

# Union Calendar No. 322

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4614

[Report No. 108-554]

Making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2004

Mr. HOBSON, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

## A BILL

Making appropriations for energy and water development for the fiscal year ending September 30, 2005, 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, 2005, for energy and  
6 water development, and for other purposes, namely:

1 TITLE I  
2 DEPARTMENT OF DEFENSE—CIVIL  
3 DEPARTMENT OF THE ARMY  
4 CORPS OF ENGINEERS—CIVIL

5 The following appropriations shall be expended  
6 under the direction of the Secretary of the Army and the  
7 supervision of the Chief of Engineers for authorized civil  
8 functions of the Department of the Army pertaining to  
9 rivers and harbors, flood control, shore protection, aquat-  
10 ic ecosystem restoration, and related purposes.

11 GENERAL INVESTIGATIONS

12 For expenses necessary for the collection and study  
13 of basic information pertaining to rivers and harbors,  
14 flood control, shore protection, storm damage reduction,  
15 and related projects, restudy of authorized projects, mis-  
16 cellaneous investigations, and, when authorized by law,  
17 surveys and detailed studies and plans and specifications  
18 of projects prior to construction, \$149,000,000, to re-  
19 main available until expended: *Provided*, That for the  
20 Ohio Riverfront, Cincinnati, Ohio, project, the cost of  
21 planning and design undertaken by non-Federal interests  
22 shall be credited toward the non-Federal share of project  
23 design costs: *Provided further*, That in conducting the  
24 Southwest Valley Flood Damage Reduction Study, Albu-  
25 querque, New Mexico, the Secretary of the Army, acting

1 through the Chief of Engineers, shall include an evalua-  
2 tion of flood damage reduction measures that would oth-  
3 erwise be excluded from the feasibility analysis based on  
4 policies regarding the frequency of flooding, the drainage  
5 areas, and the amount of runoff.

6 CONSTRUCTION, GENERAL

7 For expenses necessary for the prosecution of river  
8 and harbor, flood control, shore protection, storm damage  
9 reduction, and related projects authorized by law; and for  
10 conducting detailed studies, and plans and specifications,  
11 of such projects (including those for development with  
12 participation or under consideration for participation by  
13 States, local governments, or private groups) authorized  
14 or made eligible for selection by law (but such detailed  
15 studies, and plans and specifications, shall not constitute  
16 a commitment of the Government to construction);  
17 \$1,876,680,000, to remain available until expended, of  
18 which such sums as are necessary to cover the Federal  
19 share of construction costs for facilities under the  
20 Dredged Material Disposal Facilities program shall be  
21 derived from the Harbor Maintenance Trust Fund as au-  
22 thorized by Public Law 104-303; and of which such  
23 sums as are necessary pursuant to Public Law 99-662  
24 shall be derived from the Inland Waterways Trust Fund  
25 for one-half of the costs of construction and rehabilitation

1 of inland waterways projects (including the rehabilitation  
2 costs for Lock and Dam 11, Mississippi River, Iowa;  
3 Lock and Dam 19, Mississippi River, Iowa; Lock and  
4 Dam 24, Mississippi River, Illinois and Missouri; and  
5 Lock and Dam 3, Mississippi River, Minnesota): *Pro-*  
6 *vided*, That using \$10,000,000 of the funds appropriated  
7 herein, the Secretary of the Army, acting through the  
8 Chief of Engineers, is directed to continue construction  
9 of the Dallas Floodway Extension, Texas, project, includ-  
10 ing the Cadillac Heights feature, generally in accordance  
11 with the Chief of Engineers report dated December 7,  
12 1999: *Provided further*, That the Secretary of the Army  
13 is directed to accept advance funds, pursuant to section  
14 11 of the River and Harbor Act of 1925, from the non-  
15 Federal sponsor of the Los Angeles Harbor, California,  
16 project authorized by section 101(b)(5) of Public Law  
17 106–541: *Provided further*, That the Secretary of the  
18 Army, acting through the Chief of Engineers, is directed  
19 to proceed with the construction of the New York and  
20 New Jersey Harbor project, 50-foot deepening element,  
21 upon execution of the Project Cooperation Agreement:  
22 *Provided further*, That no funds made available under  
23 this Act or any other Act for any fiscal year may be used  
24 by the Secretary of the Army to carry out the construc-  
25 tion of the Port Jersey element of the New York and

1 New Jersey Harbor or reimbursement to the Local Spon-  
2 sor for the construction of the Port Jersey element until  
3 commitments for construction of container handling fa-  
4 cilities are obtained from the non-Federal sponsor for a  
5 second user along the Port Jersey element: *Provided fur-*  
6 *ther*, That the Secretary of the Army, acting through the  
7 Chief of Engineers, is directed to use \$6,000,000 of the  
8 funds appropriated herein to proceed with planning, engi-  
9 neering, design or construction of the Grundy, Buchanan  
10 County, and Dickenson County, Virginia, elements of the  
11 Levisa and Tug Forks of the Big Sandy River and Upper  
12 Cumberland River Project: *Provided further*, That the  
13 Secretary of the Army, acting through the Chief of Engi-  
14 neers, is directed to use funds appropriated for the navi-  
15 gation project, Tampa Harbor, Florida, to carry out, as  
16 part of the project, construction of passing lanes in an  
17 area approximately 3.5 miles long, centered on Tampa  
18 Bay Cut B, if the Secretary determines that such con-  
19 struction is technically sound, environmentally acceptable,  
20 and cost effective: *Provided further*, That using \$500,000  
21 of the funds appropriated herein, the Secretary of the  
22 Army, acting through the Chief of Engineers, is author-  
23 ized and directed to plan, design, and initiate reconstruc-  
24 tion of the Cape Girardeau, Missouri, project, originally  
25 authorized by the Flood Control Act of 1950, at an esti-

1 mated total cost of \$9,000,000, with cost sharing on the  
2 same basis as cost sharing for the project as originally  
3 authorized, if the Secretary determines that the recon-  
4 struction is technically sound and environmentally accept-  
5 able: *Provided further*, That the planned reconstruction  
6 shall be based on the most cost-effective engineering solu-  
7 tion and shall require no further economic justification:  
8 *Provided further*, That the Secretary of the Army, acting  
9 through the Chief of Engineers, is directed to proceed  
10 without further delay with work on the permanent bridge  
11 to replace Folsom Bridge Dam Road, Folsom, California,  
12 as authorized by the Energy and Water Development Ap-  
13 propriations Act, 2004 (Public Law 108–137), and, of  
14 the \$8,000,000 available for the American River Water-  
15 shed (Folsom Dam Mini-Raise), California, project, up to  
16 \$5,000,000 of those funds be directed for the permanent  
17 bridge, with all remaining devoted to the Mini-Raise.

18 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBU-  
19 TARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUI-  
20 SIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

21 For expenses necessary for the flood damage reduc-  
22 tion program for the Mississippi River alluvial valley  
23 below Cape Girardeau, Missouri, as authorized by law,  
24 \$325,000,000, to remain available until expended.

## 1           OPERATION AND MAINTENANCE, GENERAL

2           For expenses necessary for the operation, mainte-  
3 nance, and care of existing river and harbor, flood and  
4 storm damage reduction, aquatic ecosystem restoration,  
5 and related projects; for providing security for infrastruc-  
6 ture owned and operated by, or on behalf of, the United  
7 States Army Corps of Engineers, including administra-  
8 tive buildings and facilities, laboratories, and the Wash-  
9 ington Aqueduct; for the maintenance of harbor channels  
10 provided by a State, municipality, or other public agency  
11 that serve essential navigation needs of general com-  
12 merce, where authorized by law; and for surveys and  
13 charting of northern and northwestern lakes and con-  
14 necting waters, clearing and straightening channels, and  
15 removal of obstructions to navigation; \$1,982,000,000, to  
16 remain available until expended, of which such sums as  
17 become available in the Harbor Maintenance Trust Fund,  
18 pursuant to Public Law 99-662, may be derived from  
19 that fund; of which such sums as become available from  
20 the special account for the United States Army Corps of  
21 Engineers established by the Land and Water Conserva-  
22 tion Act of 1965, as amended (16 U.S.C. 4601-6a(i)),  
23 may be derived from that account for resource protection,  
24 research, interpretation, and maintenance activities re-  
25 lated to resource protection in the areas at which outdoor





1 as part of the Nation's early atomic energy program,  
2 \$190,000,000, to remain available until expended.

3 GENERAL EXPENSES

4 For expenses necessary for general administration  
5 and related civil works functions in the headquarters of  
6 the United States Army Corps of Engineers, the offices  
7 of the Division Engineers, the Humphreys Engineer Cen-  
8 ter Support Activity, the Institute for Water Resources,  
9 the United States Army Engineer Research and Develop-  
10 ment Center, and the United States Army Corps of Engi-  
11 neers Finance Center, \$167,000,000, to remain available  
12 until expended: *Provided*, That no part of any other ap-  
13 propriation provided in title I of this Act shall be avail-  
14 able to fund the activities of the Office of the Chief of  
15 Engineers or the executive direction and management ac-  
16 tivities of the division offices: *Provided further*, That none  
17 of these funds shall be available to support an office of  
18 congressional affairs within the executive office of the  
19 Chief of Engineers.

20 OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL  
21 WORKS)

22 For expenses necessary for the Office of Assistant  
23 Secretary of the Army (Civil Works), as authorized by 10  
24 U.S.C. 3016(b)(3), \$2,600,000.

## 1 ADMINISTRATIVE PROVISIONS

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

## 8 GENERAL PROVISIONS

## 9 CORPS OF ENGINEERS—CIVIL

10 SEC. 101. Agreements proposed for execution by the  
11 Assistant Secretary of the Army for Civil Works or the  
12 United States Army Corps of Engineers after the date of  
13 the enactment of this Act pursuant to section 4 of the  
14 Rivers and Harbor Act of 1915 (P.L. 64–291); section  
15 11 of the River and Harbor Act of 1925 (P.L. 68–585);  
16 the Civil Functions Appropriations Act, 1936 (P.L. 75–  
17 208); section 215 of the Flood Control, Act of 1968, as  
18 amended (P.L. 90–483); sections 104, 203, and 204 of  
19 the Water Resources Development Act of 1986, as  
20 amended (P.L. 99–662); section 206 of the Water Re-  
21 sources Development Act of 1992, as amended (P.L.  
22 102–580); section 211 of the Water Resources Develop-  
23 ment Act of 1996 (P.L. 104–303); and any other specific  
24 project authority, shall be limited to credits and reim-  
25 bursements per project not to exceed \$10,000,000 in

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

4 SEC. 102. None of the funds appropriated in this or  
5 any other Act may be used by the United States Army  
6 Corps of Engineers to support activities related to the  
7 proposed Ridge Landfill in Tuscarawas County, Ohio.

8 SEC. 103. None of the funds appropriated in this or  
9 any other Act shall be used to demonstrate or implement  
10 any plans divesting or transferring any Civil Works mis-  
11 sions, functions, or responsibilities of the United States  
12 Army Corps of Engineers to other government agencies  
13 without specific direction in a subsequent Act of Con-  
14 gress.

15 SEC. 104. None of the funds appropriated in this or  
16 any other Act may be used by the United States Army  
17 Corps of Engineers to support activities related to the  
18 proposed Indian Run Sanitary Landfill in Sandy Town-  
19 ship, Stark County, Ohio.

20 SEC. 105. ALAMOGORDO, NEW MEXICO. The project  
21 for flood protection at Alamogordo, New Mexico, author-  
22 ized by the Flood Control Act of 1962 (P.L. 87–874), is  
23 modified to authorize and direct the Secretary to con-  
24 struct a flood detention basin to protect the north side  
25 of the City of Alamogordo, New Mexico, from flooding.

1 The flood detention basin shall be constructed to provide  
2 protection from a 100-year flood event. The project cost  
3 share for the flood detention basin shall be consistent  
4 with section 103(a) of the Water Resources Development  
5 Act of 1986, notwithstanding section 202(a) of the Water  
6 Resources Development Act of 1996.

7 SEC. 106. Section 214(a) of Public Law 106-541 is  
8 amended by striking “2003” and inserting “2007”.

9 SEC. 107. FLOOD DAMAGE REDUCTION, MILL  
10 CREEK, CINCINNATI, OHIO. The Secretary of the Army  
11 is directed to complete the General Reevaluation Report  
12 on the Mill Creek, Ohio, project not later than March 1,  
13 2005, at 100 percent Federal cost. The report shall pro-  
14 vide plans for flood damage reduction throughout the  
15 basin equivalent to and commensurate with that afforded  
16 by the authorized, partially implemented, Mill Creek,  
17 Ohio, Flood Damage Reduction Project, as authorized in  
18 section 201 of the Flood Control Act of 1970 (P.L. 91-  
19 611).

20 SEC. 108. The Secretary shall provide credit to the  
21 non-Federal sponsor for preconstruction engineering and  
22 design work performed by the non-Federal sponsor for  
23 the environmental dredging project at Ashtabula River,  
24 Ohio, prior to execution of a Project Cooperation Agree-  
25 ment.

1       SEC. 109. The Secretary of the Army, acting  
2 through the Chief of Engineers, is directed to design the  
3 Central Riverfront Park project on the Ohio Riverfront  
4 in Cincinnati, Ohio, as described in the Central River-  
5 front Park Master Plan performed by the City of Cin-  
6 cinnati, dated December 1999, and the Section 905(b)  
7 analysis, performed by the Louisville District of the  
8 Corps of Engineers, dated August 2002. The cost of  
9 project work undertaken by the non-Federal interests, in-  
10 cluding but not limited to prior and current planning and  
11 design, shall be credited toward the non-Federal share of  
12 design costs.

13       SEC. 110. Amounts in the revolving fund may not be  
14 used for the Dredge MCFARLAND overhaul, the replace-  
15 ment of the side-casting propulsion system of the Dredge  
16 MERRITT, the pontoon pipeline replacement of the  
17 Dredge JADWIN, the bow discharge replacement and  
18 repowering for the Dredge ESSAYONS, the repowering  
19 of the Dredge YAQUINA, or the floating pipeline replace-  
20 ment for the Dredge POTTER.

1 TITLE II  
2 DEPARTMENT OF THE INTERIOR  
3 CENTRAL UTAH PROJECT

4 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

5 For carrying out activities authorized by the Central  
6 Utah Project Completion Act, \$48,009,000 to remain  
7 available until expended, of which \$15,469,000 shall be  
8 deposited into the Utah Reclamation Mitigation and Con-  
9 servation Account for use by the Utah Reclamation Miti-  
10 gation and Conservation Commission.

11 In addition, for necessary expenses incurred in car-  
12 rying out related responsibilities of the Secretary of the  
13 Interior, \$1,734,000, to remain available until expended.

14 BUREAU OF RECLAMATION

15 The following appropriations shall be expended to  
16 execute authorized functions of the Bureau of Reclama-  
17 tion:

18 WATER AND RELATED RESOURCES

19 (INCLUDING TRANSFER OF FUNDS)

20 For management, development, and restoration of  
21 water and related natural resources and for related ac-  
22 tivities, including the operation, maintenance, and reha-  
23 bilitation of reclamation and other facilities, participation  
24 in fulfilling related Federal responsibilities to Native  
25 Americans, and related grants to, and cooperative and

1 other agreements with, State and local governments, In-  
2 dian tribes, and others, \$860,000,000, to remain avail-  
3 able until expended, of which \$53,299,000 shall be avail-  
4 able for transfer to the Upper Colorado River Basin  
5 Fund and \$33,794,000 shall be available for transfer to  
6 the Lower Colorado River Basin Development Fund; of  
7 which such amounts as may be necessary may be ad-  
8 vanced to the Colorado River Dam Fund; and of which  
9 not more than \$500,000 is for high priority projects  
10 which shall be carried out by the Youth Conservation  
11 Corps, as authorized by 16 U.S.C. 1706: *Provided*, That  
12 such transfers may be increased or decreased within the  
13 overall appropriation under this heading: *Provided fur-*  
14 *ther*, That of the total appropriated, the amount for pro-  
15 gram activities can be financed by the Reclamation Fund  
16 or the Bureau of Reclamation special fee account estab-  
17 lished by 16 U.S.C. 460l-6a(i) shall be derived from that  
18 Fund or account: *Provided further*, That funds contrib-  
19 uted under 43 U.S.C. 395 are available until expended  
20 for the purposes for which contributed: *Provided further*,  
21 That funds advanced under 43 U.S.C. 397a shall be  
22 credited to this account and are available until expended  
23 for the same purposes as the sums appropriated under  
24 this heading: *Provided further*, That funds available for  
25 expenditure for the Departmental Irrigation Drainage

1 Program may be expended by the Bureau of Reclamation  
2 for site remediation on a non-reimbursable basis: *Pro-*  
3 *vided further*, That section 301 of Public Law 102–250,  
4 the Reclamation States Emergency Drought Relief Act of  
5 1991, as amended, is amended further by inserting  
6 “2004, and 2005” in lieu of “and 2004”.

7 CENTRAL VALLEY PROJECT RESTORATION FUND

8 For carrying out the programs, projects, plans, and  
9 habitat restoration, improvement, and acquisition provi-  
10 sions of the Central Valley Project Improvement Act,  
11 \$54,695,000, to be derived from such sums as may be  
12 collected in the Central Valley Project Restoration Fund  
13 pursuant to sections 3407(d), 3404(c)(3), 3405(f), and  
14 3406(c)(1) of Public Law 102–575, to remain available  
15 until expended: *Provided*, That the Bureau of Reclama-  
16 tion is directed to assess and collect the full amount of  
17 the additional mitigation and restoration payments au-  
18 thorized by section 3407(d) of Public Law 102–575: *Pro-*  
19 *vided further*, That none of the funds made available  
20 under this heading may be used for the acquisition or  
21 leasing of water for in-stream purposes if the water is al-  
22 ready committed to in-stream purposes by a court-adopt-  
23 ed decree or order.



## 1 POLICY AND ADMINISTRATION

2 For necessary expenses of policy, administration,  
3 and related functions in the office of the Commissioner,  
4 the Denver office, and offices in the five regions of the  
5 Bureau of Reclamation, to remain available until ex-  
6 pended, \$58,153,000, to be derived from the Reclamation  
7 Fund and be nonreimbursable as provided in 43 U.S.C.  
8 377: *Provided*, That no part of any other appropriation  
9 in this Act shall be available for activities or functions  
10 budgeted as policy and administration expenses.

## 11 ADMINISTRATIVE PROVISION

12 Appropriations for the Bureau of Reclamation shall  
13 be available for purchase of not to exceed 14 passenger  
14 motor vehicles, of which 11 are for replacement only.

## 15 GENERAL PROVISIONS

## 16 DEPARTMENT OF THE INTERIOR

17 SEC. 201. (a) None of the funds appropriated or  
18 otherwise made available by this Act may be used to de-  
19 termine the final point of discharge for the interceptor  
20 drain for the San Luis Unit until development by the  
21 Secretary of the Interior and the State of California of  
22 a plan, which shall conform to the water quality stand-  
23 ards of the State of California as approved by the Admin-  
24 istrator of the Environmental Protection Agency, to mini-

1 mize any detrimental effect of the San Luis drainage wa-  
2 ters.

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

19 SEC. 202. None of the funds appropriated or other-  
20 wise made available by this or any other Act may be used  
21 to pay the salaries and expenses of personnel to purchase  
22 or lease water in the Middle Rio Grande or the Carlsbad  
23 Projects in New Mexico unless said purchase or lease is  
24 in compliance with the purchase requirements of section  
25 202 of Public Law 106–60.

1 TITLE III  
2 DEPARTMENT OF ENERGY  
3 ENERGY PROGRAMS  
4 ENERGY SUPPLY

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 energy  
8 supply activities in carrying out the purposes of the De-  
9 partment of Energy Organization Act (42 U.S.C. 7101 et  
10 seq.), including the acquisition or condemnation of any  
11 real property or any facility or for plant or facility acqui-  
12 sition, construction, or expansion, and the purchase of  
13 not to exceed 9 passenger motor vehicles for replacement  
14 only, and one ambulance, \$817,126,000, to remain avail-  
15 able until expended.

16 NON-DEFENSE SITE ACCELERATION COMPLETION

17 For Department of Energy expenses, including the  
18 purchase, construction, and acquisition of plant and cap-  
19 ital equipment and other expenses necessary for non-de-  
20 fense environmental management site acceleration com-  
21 pletion activities in carrying out the purposes of the De-  
22 partment of Energy Organization Act (42 U.S.C. 7101 et  
23 seq.), including the acquisition or condemnation of any  
24 real property or any facility or for plant or facility acqui-

1 sition, construction, or expansion, \$151,850,000, to re-  
2 main available until expended.

3 URANIUM ENRICHMENT DECONTAMINATION AND  
4 DECOMMISSIONING FUND

5 For necessary expenses in carrying out uranium en-  
6 richment facility decontamination and decommissioning,  
7 remedial actions, and other activities of title II of the  
8 Atomic Energy Act of 1954, as amended, and title X,  
9 subtitle A, of the Energy Policy Act of 1992,  
10 \$500,200,000, to be derived from the Fund, to remain  
11 available until expended, of which \$100,614,000 shall be  
12 available in accordance with title X, subtitle A, of the  
13 Energy Policy Act of 1992.

14 NON-DEFENSE ENVIRONMENTAL SERVICES

15 For Department of Energy expenses necessary for  
16 non-defense environmental services activities that indi-  
17 rectly support the accelerated cleanup and closure mis-  
18 sion at environmental management sites, including the  
19 purchase, construction, and acquisition of plant and cap-  
20 ital equipment and other necessary expenses,  
21 \$291,296,000, to remain available until expended.

22 SCIENCE

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 science

1 activities in carrying out the purposes of the Department  
2 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
3 cluding the acquisition or condemnation of any real prop-  
4 erty or facility or for plant or facility acquisition, con-  
5 struction, or expansion, and purchase of not to exceed  
6 four passenger motor vehicles for replacement only, in-  
7 cluding one ambulance, \$3,599,964,000, to remain avail-  
8 able until expended.

#### 9 DEPARTMENTAL ADMINISTRATION

10 For salaries and expenses of the Department of En-  
11 ergy necessary for departmental administration in car-  
12 rying out the purposes of the Department of Energy Or-  
13 ganization Act (42 U.S.C. 7101 et seq.), including the  
14 hire of passenger motor vehicles and official reception  
15 and representation expenses (not to exceed \$35,000),  
16 \$243,876,000, to remain available until expended, plus  
17 such additional amounts as necessary to cover increases  
18 in the estimated amount of cost of work for others not-  
19 withstanding the provisions of the Anti-Deficiency Act  
20 (31 U.S.C. 1511 et seq.): *Provided*, That such increases  
21 in cost of work are offset by revenue increases of the  
22 same or greater amount, to remain available until ex-  
23 pended: *Provided further*, That moneys received by the  
24 Department for miscellaneous revenues estimated to total  
25 \$122,000,000 in fiscal year 2005 may be retained and

1 used for operating expenses within this account, and may  
2 remain available until expended, as authorized by section  
3 201 of Public Law 95–238, notwithstanding the provi-  
4 sions of 31 U.S.C. 3302: *Provided further*, That the sum  
5 herein appropriated shall be reduced by the amount of  
6 miscellaneous revenues received during fiscal year 2005,  
7 and any related unappropriated receipt account balances  
8 remaining from prior years’ miscellaneous revenues, so as  
9 to result in a final fiscal year 2005 appropriation from  
10 the general fund estimated at not more than  
11 \$121,876,000.

12 OFFICE OF THE INSPECTOR GENERAL

13 For necessary expenses of the Office of the Inspec-  
14 tor General in carrying out the provisions of the Inspec-  
15 tor General Act of 1978, as amended, \$41,508,000, to  
16 remain available until expended.

17 ATOMIC ENERGY DEFENSE ACTIVITIES

18 NATIONAL NUCLEAR SECURITY ADMINISTRATION

19 WEAPONS ACTIVITIES

20 For Department of Energy expenses, including the  
21 purchase, construction, and acquisition of plant and cap-  
22 ital equipment and other incidental expenses necessary  
23 for atomic energy defense weapons activities in carrying  
24 out the purposes of the Department of Energy Organiza-  
25 tion Act (42 U.S.C. 7101 et seq.), including the acquisi-

1 tion or condemnation of any real property or any facility  
2 or for plant or facility acquisition, construction, or expan-  
3 sion; and the purchase of not to exceed 19 passenger  
4 motor vehicles, for replacement only, including not to ex-  
5 ceed two buses; \$6,514,424,000 to remain available until  
6 expended.

7           DEFENSE NUCLEAR NONPROLIFERATION

8           For Department of Energy expenses, including the  
9 purchase, construction and acquisition of plant and cap-  
10 ital equipment and other incidental expenses necessary  
11 for atomic energy defense, defense nuclear nonprolifera-  
12 tion activities, in carrying out the purposes of the De-  
13 partment of Energy Organization Act (42 U.S.C. 7101 et  
14 seq.), including the acquisition or condemnation of any  
15 real property or any facility or for plant or facility acqui-  
16 sition, construction, or expansion, \$1,348,647,000, to re-  
17 main available until expended.

18                           NAVAL REACTORS

19           For Department of Energy expenses necessary for  
20 naval reactors activities to carry out the Department of  
21 Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
22 cluding the acquisition (by purchase, condemnation, con-  
23 struction, or otherwise) of real property, plant, and cap-  
24 ital equipment, facilities, and facility expansion,  
25 \$807,900,000, to remain available until expended.

## 1                   OFFICE OF THE ADMINISTRATOR

2           For necessary expenses of the Office of the Adminis-  
3 trator in the National Nuclear Security Administration,  
4 including official reception and representation expenses  
5 (not to exceed \$12,000), \$356,200,000, to remain avail-  
6 able until expended.

## 7           ENVIRONMENTAL AND OTHER DEFENSE

## 8                   ACTIVITIES

## 9           DEFENSE SITE ACCELERATION COMPLETION

10          For Department of Energy expenses, including the  
11 purchase, construction, and acquisition of plant and cap-  
12 ital equipment and other expenses necessary for atomic  
13 energy defense site acceleration completion activities in  
14 carrying out the purposes of the Department of Energy  
15 Organization Act (42 U.S.C. 7101 et seq.), including the  
16 acquisition or condemnation of any real property or any  
17 facility or for plant or facility acquisition, construction,  
18 or expansion, \$5,930,837,000, to remain available until  
19 expended.

## 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 mis-  
24 sion at environmental management sites, including the  
25 purchase, construction, and acquisition of plant and cap-



1 ital equipment and other necessary expenses, and the  
2 purchase of not to exceed three ambulances for replace-  
3 ment only, \$957,976,000, to remain available until ex-  
4 pended.

5                   OTHER DEFENSE ACTIVITIES

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, other defense activities, and classified ac-  
10 tivities, in carrying out the purposes of the Department  
11 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
12 cluding the acquisition or condemnation of any real prop-  
13 erty or any facility or for plant or facility acquisition,  
14 construction, or expansion, \$697,059,000, to remain  
15 available until expended.

16                   DEFENSE NUCLEAR WASTE DISPOSAL

17       For nuclear waste disposal activities to carry out the  
18 purposes of Public Law 97-425, as amended, including  
19 the acquisition of real property or facility construction or  
20 expansion, \$131,000,000, to remain available until ex-  
21 pended.

22                   POWER MARKETING ADMINISTRATIONS

23                   BONNEVILLE POWER ADMINISTRATION FUND

24       Expenditures from the Bonneville Power Adminis-  
25 tration Fund, established pursuant to Public Law 93-

1 454, are approved for official reception and representa-  
2 tion expenses in an amount not to exceed \$1,500. During  
3 fiscal year 2005, no new direct loan obligations may be  
4 made.

5 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER  
6 ADMINISTRATION

7 For necessary expenses of operation and mainte-  
8 nance of power transmission facilities and of marketing  
9 electric power and energy, including transmission wheel-  
10 ing and ancillary services, pursuant to the provisions of  
11 section 5 of the Flood Control Act of 1944 (16 U.S.C.  
12 825s), as applied to the southeastern power area,  
13 \$5,200,000, to remain available until expended: *Provided,*  
14 That, notwithstanding the provisions of 31 U.S.C. 3302,  
15 up to \$34,000,000 collected by the Southeastern Power  
16 Administration pursuant to the Flood Control Act of  
17 1944 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 OPERATION AND MAINTENANCE, SOUTHWESTERN  
22 POWER ADMINISTRATION

23 For necessary expenses of operation and mainte-  
24 nance of power transmission facilities and of marketing  
25 electric power and energy, for construction and acquisi-

1 tion of transmission lines, substations and appurtenant  
2 facilities, and for administrative expenses, including offi-  
3 cial reception and representation expenses in an amount  
4 not to exceed \$1,500 in carrying out the provisions of  
5 section 5 of the Flood Control Act of 1944 (16 U.S.C.  
6 825s), as applied to the southwestern power area,  
7 \$29,352,000, to remain available until expended: *Pro-*  
8 *vided*, That, notwithstanding the provisions of 31 U.S.C.  
9 3302, up to \$1,800,000 collected by the Southwestern  
10 Power Administration pursuant to the Flood Control Act  
11 of 1944 to recover purchase power and wheeling expenses  
12 shall be credited to this account as offsetting collections,  
13 to remain available until expended for the sole purpose  
14 of making purchase power and wheeling expenditures.

15 CONSTRUCTION, REHABILITATION, OPERATION AND  
16 MAINTENANCE, WESTERN AREA POWER ADMINIS-  
17 TRATION

18 For carrying out the functions authorized by title  
19 III, section 302(a)(1)(E) of the Act of August 4, 1977  
20 (42 U.S.C. 7152), and other related activities including  
21 conservation and renewable resources programs as au-  
22 thorized, including official reception and representation  
23 expenses in an amount not to exceed \$1,500,  
24 \$173,100,000, to remain available until expended, of  
25 which \$170,756,000 shall be derived from the Depart-

1 ment of the Interior Reclamation Fund: *Provided*, That,  
2 notwithstanding the provisions of 31 U.S.C. 3302, up to  
3 \$186,000,000 collected by the Western Area Power Ad-  
4 ministration pursuant to the Flood Control Act of 1944  
5 and the Reclamation Project Act of 1939 to recover pur-  
6 chase power and wheeling expenses shall be credited to  
7 this account as offsetting collections, to remain available  
8 until expended for the sole purpose of making purchase  
9 power and wheeling expenditures.

10 FALCON AND AMISTAD OPERATING AND MAINTENANCE  
11 FUND

12 For operation, maintenance, and emergency costs  
13 for the hydroelectric facilities at the Falcon and Amistad  
14 Dams, \$2,827,000, to remain available until expended,  
15 and to be derived from the Falcon and Amistad Oper-  
16 ating and Maintenance Fund of the Western Area Power  
17 Administration, as provided in section 423 of the Foreign  
18 Relations Authorization Act, Fiscal Years 1994 and  
19 1995.

20 FEDERAL ENERGY REGULATORY COMMISSION  
21 SALARIES AND EXPENSES

22 For necessary expenses of the Federal Energy Regu-  
23 latory Commission to carry out the provisions of the De-  
24 partment of Energy Organization Act (42 U.S.C. 7101 et  
25 seq.), including services as authorized by 5 U.S.C. 3109,

1 the hire of passenger motor vehicles, and official recep-  
2 tion and representation expenses (not to exceed \$3,000),  
3 \$210,000,000, to remain available until expended: *Pro-*  
4 *vided*, That, notwithstanding any other provision of law,  
5 not to exceed \$210,000,000 of revenues from fees and  
6 annual charges, and other services and collections in fis-  
7 cal year 2005 shall be retained and used for necessary  
8 expenses in this account, and shall remain available until  
9 expended: *Provided further*, That the sum herein appro-  
10 priated from the general fund shall be reduced as reve-  
11 nues are received during fiscal year 2005 so as to result  
12 in a final fiscal year 2005 appropriation from the general  
13 fund estimated at not more than \$0.

14 GENERAL PROVISIONS

15 DEPARTMENT OF ENERGY

16 SEC. 301. (a)(1) None of the funds in this or any  
17 other appropriations Act for fiscal year 2005 or any pre-  
18 vious fiscal year may be used to make payments for a  
19 noncompetitive management and operating contract un-  
20 less the Secretary of Energy has published in the Federal  
21 Register and submitted to the Committees on Appropria-  
22 tions of the House of Representatives and the Senate a  
23 written notification, with respect to each such contract,  
24 of the Secretary's decision to use competitive procedures

1 for the award of the contract, or to not renew the con-  
2 tract, when the term of the contract expires.

3 (2) Paragraph (1) does not apply to an extension for  
4 up to two years of a noncompetitive management and op-  
5 erating contract, if the extension is for purposes of allow-  
6 ing time to award competitively a new contract, to pro-  
7 vide continuity of service between contracts, or to com-  
8 plete a contract that will not be renewed.

9 (b) In this section:

10 (1) The term “noncompetitive management and  
11 operating contract” means a contract that was  
12 awarded more than 50 years ago without competi-  
13 tion for the management and operation of Ames  
14 Laboratory, Argonne National Laboratory, Lawrence  
15 Berkeley National Laboratory, Lawrence Livermore  
16 National Laboratory, and Los Alamos National Lab-  
17 oratory.

18 (2) The term “competitive procedures” has the  
19 meaning provided in section 4 of the Office of Fed-  
20 eral Procurement Policy Act (41 U.S.C. 403) and  
21 includes procedures described in section 303 of the  
22 Federal Property and Administrative Services Act of  
23 1949 (41 U.S.C. 253) other than a procedure that  
24 solicits a proposal from only one source.

1           (c) For all management and operating contracts  
2 other than those listed in subsection (b)(1), none of the  
3 funds appropriated by this Act may be used to award a  
4 management and operating contract, or award a signifi-  
5 cant extension or expansion to an existing management  
6 and operating contract, unless such contract is awarded  
7 using competitive procedures or the Secretary of Energy  
8 grants, on a case-by-case basis, a waiver to allow for such  
9 a deviation. The Secretary may not delegate the authority  
10 to grant such a waiver. At least 60 days before a contract  
11 award for which the Secretary intends to grant such a  
12 waiver, the Secretary shall submit to the Committees on  
13 Appropriations of the House of Representatives and the  
14 Senate a report notifying the Committees of the waiver  
15 and setting forth, in specificity, the substantive reasons  
16 why the Secretary believes the requirement for competition  
17 should be waived for this particular award.

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

- 20           (1) develop or implement a workforce restruc-  
21           turing plan that covers employees of the Department  
22           of Energy; or
- 23           (2) provide enhanced severance payments or  
24           other benefits for employees of the Department of  
25           Energy under section 3161 of the National Defense

1 Authorization Act for Fiscal Year 1993 (P.L. 102–  
2 484; 42 U.S.C. 7274h).

3 SEC. 303. None of the funds appropriated by this  
4 Act may be used to augment the funds made available for  
5 obligation by this Act or any other appropriations Act for  
6 fiscal year 2005 or any previous fiscal year for severance  
7 payments and other benefits and community assistance  
8 grants under section 3161 of the National Defense Au-  
9 thorization Act for Fiscal Year 1993 (P.L. 102–484; 42  
10 U.S.C. 7274h) unless the Department of Energy submits  
11 a reprogramming request subject to approval by the ap-  
12 propriate congressional committees.

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

17 (TRANSFERS OF UNEXPENDED BALANCES)

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

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



1 tration may be used to enter into any agreement to per-  
2 form energy efficiency services outside the legally defined  
3 Bonneville service territory, with the exception of services  
4 provided internationally, including services provided on a  
5 reimbursable basis, unless the Administrator certifies in  
6 advance that such services are not available from private  
7 sector businesses.

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

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

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

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

1       SEC. 309. Funds appropriated by this or any other  
2 Act, or made available by the transfer of funds in this  
3 Act, for intelligence activities are deemed to be specifically  
4 authorized by the Congress for purposes of section 504  
5 of the National Security Act of 1947 (50 U.S.C. 414) dur-  
6 ing fiscal year 2005 until the enactment of the Intelligence  
7 Authorization Act for fiscal year 2005.

8       SEC. 310. None of the funds made available in this  
9 or any other appropriations Act for fiscal year 2005 or  
10 any previous fiscal year may be used to select a site for  
11 a Modern Pit Facility during fiscal year 2005.

12       SEC. 311. None of the funds made available in this  
13 Act for fiscal year 2005 or any previous fiscal year may  
14 be used to finance laboratory directed research and devel-  
15 opment activities at Department of Energy laboratories on  
16 behalf of other Federal agencies.

17       SEC. 312. (a) None of the funds made available by  
18 this Act may be used to issue any license, approval, or  
19 authorization for the export or reexport, or transfer, or  
20 retransfer, whether directly or indirectly, of nuclear mate-  
21 rials and equipment or sensitive nuclear technology, in-  
22 cluding items and assistance authorized by section 57 b.  
23 of the Atomic Energy Act of 1954 and regulated under  
24 part 810 of title 10, Code of Federal Regulations, and nu-  
25 clear-related items on the Commerce Control List main-

1 tained under part 774 of title 15 of the Code of Federal  
2 Regulations, to any country whose government has been  
3 identified by the Secretary of State as engaged in state  
4 sponsorship of terrorist activities (specifically including  
5 any country the government of which has been determined  
6 by the Secretary of State under section 620A(a) of the  
7 Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), sec-  
8 tion 6(j)(1) of the Export Administration Act of 1979 (50  
9 U.S.C. App. 2405(j)(1)), or section 40(d) of the Arms Ex-  
10 port Control Act (22 U.S.C. 2780(d)) to have repeatedly  
11 provided support for acts of international terrorism).

12 (b) This section shall not apply to exports, reexports,  
13 transfers, or retransfers of radiation monitoring tech-  
14 nologies, surveillance equipment, seals, cameras, tamper-  
15 indication devices, nuclear detectors, monitoring systems,  
16 or equipment necessary to safely store, transport, or re-  
17 move hazardous materials, whether such items, services,  
18 or information are regulated by the Department of En-  
19 ergy, the Department of Commerce, or the Nuclear Regu-  
20 latory Commission, except to the extent that such tech-  
21 nologies, equipment, seals, cameras, devices, detectors, or  
22 systems are available for use in the design or construction  
23 of nuclear reactors or nuclear weapons.

24 (c) The President may waive the application of sub-  
25 section (a) to a country if the President determines and

1 certifies to Congress that the waiver will not result in any  
2 increased risk that the country receiving the waiver will  
3 acquire nuclear weapons, nuclear reactors, or any mate-  
4 rials or components of nuclear weapons and—

5           (1) the government of such country has not  
6           within the preceding 12-month period willfully aided  
7           or abetted the international proliferation of nuclear  
8           explosive devices to individuals or groups or willfully  
9           aided and abetted an individual or groups in acquir-  
10          ing unsafeguarded nuclear materials;

11          (2) in the judgment of the President, the gov-  
12          ernment of such country has provided adequate,  
13          verifiable assurances that it will cease its support for  
14          acts of international terrorism;

15          (3) the waiver of that subsection is in the vital  
16          national security interest of the United States; or

17          (4) such a waiver is essential to prevent or re-  
18          spond to a serious radiological hazard in the country  
19          receiving the waiver that may or does threaten pub-  
20          lic health and safety.

21          (d) This section shall apply with respect to exports  
22          that have been approved for transfer as of the date of the  
23          enactment of this Act but have not yet been transferred  
24          as of that date.

1 TITLE IV  
2 INDEPENDENT AGENCIES  
3 APPALACHIAN REGIONAL COMMISSION

4 For expenses necessary to carry out the programs  
5 authorized by the Appalachian Regional Development Act  
6 of 1965, as amended, for necessary expenses for the Fed-  
7 eral Co-Chairman and the alternate on the Appalachian  
8 Regional Commission, for payment of the Federal share  
9 of the administrative expenses of the Commission, includ-  
10 ing services as authorized by 5 U.S.C. 3109 and hire of  
11 passenger motor vehicles, \$38,500,000, to remain avail-  
12 able until expended.

13 DEFENSE NUCLEAR FACILITIES SAFETY BOARD  
14 SALARIES AND EXPENSES

15 For necessary expenses of the Defense Nuclear Fa-  
16 cilities Safety Board in carrying out activities authorized  
17 by the Atomic Energy Act of 1954, as amended by Public  
18 Law 100–456, section 1441, \$20,268,000, to remain  
19 available until expended.

20 DELTA REGIONAL AUTHORITY  
21 SALARIES AND EXPENSES

22 For necessary expenses of the Delta Regional Au-  
23 thority and to carry out its activities, as authorized by  
24 the Delta Regional Authority Act of 2000, as amended,  
25 notwithstanding sections 382C(b)(2), 382F(d), and

1 382M(b) of said Act, \$2,096,000, to remain available  
2 until expended.

3 NUCLEAR REGULATORY COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses of the Commission in car-  
6 rying out the purposes of the Energy Reorganization Act  
7 of 1974, as amended, and the Atomic Energy Act of  
8 1954, as amended, including official representation ex-  
9 penses (not to exceed \$15,000), and purchase of pro-  
10 motional items for use in the recruitment of individuals  
11 for employment, \$662,777,000, to remain available until  
12 expended: *Provided*, That of the amount appropriated  
13 herein, \$69,050,000 shall be derived from the Nuclear  
14 Waste Fund: *Provided further*, That revenues from licens-  
15 ing fees, inspection services, and other services and col-  
16 lections estimated at \$534,354,300 in fiscal year 2005  
17 shall be retained and used for necessary salaries and ex-  
18 penses in this account, notwithstanding 31 U.S.C. 3302,  
19 and shall remain available until expended: *Provided fur-*  
20 *ther*, That the sum herein appropriated shall be reduced  
21 by the amount of revenues received during fiscal year  
22 2005 so as to result in a final fiscal year 2005 appropria-  
23 tion estimated at not more than \$128,422,700: *Provided*  
24 *further*, that none of the funds made available in this Act  
25 or any other appropriations Act for fiscal year 2005, or

1 for any previous fiscal year, may be used by the Commis-  
2 sion to issue a license during fiscal year 2005 to con-  
3 struct or operate a new commercial nuclear power plant  
4 in the United States.

5 OFFICE OF INSPECTOR GENERAL

6 For necessary expenses of the Office of Inspector  
7 General in carrying out the provisions of the Inspector  
8 General Act of 1978, as amended, \$7,518,000, to remain  
9 available until expended: *Provided*, That revenues from li-  
10 censing fees, inspection services, and other services and  
11 collections estimated at \$6,766,200 in fiscal year 2005  
12 shall be retained and be available until expended, for nec-  
13 essary salaries and expenses in this account, notwith-  
14 standing 31 U.S.C. 3302: *Provided further*, That the sum  
15 herein appropriated shall be reduced by the amount of  
16 revenues received during fiscal year 2005 so as to result  
17 in a final fiscal year 2005 appropriation estimated at not  
18 more than \$751,800.

19 NUCLEAR WASTE TECHNICAL REVIEW BOARD

20 SALARIES AND EXPENSES

21 For necessary expenses of the Nuclear Waste Tech-  
22 nical Review Board, as authorized by Public Law 100-  
23 203, section 5051, \$3,177,000, to be derived from the  
24 Nuclear Waste Fund, and to remain available until ex-  
25 pended.



## TITLE V

## GENERAL PROVISIONS

1  
2  
3 SEC. 501. None of the funds appropriated by this Act  
4 may be used in any way, directly or indirectly, to influence  
5 congressional action on any legislation or appropriation  
6 matters pending before Congress, other than to commu-  
7 nicate to Members of Congress as described in 18 U.S.C.  
8 1913.

9 SEC. 502. (a) PURCHASE OF AMERICAN-MADE  
10 EQUIPMENT AND PRODUCTS.—It is the sense of the Con-  
11 gress that, to the greatest extent practicable, all equip-  
12 ment and products purchased with funds made available  
13 in this Act should be American-made.

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

20 (c) PROHIBITION OF CONTRACTS WITH PERSONS  
21 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—  
22 If it has been finally determined by a court or Federal  
23 agency that any person intentionally affixed a label bear-  
24 ing a “Made in America” inscription, or any inscription  
25 with the same meaning, to any product sold in or shipped

1 to the United States that is not made in the United  
2 States, the person shall be ineligible to receive any con-  
3 tract or subcontract made with funds made available in  
4 this Act, pursuant to the debarment, suspension, and ineli-  
5 gibility procedures described in sections 9.400 through  
6 9.409 of title 48, Code of Federal Regulations.

7       SEC. 503. None of the funds made available in this  
8 Act may be transferred to any department, agency, or in-  
9 strumentality of the United States Government, except  
10 pursuant to a transfer made by, or transfer authority pro-  
11 vided in, this Act or any other appropriation Act.

12       This Act may be cited as the “Energy and Water De-  
13 velopment Appropriations Act, 2005”.



Union Calendar No. 322

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4614**

[Report No. 108-554]

---

---

## **A BILL**

Making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes.

---

---

JUNE 18, 2004

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed