only, including two buses; \$920,357,000, to remain avail-
20 able until expended.

21

NON-DEFENSE SITE ACCELERATION COMPLETION

22

23 For Department of Energy expenses, including the
24 purchase, construction, and acquisition of plant and cap-
25 ital equipment and other expenses necessary for non-de-
fense environmental management site acceleration activi-

1 ties in carrying out the purposes of the Department of
2 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
3 ing the acquisition or condemnation of any real property
4 or any facility or for plant or facility acquisition, construc-
5 tion, or expansion, \$171,875,000, to remain available until
6 expended.

7 URANIUM ENRICHMENT DECONTAMINATION AND
8 DECOMMISSIONING FUND

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

17 NON-DEFENSE ENVIRONMENTAL SERVICES

18 For Department of Energy expenses necessary for
19 non-defense environmental services activities conducted as
20 a result of nuclear energy research and development activi-
21 ties that indirectly support the accelerated cleanup and
22 closure mission at environmental management sites, as
23 well as new work scope transferred to the Environmental
24 Management program, including the purchase, construc-
25 tion, and acquisition of plant and capital equipment and

1 other necessary expenses, \$302,121,000, to remain avail-
2 able until expended.

3 SCIENCE

4 For Department of Energy expenses including the
5 purchase, construction and acquisition of plant and capital
6 equipment, and other expenses necessary for science ac-
7 tivities in carrying out the purposes of the Department
8 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
9 cluding the acquisition or condemnation of any real prop-
10 erty or facility or for plant or facility acquisition, construc-
11 tion, or expansion, and purchase of not to exceed 15 pas-
12 senger motor vehicles for replacement only, including not
13 to exceed one ambulance, \$3,360,435,000, to remain avail-
14 able until expended.

15 NUCLEAR WASTE DISPOSAL

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

1 of 1982, Public Law 97–425, as amended: *Provided fur-*
2 *ther*, That \$7,000,000 shall be provided to affected units
3 of local governments, as defined in Public Law 97–425,
4 to conduct appropriate activities pursuant to the Act: *Pro-*
5 *vided further*, That the distribution of the funds as deter-
6 mined by the units of local government shall be approved
7 by the Department of Energy: *Provided further*, That the
8 funds for the State of Nevada shall be made available sole-
9 ly to the Nevada Division of Emergency Management by
10 direct payment and units of local government by direct
11 payment: *Provided further*, That within 90 days of the
12 completion of each Federal fiscal year, the Nevada Divi-
13 sion of Emergency Management and the Governor of the
14 State of Nevada and each local entity shall provide certifi-
15 cation to the Department of Energy that all funds ex-
16 pended from such payments have been expended for activi-
17 ties authorized by Public Law 97–425 and this Act. Fail-
18 ure to provide such certification shall cause such entity
19 to be prohibited from any further funding provided for
20 similar activities: *Provided further*, That none of the funds
21 herein appropriated may be: (1) used directly or indirectly
22 to influence legislative action on any matter pending be-
23 fore Congress or a State legislature or for lobbying activity
24 as provided in 18 U.S.C. 1913; (2) used for litigation ex-
25 penses; or (3) used to support multi-State efforts or other

1 coalition building activities inconsistent with the restric-
2 tions contained in this Act: *Provided further*, That all pro-
3 ceeds and recoveries realized by the Secretary in carrying
4 out activities authorized by the Nuclear Waste Policy Act
5 of 1982, Public Law 97-425, as amended, including but
6 not limited to, any proceeds from the sale of assets, shall
7 be available without further appropriation and shall re-
8 main available until expended.

9 DEPARTMENTAL ADMINISTRATION

10 DEPARTMENTAL ADMINISTRATION

11 (INCLUDING TRANSFER OF FUNDS)

12 For salaries and expenses of the Department of En-
13 ergy necessary for departmental administration in car-
14 rying out the purposes of the Department of Energy Orga-
15 nization Act (42 U.S.C. 7101 et seq.), including the hire
16 of passenger motor vehicles and official reception and rep-
17 resentation expenses (not to exceed \$35,000),
18 \$309,564,000, to remain available until expended, plus
19 such additional amounts as necessary to cover increases
20 in the estimated amount of cost of work for others not-
21 withstanding the provisions of the Anti-Deficiency Act (31
22 U.S.C. 1511 et seq.): *Provided*, That such increases in cost
23 of work are offset by revenue increases of the same or
24 greater amount, to remain available until expended: *Pro-*
25 *vided further*, That moneys received by the Department

1 for miscellaneous revenues estimated to total
2 \$146,668,000 in fiscal year 2004 may be retained and
3 used for operating expenses within this account, and may
4 remain available until expended, as authorized by section
5 201 of Public Law 95–238, notwithstanding the provisions
6 of 31 U.S.C. 3302: *Provided further*, That the sum herein
7 appropriated shall be reduced by the amount of miscella-
8 neous revenues received during fiscal year 2004, and any
9 related unappropriated receipt account balances remaining
10 from prior years' miscellaneous revenues, so as to result
11 in a final fiscal year 2004 appropriation from the General
12 Fund estimated at not more than \$162,896,000.

13 OFFICE OF THE INSPECTOR GENERAL

14 For necessary expenses of the Office of the Inspector
15 General in carrying out the provisions of the Inspector
16 General Act of 1978, as amended, \$39,462,000, to remain
17 available until expended.

18 ATOMIC ENERGY DEFENSE ACTIVITIES

19 NATIONAL NUCLEAR SECURITY ADMINISTRATION

20 WEAPONS ACTIVITIES

21 For Department of Energy expenses, including the
22 purchase, construction, and acquisition of plant and cap-
23 ital equipment and other incidental expenses necessary for
24 atomic energy defense weapons activities in carrying out
25 the purposes of the Department of Energy Organization

1 Act (42 U.S.C. 7101 et seq.), including the acquisition or
2 condemnation of any real property or any facility or for
3 plant or facility acquisition, construction, or expansion;
4 one fixed wing aircraft for replacement only; and the pur-
5 chase of not to exceed six passenger motor vehicles, of
6 which four shall be for replacement only, including not to
7 exceed two buses; \$6,473,814,000, to remain available
8 until expended: *Provided*, That \$105,000,000 is author-
9 ized to be appropriated for Project 01–D–108, Micro-
10 systems and engineering sciences applications (MESA),
11 Sandia National Laboratories, Albuquerque, New Mexico:
12 *Provided further*, That \$3,564,000 is authorized to be ap-
13 propriated for Project 04–D–103, Project engineering and
14 design (PED), various locations: *Provided further*, That a
15 plant or construction project for which amounts are made
16 available under this heading in this fiscal year with a cur-
17 rent estimated cost of less than \$10,000,000 is considered
18 for purposes of section 3622 of Public Law 107–314 as
19 a plant project for which the approved total estimated cost
20 does not exceed the minor construction threshold and for
21 purposes of section 3623 of Public Law 107–314 as a con-
22 struction project with a current estimated cost of less than
23 the minor construction threshold.

1 DEFENSE NUCLEAR NONPROLIFERATION

2 For Department of Energy expenses, including the
3 purchase, construction and acquisition of plant and capital
4 equipment and other incidental expenses necessary for
5 atomic energy defense, defense nuclear nonproliferation
6 activities, in carrying out the purposes of the Department
7 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
8 cluding the acquisition or condemnation of any real prop-
9 erty or any facility or for plant or facility acquisition, con-
10 struction, or expansion, \$1,340,195,000, to remain avail-
11 able until expended.

12 NAVAL REACTORS

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

21 OFFICE OF THE ADMINISTRATOR

22 For necessary expenses of the Office of the Adminis-
23 trator in the National Nuclear Security Administration,
24 including official reception and representation expenses

1 (not to exceed \$12,000), \$337,980,000, to remain avail-
2 able until expended.

3 ENVIRONMENTAL AND OTHER DEFENSE

4 ACTIVITIES

5 DEFENSE SITE ACCELERATION COMPLETION

6 For Department of Energy expenses, including the
7 purchase, construction, and acquisition of plant and cap-
8 ital equipment and other expenses necessary for atomic
9 energy defense site acceleration completion activities in
10 carrying out the purposes of the Department of Energy
11 Organization Act (42 U.S.C. 7101 et seq.), including the
12 acquisition or condemnation of any real property or any
13 facility or for plant or facility acquisition, construction, or
14 expansion; \$5,770,695,000, to remain available until ex-
15 pended: *Provided*, That the Secretary of Energy is di-
16 rected to use \$1,000,000 of the funds provided for regu-
17 latory and technical assistance to the State of New Mex-
18 ico, to amend the existing WIPP Hazardous Waste Permit
19 to comply with the provisions of section 310 of this Act.

20 DEFENSE ENVIRONMENTAL SERVICES

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

1 equipment and other necessary expenses, and the purchase
2 of not to exceed one ambulance for replacement only,
3 \$987,679,000, to remain available until expended.

4 OTHER DEFENSE ACTIVITIES

5 For Department of Energy expenses, including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment and other expenses necessary for atomic
8 energy defense, other defense activities, in carrying out the
9 purposes of the Department of Energy Organization Act
10 (42 U.S.C. 7101 et seq.), including the acquisition or con-
11 demnation of any real property or any facility or for plant
12 or facility acquisition, construction, or expansion,
13 \$492,209,000, to remain available until expended.

14 DEFENSE NUCLEAR WASTE DISPOSAL

15 For nuclear waste disposal activities to carry out the
16 purposes of Public Law 97-425, as amended, including
17 the acquisition of real property or facility construction or
18 expansion, \$285,000,000, to remain available until ex-
19 pended.

20 POWER MARKETING ADMINISTRATIONS

21 BONNEVILLE POWER ADMINISTRATION FUND

22 Expenditures from the Bonneville Power Administra-
23 tion Fund, established pursuant to Public Law 93-454,
24 are approved for official reception and representation ex-
25 penses in an amount not to exceed \$1,500.

1 tion and representation expenses in an amount not to ex-
2 ceed \$1,500 in carrying out the provisions of section 5
3 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
4 applied to the southwestern power area, \$28,600,000, to
5 remain available until expended; in addition, notwith-
6 standing 31 U.S.C. 3302, beginning in fiscal year 2004
7 and thereafter, such funds as are received by the South-
8 western Power Administration from any State, munic-
9 ipality, corporation, association, firm, district, or individual
10 as advance payment for work that is associated with
11 Southwestern's transmission facilities, consistent with
12 that authorized in section 5 of the Flood Control Act, shall
13 be credited to this account and be available until ex-
14 pended: *Provided*, That notwithstanding the provision of
15 31 U.S.C. 3302, up to \$2,800,000 collected by the South-
16 western Power Administration pursuant to the Flood Con-
17 trol Act to recover purchase power and wheeling expenses
18 shall be credited to this account as offsetting collections,
19 to remain available until expended for the sole purpose
20 of making purchase power and wheeling expenditures.

21 CONSTRUCTION, REHABILITATION, OPERATION AND
22 MAINTENANCE, WESTERN AREA POWER ADMINIS-
23 TRATION

24 For carrying out the functions authorized by title III,
25 section 302(a)(1)(E) of the Act of August 4, 1977 (42

1 U.S.C. 7152), and other related activities including con-
2 servation and renewable resources programs as author-
3 ized, including official reception and representation ex-
4 penses in an amount not to exceed \$1,500, \$177,950,000,
5 to remain available until expended, of which \$167,236,000
6 shall be derived from the Department of the Interior Rec-
7 lamation Fund: *Provided*, That of the amount herein ap-
8 propriated, \$6,200,000 is for deposit into the Utah Rec-
9 lamation Mitigation and Conservation Account pursuant
10 to title IV of the Reclamation Projects Authorization and
11 Adjustment Act of 1992: *Provided further*, That notwith-
12 standing the provision of 31 U.S.C. 3302, up to
13 \$186,100,000 collected by the Western Area Power Ad-
14 ministration pursuant to the Flood Control Act of 1944
15 and the Reclamation Project Act of 1939 to recover pur-
16 chase power and wheeling expenses shall be credited to
17 this account as offsetting collections, to remain available
18 until expended for the sole purpose of making purchase
19 power and wheeling expenditures.

20 FALCON AND AMISTAD OPERATING AND MAINTENANCE
21 FUND

22 For operation, maintenance, and emergency costs for
23 the hydroelectric facilities at the Falcon and Amistad
24 Dams, \$2,640,000, to remain available until expended,
25 and to be derived from the Falcon and Amistad Operating

1 and Maintenance Fund of the Western Area Power Ad-
2 ministration, as provided in section 423 of the Foreign
3 Relations Authorization Act, Fiscal Years 1994 and 1995.

4 FEDERAL ENERGY REGULATORY COMMISSION

5 SALARIES AND EXPENSES

6 For necessary expenses of the Federal Energy Regu-
7 latory Commission to carry out the provisions of the De-
8 partment of Energy Organization Act (42 U.S.C. 7101 et
9 seq.), including services as authorized by 5 U.S.C. 3109,
10 the hire of passenger motor vehicles, and official reception
11 and representation expenses (not to exceed \$3,000),
12 \$199,400,000, to remain available until expended: *Pro-*
13 *vided*, That notwithstanding any other provision of law,
14 not to exceed \$199,400,000 of revenues from fees and an-
15 nual charges, and other services and collections in fiscal
16 year 2004 shall be retained and used for necessary ex-
17 penses in this account, and shall remain available until
18 expended: *Provided further*, That the sum herein appro-
19 priated from the General Fund shall be reduced as reve-
20 nues are received during fiscal year 2004 so as to result
21 in a final fiscal year 2004 appropriation from the General
22 Fund estimated at not more than \$0.

1 DEFENSE ENVIRONMENTAL MANAGEMENT
2 PRIVATIZATION
3 (RESCISSION)

4 Of the funds appropriated in prior Energy and Water
5 Development Appropriation Acts, \$15,329,000 of unex-
6 pended balances of prior appropriations are rescinded:
7 *Provided*, That \$13,329,000 shall be derived from the Pa-
8 ducah Disposal Facility Privatization (OR-574) and
9 \$2,000,000 shall be derived from the Portsmouth Disposal
10 Facility Privatization (OR-674).

11 GENERAL PROVISIONS

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

24 (b) Within 30 days of formally notifying an incum-
25 bent contractor that the Secretary intends to grant such

1 a waiver, the Secretary shall submit to the Subcommittees
2 on Energy and Water Development of the Committees on
3 Appropriations of the House of Representatives and the
4 Senate a report notifying the Subcommittees of the waiver
5 and setting forth, in specificity, the substantive reasons
6 why the Secretary believes the requirement for competition
7 should be waived for this particular award.

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

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

13 (2) provide enhanced severance payments or
14 other benefits for employees of the Department of
15 Energy,

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

19 SEC. 303. None of the funds appropriated by this Act
20 may be used to augment the \$12,321,000 made available
21 for obligation by this Act for severance payments and
22 other benefits and community assistance grants under sec-
23 tion 3161 of the National Defense Authorization Act for
24 Fiscal Year 1993 (Public Law 102–484; 42 U.S.C.
25 7274h) unless the Department of Energy submits a re-

1 programming request subject to approval by the appro-
2 priate congressional committees.

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

7 (TRANSFERS OF UNEXPENDED BALANCES)

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

15 SEC. 306. None of the funds in this or any other Act
16 for the Administrator of the Bonneville Power Administra-
17 tion may be used to enter into any agreement to perform
18 energy efficiency services outside the legally defined Bon-
19 neville service territory, with the exception of services pro-
20 vided internationally, including services provided on a re-
21 imbursable basis, unless the Administrator certifies in ad-
22 vance that such services are not available from private sec-
23 tor businesses.

24 SEC. 307. The Administrator of the National Nuclear
25 Security Administration may authorize the plant manager
26 of a covered nuclear weapons production plant to engage

1 in research, development, and demonstration activities
2 with respect to the engineering and manufacturing capa-
3 bilities at such plant in order to maintain and enhance
4 such capabilities at such plant: *Provided*, That of the
5 amount allocated to a covered nuclear weapons production
6 plant each fiscal year from amounts available to the De-
7 partment of Energy for such fiscal year for national secu-
8 rity programs, not more than an amount equal to 2 per-
9 cent of such amount may be used for these activities: *Pro-*
10 *vided further*, That for purposes of this section, the term
11 “covered nuclear weapons production plant” means the
12 following:

- 13 (1) the Kansas City Plant, Kansas City, Mis-
14 souri;
- 15 (2) the Y-12 Plant, Oak Ridge, Tennessee;
- 16 (3) the Pantex Plant, Amarillo, Texas;
- 17 (4) the Savannah River Plant, South Carolina;
- 18 and
- 19 (5) the Nevada Test Site.

20 SEC. 308. Funds appropriated by this or any other
21 Act, or made available by the transfer of funds in this
22 Act, for intelligence activities are deemed to be specifically
23 authorized by the Congress for purposes of section 504
24 of the National Security Act of 1947 (50 U.S.C. 414) dur-

1 ing fiscal year 2004 until the enactment of the Intelligence
2 Authorization Act for fiscal year 2004.

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

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

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

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

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

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

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

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

20 (d) This section shall become effective only upon the
21 enactment of authorizing legislation changing the nature
22 of receipts collected by Southeastern Power Administra-
23 tion, Southwestern Power Administration, and the West-
24 ern Area Power Administration by making the collection
25 of not less than \$145,000,000 of such receipts in fiscal

1 year 2004 subject to approval in an annual appropriations
2 Act.

3 TITLE IV

4 INDEPENDENT AGENCIES

5 APPALACHIAN REGIONAL COMMISSION

6 For expenses necessary to carry out the programs au-
7 thorized by the Appalachian Regional Development Act of
8 1965, as amended, for necessary expenses for the Federal
9 Co-Chairman and the alternate on the Appalachian Re-
10 gional Commission, for payment of the Federal share of
11 the administrative expenses of the Commission, including
12 services as authorized by 5 U.S.C. 3109, and hire of pas-
13 senger motor vehicles, \$71,145,000, to remain available
14 until expended.

15 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

16 SALARIES AND EXPENSES

17 For necessary expenses of the Defense Nuclear Fa-
18 cilities Safety Board in carrying out activities authorized
19 by the Atomic Energy Act of 1954, as amended by Public
20 Law 100-456, section 1441, \$19,559,000, to remain
21 available until expended.

22 DELTA REGIONAL AUTHORITY

23 SALARIES AND EXPENSES

24 For necessary expenses of the Delta Regional Author-
25 ity and to carry out its activities, as authorized by the