

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

The conference agreement appropriates \$66,000,000 for the Appalachian Regional Commission instead of \$33,145,000 as proposed by the House and \$71,145,000 as proposed by the Senate. The conferees support the Appalachian-Turkish Trade Project to promote trade and investment opportunities. From within available funds, \$1,000,000 is provided to construct a multi-purpose facility for Noxubee County, Mississippi.

The conferees direct that no Appalachian Regional Commission funds shall be appropriated to Local Development Districts or other recipients of Commission funds who do not make available to the public on request their audited statements, annual budgets, minutes of meetings, and who do not give reasonable notification of their meetings to the public and allow the public to attend such meetings.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD  
SALARIES AND EXPENSES

The conference agreement includes \$19,559,000 for the Defense Nuclear Facilities Safety Board as proposed by the House and Senate.

DELTA REGIONAL AUTHORITY  
SALARIES AND EXPENSES

The conference agreement appropriates \$5,000,000 for the Delta Regional Authority instead of \$2,000,000 as proposed by the House and \$7,000,000 as proposed by the Senate. The conferees direct the Authority to submit to the House and Senate Committees on Appropriations quarterly financial reports providing detailed accounting data on the expenditures of funds during fiscal year 2004. The conferees also expect to receive from the Authority a detailed budget justification for the fiscal year 2005 budget. The Authority failed to comply with this requirement in fiscal year 2004.

DENALI COMMISSION

The conference agreement appropriates \$55,000,000 for the Denali Commission instead of \$48,500,000 as proposed by the Senate and no funding as proposed by the House. Within the funds provided, the conferees expect the Denali Commission to fund the projects outlined in the Senate Report, the Hope distribution line relocation, and the Southeastern Alaska Intertie System including the Upper Lynn Canal power supply project, the Swan Lake-Lake Tyee segment, the Juneau-Green's Creek-Hoonah segment, and planning and permitting for the Petersburg-Kake segment.

The conferees are very concerned that the Commission did not comply with the requirement that it submit a detailed budget justification for fiscal year 2004. Therefore, the conferees have agreed to include a provision in the bill which provides that \$5,500,000 shall not be available to the Commission until the Commission submits a detailed budget justification for the fiscal year 2005 budget.

NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES

The conference agreement includes \$618,800,000 as proposed by the House and the Senate, to be offset by revenues of \$538,844,000, for a net appropriation of \$79,956,000. This reflects the statutory language adopted by the conference in fiscal year 2001 to reduce the fee recovery requirement to 92 percent in fiscal year 2004.

The conferees direct the Nuclear Regulatory Commission to contract with the National Academy of Sciences for a study of spent nuclear fuel storage at commercial reactor sites. The study should assess (1) po-

tential safety and security risks of spent nuclear fuel presently stored in cooling pools, including the density of such storage; (2) safety and security advantages, if any, of dry cask storage versus wet pool storage at reactor sites; and (3) potential safety and security advantages, if any, of dry cask storage using various single-, dual-, and multi-purpose cask designs. In light of the September 11, 2001, terrorist attacks, this study should explicitly consider the risks of terrorist attacks on these materials and the risk these materials might be used to construct a radiological dispersal device. The National Academy of Sciences should deliver a classified report to the House and Senate Committees on Appropriations no later than six months after funding is provided to undertake this study and an unclassified summary as soon as practicable thereafter.

From within funds made available to the Nuclear Regulatory Commission, the conferees direct the Commission to transfer \$1,000,000 to the National Academy of Sciences to undertake this study. The conferees expect the Commission to execute this transfer within 30 days of enactment of this Act. This study should be conducted in coordination with the Department of Homeland Security and the Department of Energy. The conferees expect the Nuclear Regulatory Commission, the Department of Homeland Security, and the Department of Energy to make available to the National Academy of Sciences the information it needs to complete this study in a timely manner. Further, the Department of Homeland Security is expected to contribute funding to this National Academy of Sciences study to meet its requirement for a separate analysis of the safety and security of spent nuclear fuel storage at commercial nuclear power plants.

TITLE V  
GENERAL PROVISIONS

Section 501. The conference agreement includes language proposed by the House and the Senate directing that none of the funds appropriated in this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress except to communicate to Members of Congress.

Section 502. The conference agreement includes language proposed by the Senate regarding the purchase of American-made equipment and products, and prohibiting contracts with persons falsely labeling products as made in America. The House bill included a provision regarding the false labeling of products.

Section 503. The conference agreement includes language proposed by the House regarding the transfer of funds made available in this Act to other departments or agencies of the Federal government.

Section 504. The conference agreement includes language proposed by the House making a technical correction to the Consolidated Appropriations Resolution, 2003.

*Provisions not included in the conference agreement.*—The conference agreement does not include language proposed by the House regarding the release of water from the San Juan Chama project and the Middle Rio Grande project and language proposed by the House regarding the export of certain materials to the Peoples' Republic of North Korea.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2004 recommended by the Committee of Conference, with comparisons to the fiscal year 2003 amount, the 2004 budget estimates, and the House and Senate bills for 2004 follow:

	[In thousands of dollars]
New budget (obligational) authority, fiscal year 2003 .....	\$26,712,195
Budget estimates of new (obligational) authority, fiscal year 2004 .....	27,427,496
House bill, fiscal year 2004 .....	27,585,000
Senate bill, fiscal year 2004 .....	27,857,232
Conference agreement, fiscal year 2004 .....	27,830,900
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2003 .....	+1,118,705
Budget estimates of new (obligational) authority, fiscal year 2004 .....	+403,404
House bill, fiscal year 2004 .....	+245,900
Senate bill, fiscal year 2004 .....	-26,332

DAVID L. HOBSON,  
RODNEY P.  
FRELINGHUYSEN,  
TOM LATHAM,  
ZACH WAMP,  
JO ANN EMERSON,  
JOHN T. DOOLITTLE  
JOHN E. PETERSON,  
MICHAEL K. SIMPSON,  
BILL YOUNG,  
PETER J. VISCLOSKEY,  
CHET EDWARDS,  
ED PASTOR,  
JAMES E. CLYBURN,  
MARION BERRY,  
DAVID R. OBEY,

*Managers on the Part of the House.*

PETE V. DOMENICI,  
THAD COCHRAN,  
MITCH MCCONNELL,  
ROBERT F. BENNETT,  
CONRAD BURNS,  
LARRY CRAIG,  
CHRISTOPHER BOND,  
TED STEVENS,  
HARRY REID,  
ROBERT BYRD,  
FRITZ HOLLINGS,  
PATTY MURRAY,  
BYRON L. DORGAN,  
DIANNE FEINSTEIN,  
DANIEL K. INOUE,

*Managers on the Part of the Senate.*

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3232. An act to reauthorize certain school lunch and child nutrition programs through March 31, 2004.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a Joint Resolution of the House of the following title:

H.J. Res. 63. Joint Resolution to approve the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia", and the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands", and otherwise to amend Public Law 99-239, and to appropriate for the purposes of amended Public Law 99-239 for fiscal years ending on

or before September 30, 2023, and for other purposes.

The message also announced that the Senate has passed without amendment a Joint Resolution of the House of the following title:

H.J. Res. 76. Joint Resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1066. An act to correct a technical error from Unit T-07 of the John H. Chafee Coastal Barrier Resources System.

S. 1643. An act to exempt certain coastal barrier property from financial assistance and flood insurance limitations under the Coastal Barriers Resources Act and the National Flood Insurance Act of 1968.

S. 1663. An act to replace certain Coastal Barrier Resources System maps.

#### LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, at this time I am pleased to yield to the distinguished majority leader, the gentleman from Texas (Mr. DELAY), for the purposes of informing us of the schedule for next week and, perhaps, the coming weeks.

Mr. Speaker, I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for yielding to me.

Mr. Speaker, the House will convene on Wednesday of next week at 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to the Members' offices by the end of today. Any votes called on these measures will be rolled until 6:30 p.m.

On Thursday the House will convene at 10 a.m. for legislative business. We plan to consider the conference report on H.R. 6, the Energy Policy Act of 2003, and the conference report on H.R. 2754, the Energy and Water Development Appropriations Act for fiscal year 2004.

Now for the following week, the week of November 17, we expect our first votes to occur after 6:30 p.m. on Monday. We will confirm this schedule early next week as we get a better sense of the workload and timing for completion of the various conference reports. But Members should know that there is a good chance that we would be in session through Saturday, November 22.

Mr. Speaker, I thank the gentleman for yielding, and I will be glad to answer any questions.

Mr. HOYER. Mr. Speaker, reclaiming my time, I am not sure by the announcement regarding next week's schedule. Is it the gentleman's expectation that we will be in next Friday or not?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I do not anticipate being in next Friday.

Mr. HOYER. All right. So we will be off Friday. Now, is the gentleman pretty definite on the following Monday that we will be in at 6:30 as opposed to the normal Tuesday?

Mr. DELAY. Mr. Speaker, as definite as one can be. But as I mentioned, we will evaluate the workload for that week. If at all possible, we could probably start on Tuesday. But I think Members need to plan that we could very well have votes on Monday night.

Mr. HOYER. Mr. Speaker, I thank the majority leader. Last week we passed a continuing resolution until November 21. The gentleman did not indicate in his discussion of the schedule for the next 2 weeks the balance of appropriations bills that are pending, nor did he mention an omnibus appropriation bill. Can he clarify and give us his best thinking at this point in time as to where we are on the CR for November 21 and being able to leave on November 21? I know the gentleman mentioned the possibility of being here on Saturday, November 22. And does the gentleman expect any appropriations bills other than the energy and water, which he did reference would be on the floor either next week or the following week?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, as the gentleman knows, we have five conference reports completed. We have three more bills in conference and one more, agriculture, that we could be able to go to conference on next week. It is my understanding that the Senate may attempt to complete additional bills next week. But at some point I would anticipate that the Senate would ask us to consider several of the remaining bills in a larger package.

When, and if, they do, we will try to do our best to maximize the House's position based on the bills that the House has already passed. The gentleman knows that the House has passed all 13 of the appropriations bills, and I would hope that whatever process is necessary to wrap up these appropriations measures we would be able to complete them by November 21, thereby not requiring another continuing resolution that week. However, if all that falls apart, obviously we would be considering a continuing resolution in that week.

Mr. HOYER. Reclaiming my time, I thank the gentleman for that information. If that occurs, as the gentleman says may happen, if that occurs, can you give us your current thinking with reference to the date to which a further continuing resolution would be targeted?

Mr. DELAY. I cannot anticipate that right now. Those discussions have not gone on. Actually, people are focused on getting the appropriations process done by November 21.

Mr. HOYER. Reclaiming my time, Mr. Leader, the FSC bill, Foreign Sales Corporations Extraterritorial Income

legislation, you did not mention that. Can you tell me when or if you expect that bill to come to the floor? I yield to the gentleman.

Mr. DELAY. I thank the gentleman for yielding. We do not intend to consider that, the tax proposal, next week, but would still like for the House to consider it before the end of this session and before the EU has the opportunity to retaliate against American businesses.

Mr. HOYER. Reclaiming my time, we too are concerned about the WTO's finding of noncompliance and the EU's assertion that if we do not act by the end of the year they are going to act. That is a \$4 billion item possible cost to this country.

My understanding is the gentleman from California (Mr. THOMAS) has a bill. As the gentleman knows, there is an alternative available which, I think, frankly enjoys bipartisan support, at least the letters that are being sent around to colleagues would indicate that. In light of the fact that we want to pass legislation, Mr. Leader, can you assure us that the Crane-Rangel-Manzullo alternative would be allowed as a substitute to that piece of legislation to assure that we could, in fact, pass something?

Mr. DELAY. Mr. Speaker, I would anticipate that we would follow regular order and the traditions of the House. And a bill that comes from the Committee on Ways and Means is always tightly held in a rule. I cannot anticipate what the Committee on Rules may write at this particular time, but it has been our tradition in this House that at least one substitute or a motion to recommit, or both, have been allowed on bills that come from the Committee on Ways and Means.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that observation.

With respect to the Labor-HHS-Education bill, which is the largest appropriation bill, as the gentleman knows, that still is outstanding, do you expect that we will have a freestanding conference report on that bill, or do you expect it to be rolled into an omnibus?

Mr. DELAY. If the gentleman would yield, I hope, and I know, I hope that the Labor-HHS appropriations bill for 2004 would be considered freestanding and on its own. A lot of work has been put into that bill. The conference committee is working as hard as it can to get it out before November 21. And as this House has been working so hard to have all these bills freestanding conference reports so that Members can consider them individually, I would hope that it would be freestanding and the House could vote on it. However, if things fall apart, it could be a candidate for the larger package.

Mr. HOYER. Mr. Speaker, reclaiming my time, as the majority leader knows, there is substantial concern on this side of the aisle in this part of the House that some 206 or more districts, perhaps, will be left out of this bill in terms of consideration for individual