

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

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

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

**SEC. 316. (a) MEMORANDUM OF AGREEMENT.**—Not later than 45 days after the date of enactment of this Act, the Secretary of Energy and the Secretary of Labor shall enter into a Memorandum of Agreement (referred to in this section as the “MOA”) under which the Secretary of Labor shall agree to provide technical and managerial assistance pursuant to subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o et seq.).

(b) **REQUIREMENT.**—Under the MOA entered into under subsection (a), the Secretary of Labor shall, not later than 90 days after the date of enactment of this Act, assume management and operational responsibility for the development and preparation of claims filed with the Department of Energy under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o et seq.), consistent with the regulations under part 852 of title 10, Code of Federal Regulations, including the development of information necessary for the informed consideration of such claims by a physicians panel (which shall include work histories, medical records, and exposure assessments with respect to toxic substances).

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

(d) **DUTIES OF SECRETARY OF ENERGY.**—Under the MOA entered into under subsection (a), the Secretary of Energy shall—

(1) consistent with subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o et seq.), manage physician panels and secure necessary records in response to requests from the Secretary of Labor; and

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

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

**SEC. 317. REINSTATEMENT AND TRANSFER OF THE FEDERAL LICENSE FOR PROJECT NO. 2696. (a) DEFINITIONS.**—

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

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

(b) **REINSTATEMENT AND TRANSFER.**—Notwithstanding section 8 of the Federal Power Act (16 U.S.C. 801) or any other provision of that Act, the Commission shall, not later than 30 days after the date of enactment of this Act—

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

(2) transfer the license to the town.

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

(1) promotes hydroelectric development; and

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

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

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

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

**SEC. 318. REPORT ON EXPENDITURES FOR THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION ACT.** Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on administrative expenditures of the Secretary for the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.).

#### 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, 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, \$71,145,000, 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, \$19,559,000, to remain available until expended.

###### DELTA REGIONAL AUTHORITY

###### SALARIES AND EXPENSES

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

###### DENALI COMMISSION

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

###### NUCLEAR REGULATORY COMMISSION

###### SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$15,000), and purchase of promotional items for use in the recruitment of individuals for employment, \$618,800,000, to remain available until expended: Provided, That of the amount appropriated herein, \$33,100,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at \$538,844,000 in fiscal year 2004 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated

shall be reduced by the amount of revenues received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation estimated at not more than \$79,956,000.

###### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$7,300,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at \$6,716,000 in fiscal year 2004 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation estimated at not more than \$584,000.

###### NUCLEAR WASTE TECHNICAL REVIEW BOARD

###### SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,177,000, to be derived from the Nuclear Waste Fund, and 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. CLARIFICATION OF INDEMNIFICATION TO PROMOTE ECONOMIC DEVELOPMENT.** (a) Subsection (b)(2) of section 3158 of the National Defense Authorization Act for Fiscal Year 1998 (42 U.S.C. 7274q(b)(2)) is amended by adding the following after subparagraph (C):

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

(b) The amendment made by section 506, as amended by this section, is effective as of the date of enactment of the National Defense Authorization Act for Fiscal Year 1998.

This Act may be cited as the “Energy and Water Development Appropriations Act, 2004”.

#### APPOINTMENT OF CONFEREES— S. 3

The PRESIDING OFFICER. Under a previous order, the Chair is authorized to appoint conferees on S. 3.

The PRESIDING OFFICER appointed Mr. HATCH, Mr. DEWINE, Mr. SANTORUM, Mrs. FEINSTEIN, and Mrs. BOXER conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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ORDERS FOR TUESDAY,  
SEPTEMBER 23, 2003

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Tuesday, September 23. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for 60 minutes, with the first 30 minutes under the control of the minority leader or his designee and the remaining 30 minutes under the control of Senator HUTCHISON or her designee, provided that following morning business, the Senate resume consideration of H.R. 2691, the Interior appropriations bill, as provided under the previous order.

I further ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly party lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SANTORUM. For the information of all Senators, tomorrow following morning business, the Senate will resume debate on H.R. 2691, the Interior appropriations bill. Under a previous order, the Senate will vote on or in relation to the Daschle amendment No. 1734 regarding Indian health care. The vote in relation to the Daschle amendment will be the first vote of tomorrow's session.

For the remainder of the day, the Senate will continue to work through amendments to the Interior appropriations bill. There are several pending amendments that will require votes, and several Senators have indicated they will offer additional amendments. On behalf of the leader, I encourage all Senators who wish to offer an amendment to contact the bill managers as soon as possible. It is the leader's intention to complete action on the Interior appropriations bill during tomorrow's session. Therefore, Senators should expect rollcall votes throughout the day and into the evening tomorrow.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. SANTORUM. Mr. President, if there is no further business to come before the Senate, I ask unanimous con-

sent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:36 p.m., adjourned until Tuesday, September 23, 2003, at 9:30 a.m.

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NOMINATIONS

Executive nominations received by the Senate September 22, 2003:

DEPARTMENT OF EDUCATION

RAYMOND SIMON, OF ARKANSAS, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE SUSAN B. NEUMAN, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3034:

*To be general*

LT. GEN. GEORGE W. CASEY JR., 0000

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CONFIRMATIONS

Executive nominations confirmed by the Senate September 22, 2003:

THE JUDICIARY

GLEN E. CONRAD, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA.

HENRY F. FLOYD, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA.