

Union Calendar No. 100

108TH CONGRESS
1ST SESSION

H. R. 2691

[Report No. 108-195]

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2003

Mr. TAYLOR of North Carolina, 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 the Department of the Interior and related agencies 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 Department of the Interior and related agencies for the
6 fiscal year ending September 30, 2004, and for other pur-
7 poses, namely:

1 TITLE I—DEPARTMENT OF THE INTERIOR

2 BUREAU OF LAND MANAGEMENT

3 MANAGEMENT OF LANDS AND RESOURCES

4 For necessary expenses for protection, use, improve-
5 ment, development, disposal, cadastral surveying, classi-
6 fication, acquisition of easements and other interests in
7 lands, and performance of other functions, including main-
8 tenance of facilities, as authorized by law, in the manage-
9 ment of lands and their resources under the jurisdiction
10 of the Bureau of Land Management, including the general
11 administration of the Bureau, and assessment of mineral
12 potential of public lands pursuant to Public Law 96–487
13 (16 U.S.C. 3150(a)), \$834,088,000, to remain available
14 until expended, of which \$1,000,000 is for high priority
15 projects, to be carried out by the Youth Conservation
16 Corps; \$2,222,000 is for assessment of the mineral poten-
17 tial of public lands in Alaska pursuant to section 1010
18 of Public Law 96–487; (16 U.S.C. 3150); and of which
19 not to exceed \$1,000,000 shall be derived from the special
20 receipt account established by the Land and Water Con-
21 servation Act of 1965, as amended (16 U.S.C. 460l–6a(i));
22 and \$3,000,000 shall be available in fiscal year 2004 sub-
23 ject to a match by at least an equal amount by the Na-
24 tional Fish and Wildlife Foundation for cost-shared
25 projects supporting conservation of Bureau lands; and

1 such funds shall be advanced to the Foundation as a lump
2 sum grant without regard to when expenses are incurred;
3 in addition, \$32,696,000 is for Mining Law Administra-
4 tion program operations, including the cost of admin-
5 istering the mining claim fee program; to remain available
6 until expended, to be reduced by amounts collected by the
7 Bureau and credited to this appropriation from annual
8 mining claim fees so as to result in a final appropriation
9 estimated at not more than \$834,088,000, and
10 \$2,000,000, to remain available until expended, from com-
11 munication site rental fees established by the Bureau for
12 the cost of administering communication site activities:
13 *Provided*, That appropriations herein made shall not be
14 available for the destruction of healthy, unadopted, wild
15 horses and burros in the care of the Bureau or its contrac-
16 tors.

17 WILDLAND FIRE MANAGEMENT

18 For necessary expenses for fire preparedness, sup-
19 pression operations, fire science and research, emergency
20 rehabilitation, hazardous fuels reduction, and rural fire as-
21 sistance by the Department of the Interior, \$698,725,000,
22 to remain available until expended, of which not to exceed
23 \$12,374,000 shall be for the renovation or construction
24 of fire facilities: *Provided*, That such funds are also avail-
25 able for repayment of advances to other appropriation ac-

1 counts from which funds were previously transferred for
2 such purposes: *Provided further*, That persons hired pur-
3 suant to 43 U.S.C. 1469 may be furnished subsistence and
4 lodging without cost from funds available from this appro-
5 priation: *Provided further*, That notwithstanding 42
6 U.S.C. 1856d, sums received by a bureau or office of the
7 Department of the Interior for fire protection rendered
8 pursuant to 42 U.S.C. 1856 et seq., protection of United
9 States property, may be credited to the appropriation from
10 which funds were expended to provide that protection, and
11 are available without fiscal year limitation: *Provided fur-*
12 *ther*, That using the amounts designated under this title
13 of this Act, the Secretary of the Interior may enter into
14 procurement contracts, grants, or cooperative agreements,
15 for hazardous fuels reduction activities, and for training
16 and monitoring associated with such hazardous fuels re-
17 duction activities, on Federal land, or on adjacent non-
18 Federal land for activities that benefit resources on Fed-
19 eral land: *Provided further*, That the costs of implementing
20 any cooperative agreement between the Federal Govern-
21 ment and any non-Federal entity may be shared, as mutu-
22 ally agreed on by the affected parties: *Provided further*,
23 That in entering into such grants or cooperative agree-
24 ments, the Secretary may consider the enhancement of
25 local and small business employment opportunities for

1 rural communities, and that in entering into procurement
2 contracts under this heading on a best value basis, the
3 Secretary may take into account the ability of an entity
4 to enhance local and small business employment opportu-
5 nities in rural communities, and that the Secretary may
6 award procurement contracts, grants, or cooperative
7 agreements under this heading to entities that include
8 local non-profit entities, Youth Conservation Corps or re-
9 lated partnerships, or small or disadvantaged businesses:
10 *Provided further*, That funds appropriated under this head
11 may be used to reimburse the United States Fish and
12 Wildlife Service and the National Marine Fisheries Service
13 for the costs of carrying out their responsibilities under
14 the Endangered Species Act of 1973 (16 U.S.C. 1531 et
15 seq.) to consult and conference, as required by section 7
16 of such Act in connection with wildland fire management
17 activities: *Provided further*, That the Secretary of the Inte-
18 rior may use wildland fire appropriations to enter into
19 non-competitive sole source leases of real property with
20 local governments, at or below fair market value, to con-
21 struct capitalized improvements for fire facilities on such
22 leased properties, including but not limited to fire guard
23 stations, retardant stations, and other initial attack and
24 fire support facilities, and to make advance payments for
25 any such lease or for construction activity associated with

1 the lease: *Provided further*, That the Secretary of the Inte-
2 rior and the Secretary of Agriculture may authorize the
3 transfer of funds appropriated for wildland fire manage-
4 ment, in an aggregate amount not to exceed \$12,000,000,
5 between the Departments when such transfers would fa-
6 cilitate and expedite jointly funded wildland fire manage-
7 ment programs and projects: *Provided further*, That funds
8 provided for wildfire suppression shall be available for sup-
9 port of Federal emergency response actions.

10 CENTRAL HAZARDOUS MATERIALS FUND

11 For necessary expenses of the Department of the In-
12 terior and any of its component offices and bureaus for
13 the remedial action, including associated activities, of haz-
14 ardous waste substances, pollutants, or contaminants pur-
15 suant to the Comprehensive Environmental Response,
16 Compensation, and Liability Act, as amended (42 U.S.C.
17 9601 et seq.), \$9,978,000, to remain available until ex-
18 pended: *Provided*, That notwithstanding 31 U.S.C. 3302,
19 sums recovered from or paid by a party in advance of or
20 as reimbursement for remedial action or response activi-
21 ties conducted by the Department pursuant to section 107
22 or 113(f) of such Act, shall be credited to this account,
23 to be available until expended without further appropria-
24 tion: *Provided further*, That such sums recovered from or
25 paid by any party are not limited to monetary payments

1 and may include stocks, bonds or other personal or real
2 property, which may be retained, liquidated, or otherwise
3 disposed of by the Secretary and which shall be credited
4 to this account.

5 CONSTRUCTION

6 For construction of buildings, recreation facilities,
7 roads, trails, and appurtenant facilities, \$10,976,000, to
8 remain available until expended.

9 LAND ACQUISITION

10 For expenses necessary to carry out sections 205,
11 206, and 318(d) of Public Law 94–579, including admin-
12 istrative expenses and acquisition of lands or waters, or
13 interests therein, \$14,000,000, to be derived from the
14 Land and Water Conservation Fund, and to remain avail-
15 able until expended.

16 OREGON AND CALIFORNIA GRANT LANDS

17 For expenses necessary for management, protection,
18 and development of resources and for construction, oper-
19 ation, and maintenance of access roads, reforestation, and
20 other improvements on the revested Oregon and California
21 Railroad grant lands, on other Federal lands in the Or-
22 egon and California land-grant counties of Oregon, and
23 on adjacent rights-of-way; and acquisition of lands or in-
24 terests therein, including existing connecting roads on or
25 adjacent to such grant lands; \$106,672,000 to remain

1 available until expended: *Provided*, That 25 percent of the
2 aggregate of all receipts during the current fiscal year
3 from the revested Oregon and California Railroad grant
4 lands is hereby made a charge against the Oregon and
5 California land-grant fund and shall be transferred to the
6 General Fund in the Treasury in accordance with the sec-
7 ond paragraph of subsection (b) of title II of the Act of
8 August 28, 1937 (50 Stat. 876).

9 FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

10 (REVOLVING FUND, SPECIAL ACCOUNT)

11 In addition to the purposes authorized in Public Law
12 102–381, funds made available in the Forest Ecosystem
13 Health and Recovery Fund can be used for the purpose
14 of planning, preparing, implementing and monitoring sal-
15 vage timber sales and forest ecosystem health and recovery
16 activities, such as release from competing vegetation and
17 density control treatments. The Federal share of receipts
18 (defined as the portion of salvage timber receipts not paid
19 to the counties under 43 U.S.C. 1181f and 43 U.S.C.
20 1181f–1 et seq., and Public Law 106–393) derived from
21 treatments funded by this account shall be deposited into
22 the Forest Ecosystem Health and Recovery Fund.

23 RANGE IMPROVEMENTS

24 For rehabilitation, protection, and acquisition of
25 lands and interests therein, and improvement of Federal

1 rangelands pursuant to section 401 of the Federal Land
2 Policy and Management Act of 1976 (43 U.S.C. 1701),
3 notwithstanding any other Act, sums equal to 50 percent
4 of all moneys received during the prior fiscal year under
5 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
6 315 et seq.) and the amount designated for range improve-
7 ments from grazing fees and mineral leasing receipts from
8 Bankhead-Jones lands transferred to the Department of
9 the Interior pursuant to law, but not less than
10 \$10,000,000, to remain available until expended: *Pro-*
11 *vided*, That not to exceed \$600,000 shall be available for
12 administrative expenses.

13 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

14 For administrative expenses and other costs related
15 to processing application documents and other authoriza-
16 tions for use and disposal of public lands and resources,
17 for costs of providing copies of official public land docu-
18 ments, for monitoring construction, operation, and termi-
19 nation of facilities in conjunction with use authorizations,
20 and for rehabilitation of damaged property, such amounts
21 as may be collected under Public Law 94-579, as amend-
22 ed, and Public Law 93-153, to remain available until ex-
23 pended: *Provided*, That notwithstanding any provision to
24 the contrary of section 305(a) of Public Law 94-579 (43
25 U.S.C. 1735(a)), any moneys that have been or will be

1 received pursuant to that section, whether as a result of
2 forfeiture, compromise, or settlement, if not appropriate
3 for refund pursuant to section 305(c) of that Act (43
4 U.S.C. 1735(c)), shall be available and may be expended
5 under the authority of this Act by the Secretary to im-
6 prove, protect, or rehabilitate any public lands adminis-
7 tered through the Bureau of Land Management which
8 have been damaged by the action of a resource developer,
9 purchaser, permittee, or any unauthorized person, without
10 regard to whether all moneys collected from each such ac-
11 tion are used on the exact lands damaged which led to
12 the action: *Provided further*, That any such moneys that
13 are in excess of amounts needed to repair damage to the
14 exact land for which funds were collected may be used to
15 repair other damaged public lands.

16 MISCELLANEOUS TRUST FUNDS

17 In addition to amounts authorized to be expended
18 under existing laws, there is hereby appropriated such
19 amounts as may be contributed under section 307 of the
20 Act of October 21, 1976 (43 U.S.C. 1701), and such
21 amounts as may be advanced for administrative costs, sur-
22 veys, appraisals, and costs of making conveyances of omit-
23 ted lands under section 211(b) of that Act, to remain
24 available until expended.

1 ADMINISTRATIVE PROVISIONS

2 Appropriations for the Bureau of Land Management
3 shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to
4 which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information
5 or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate,
6 not to exceed \$10,000: *Provided*, That notwithstanding 44
7 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with
8 jointly produced publications for which the cooperators share the cost of printing either in cash or in services,
9 and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*,
10 That section 28 of title 30, United States Code, is amended: (1) in section 28f(a), by striking “for years 2002
11 through 2003” and inserting in lieu thereof “for years 2004 through 2008”; and (2) in section 28g, by striking
12 “and before September 30, 2003” and inserting in lieu thereof “and before September 30, 2008”.

1 UNITED STATES FISH AND WILDLIFE SERVICE
2 RESOURCE MANAGEMENT

3 For necessary expenses of the United States Fish and
4 Wildlife Service, as authorized by law, and for scientific
5 and economic studies, maintenance of the herd of long-
6 horned cattle on the Wichita Mountains Wildlife Refuge,
7 general administration, and for the performance of other
8 authorized functions related to such resources by direct
9 expenditure, contracts, grants, cooperative agreements
10 and reimbursable agreements with public and private enti-
11 ties, \$959,901,000, to remain available until September
12 30, 2005, except as otherwise provided herein: *Provided*,
13 That not less than \$2,000,000 shall be provided to local
14 governments in southern California for planning associ-
15 ated with the Natural Communities Conservation Plan-
16 ning (NCCP) program and shall remain available until ex-
17 pended: *Provided further*, That \$2,000,000 is for high pri-
18 ority projects, which shall be carried out by the Youth
19 Conservation Corps: *Provided further*, That not to exceed
20 \$12,286,000 shall be used for implementing subsections
21 (a), (b), (c), and (e) of section 4 of the Endangered Spe-
22 cies Act, as amended, for species that are indigenous to
23 the United States (except for processing petitions, devel-
24 oping and issuing proposed and final regulations, and tak-
25 ing any other steps to implement actions described in sub-

1 section (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which
2 not to exceed \$8,900,000 shall be used for any activity
3 regarding the designation of critical habitat, pursuant to
4 subsection (a)(3), excluding litigation support, for species
5 already listed pursuant to subsection (a)(1) as of the date
6 of enactment this Act: *Provided further*, That of the
7 amount available for law enforcement, up to \$400,000 to
8 remain available until expended, may at the discretion of
9 the Secretary be used for payment for information, re-
10 wards, or evidence concerning violations of laws adminis-
11 tered by the Service, and miscellaneous and emergency ex-
12 penses of enforcement activity, authorized or approved by
13 the Secretary and to be accounted for solely on her certifi-
14 cate: *Provided further*, That of the amount provided for
15 environmental contaminants, up to \$1,000,000 may re-
16 main available until expended for contaminant sample
17 analyses.

18 CONSTRUCTION

19 For construction, improvement, acquisition, or re-
20 moval of buildings and other facilities required in the con-
21 servation, management, investigation, protection, and uti-
22 lization of fishery and wildlife resources, and the acquisi-
23 tion of lands and interests therein; \$52,718,000, to remain
24 available until expended.

1 LAND ACQUISITION

2 For expenses necessary to carry out the Land and
3 Water Conservation Fund Act of 1965, as amended (16
4 U.S.C. 4601–4 through 11), including administrative ex-
5 penses, and for acquisition of land or waters, or interest
6 therein, in accordance with statutory authority applicable
7 to the United States Fish and Wildlife Service,
8 \$23,058,000, to be derived from the Land and Water Con-
9 servation Fund, and to remain available until expended:
10 *Provided*, That none of the funds appropriated for specific
11 land acquisition projects can be used to pay for any ad-
12 ministrative overhead, planning or other management
13 costs.

14 LANDOWNER INCENTIVE PROGRAM

15 For expenses necessary to carry out the Land and
16 Water Conservation Fund Act of 1965, as amended (16
17 U.S.C. 4601–4 through 11), including administrative ex-
18 penses, and for private conservation efforts to be carried
19 out on private lands, \$40,000,000, to be derived from the
20 Land and Water Conservation Fund, and to remain avail-
21 able until expended: *Provided*, That the amount provided
22 herein is for a Landowner Incentive Program established
23 by the Secretary that provides matching, competitively
24 awarded grants to States, the District of Columbia,
25 Tribes, Puerto Rico, Guam, the United States Virgin Is-

1 lands, the Northern Mariana Islands, and American
2 Samoa, to establish or supplement existing landowner in-
3 centive programs that provide technical and financial as-
4 sistance, including habitat protection and restoration, to
5 private landowners for the protection and management of
6 habitat to benefit federally listed, proposed, candidate, or
7 other at-risk species on private lands.

8 STEWARDSHIP GRANTS

9 For expenses necessary to carry out the Land and
10 Water Conservation Fund Act of 1965, as amended (16
11 U.S.C. 4601–4 through 11), including administrative ex-
12 penses, and for private conservation efforts to be carried
13 out on private lands, \$10,000,000, to be derived from the
14 Land and Water Conservation Fund, and to remain avail-
15 able until expended: *Provided*, That the amount provided
16 herein is for a Stewardship Grants Program established
17 by the Secretary to provide grants and other assistance
18 to individuals and groups engaged in private conservation
19 efforts that benefit federally listed, proposed, candidate,
20 or other at-risk species.

21 COOPERATIVE ENDANGERED SPECIES CONSERVATION

22 FUND

23 For expenses necessary to carry out section 6 of the
24 Endangered Species Act of 1973 (16 U.S.C. 1531–1543),
25 as amended, \$86,614,000, of which \$36,614,000 is to be

1 derived from the Cooperative Endangered Species Con-
2 servation Fund and \$50,000,000 is to be derived from the
3 Land and Water Conservation Fund and to remain avail-
4 able until expended.

5 NATIONAL WILDLIFE REFUGE FUND

6 For expenses necessary to implement the Act of Octo-
7 ber 17, 1978 (16 U.S.C. 715s), \$14,414,000.

8 NORTH AMERICAN WETLANDS CONSERVATION FUND

9 For expenses necessary to carry out the provisions
10 of the North American Wetlands Conservation Act, Public
11 Law 101–233, as amended, \$24,560,000, to remain avail-
12 able until expended.

13 NEOTROPICAL MIGRATORY BIRD CONSERVATION

14 For financial assistance for projects to promote the con-
15 servation of neotropical migratory birds in accordance
16 with the Neotropical Migratory Bird Conservation Act,
17 Public Law 106–247 (16 U.S.C. 6101–6109), \$5,000,000,
18 to remain available until expended.

19 MULTINATIONAL SPECIES CONSERVATION FUND

20 For expenses necessary to carry out the African Ele-
21 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
22 4213, 4221–4225, 4241–4245, and 1538), the Asian Ele-
23 phant Conservation Act of 1997 (Public Law 105–96; 16
24 U.S.C. 4261–4266), the Rhinoceros and Tiger Conserva-
25 tion Act of 1994 (16 U.S.C. 5301–5306), and the Great

1 Ape Conservation Act of 2000 (16 U.S.C. 6301),
2 \$5,000,000, to remain available until expended.

3 STATE AND TRIBAL WILDLIFE GRANTS

4 For wildlife conservation grants to States and to the
5 District of Columbia, Puerto Rico, Guam, the United
6 States Virgin Islands, the Northern Mariana Islands,
7 American Samoa, and federally recognized Indian tribes
8 under the provisions of the Fish and Wildlife Act of 1956
9 and the Fish and Wildlife Coordination Act, for the devel-
10 opment and implementation of programs for the benefit
11 of wildlife and their habitat, including species that are not
12 hunted or fished, \$75,000,000 to be derived from the
13 Land and Water Conservation Fund, and to remain avail-
14 able until expended: *Provided*, That of the amount pro-
15 vided herein, \$6,000,000 is for a competitive grant pro-
16 gram for Indian tribes not subject to the remaining provi-
17 sions of this appropriation: *Provided further*, That the Sec-
18 retary shall, after deducting said \$6,000,000 and adminis-
19 trative expenses, apportion the amount provided herein in
20 the following manner: (A) to the District of Columbia and
21 to the Commonwealth of Puerto Rico, each a sum equal
22 to not more than one-half of 1 percent thereof; and (B)
23 to Guam, American Samoa, the United States Virgin Is-
24 lands, and the Commonwealth of the Northern Mariana
25 Islands, each a sum equal to not more than one-fourth

1 of 1 percent thereof: *Provided further*, That the Secretary
2 shall apportion the remaining amount in the following
3 manner: (A) one-third of which is based on the ratio to
4 which the land area of such State bears to the total land
5 area of all such States; and (B) two-thirds of which is
6 based on the ratio to which the population of such State
7 bears to the total population of all such States: *Provided*
8 *further*, That the amounts apportioned under this para-
9 graph shall be adjusted equitably so that no State shall
10 be apportioned a sum which is less than 1 percent of the
11 amount available for apportionment under this paragraph
12 for any fiscal year or more than 5 percent of such amount:
13 *Provided further*, That the Federal share of planning
14 grants shall not exceed 75 percent of the total costs of
15 such projects and the Federal share of implementation
16 grants shall not exceed 50 percent of the total costs of
17 such projects: *Provided further*, That the non-Federal
18 share of such projects may not be derived from Federal
19 grant programs: *Provided further*, That no State, territory,
20 or other jurisdiction shall receive a grant unless it has de-
21 veloped, or committed to develop by October 1, 2005, a
22 comprehensive wildlife conservation plan, consistent with
23 criteria established by the Secretary of the Interior, that
24 considers the broad range of the State, territory, or other
25 jurisdiction's wildlife and associated habitats, with appro-

1 puate priority placed on those species with the greatest
2 conservation need and taking into consideration the rel-
3 ative level of funding available for the conservation of
4 those species: *Provided further*, That any amount appor-
5 tioned in 2004 to any State, territory, or other jurisdiction
6 that remains unobligated as of September 30, 2005, shall
7 be reapportioned, together with funds appropriated in
8 2006, in the manner provided herein: *Provided further*,
9 That balances from amounts previously appropriated
10 under the heading “State Wildlife Grants” shall be trans-
11 ferred to and merged with this appropriation and shall re-
12 main available until expended.

13 ADMINISTRATIVE PROVISIONS

14 Appropriations and funds available to the United
15 States Fish and Wildlife Service shall be available for pur-
16 chase of not to exceed 157 passenger motor vehicles, of
17 which 142 are for replacement only (including 33 for po-
18 lice-type use); repair of damage to public roads within and
19 adjacent to reservation areas caused by operations of the
20 Service; options for the purchase of land at not to exceed
21 \$1 for each option; facilities incident to such public rec-
22 reational uses on conservation areas as are consistent with
23 their primary purpose; and the maintenance and improve-
24 ment of aquaria, buildings, and other facilities under the
25 jurisdiction of the Service and to which the United States

1 has title, and which are used pursuant to law in connection
2 with management, and investigation of fish and wildlife
3 resources: *Provided*, That notwithstanding 44 U.S.C. 501,
4 the Service may, under cooperative cost sharing and part-
5 nership arrangements authorized by law, procure printing
6 services from cooperators in connection with jointly pro-
7 duced publications for which the cooperators share at least
8 one-half the cost of printing either in cash or services and
9 the Service determines the cooperator is capable of meet-
10 ing accepted quality standards: *Provided further*, That the
11 Service may accept donated aircraft as replacements for
12 existing aircraft: *Provided further*, That notwithstanding
13 any other provision of law, the Secretary of the Interior
14 may not spend any of the funds appropriated in this Act
15 for the purchase of lands or interests in lands to be used
16 in the establishment of any new unit of the National Wild-
17 life Refuge System unless the purchase is approved in ad-
18 vance by the House and Senate Committees on Appropria-
19 tions in compliance with the reprogramming procedures
20 contained in the House Report accompanying this Act.

21 NATIONAL PARK SERVICE

22 OPERATION OF THE NATIONAL PARK SYSTEM

23 For expenses necessary for the management, oper-
24 ation, and maintenance of areas and facilities adminis-
25 tered by the National Park Service (including special road

1 maintenance service to trucking permittees on a reimburs-
2 able basis), and for the general administration of the Na-
3 tional Park Service, \$1,636,882,000 of which \$10,887,000
4 is for planning and interagency coordination in support
5 of Everglades restoration and shall remain available until
6 expended; of which \$98,480,000, to remain available until
7 September 30, 2005, is for maintenance, repair or reha-
8 bilitation projects for constructed assets, operation of the
9 National Park Service automated facility management
10 software system, and comprehensive facility condition as-
11 sessments; and of which \$2,000,000 is for the Youth Con-
12 servation Corps for high priority projects: *Provided*, That
13 the only funds in this account which may be made avail-
14 able to support United States Park Police are those funds
15 approved for emergency law and order incidents pursuant
16 to established National Park Service procedures, those
17 funds needed to maintain and repair United States Park
18 Police administrative facilities, and those funds necessary
19 to reimburse the United States Park Police account for
20 the unbudgeted overtime and travel costs associated with
21 special events for an amount not to exceed \$10,000 per
22 event subject to the review and concurrence of the Wash-
23 ington headquarters office.

1 UNITED STATES PARK POLICE

2 For expenses necessary to carry out the programs of
3 the United States Park Police, \$78,859,000.

4 NATIONAL RECREATION AND PRESERVATION

5 For expenses necessary to carry out recreation pro-
6 grams, natural programs, cultural programs, heritage
7 partnership programs, environmental compliance and re-
8 view, international park affairs, statutory or contractual
9 aid for other activities, and grant administration, not oth-
10 erwise provided for, \$54,924,000: *Provided*, That none of
11 the funds in this or previous Acts for the Rivers, Trails
12 and Conservation Assistance Program may be used for co-
13 operative agreements or any other form of cash grant.

14 URBAN PARK AND RECREATION FUND

15 For expenses necessary to carry out the provisions
16 of the Urban Park and Recreation Recovery Act of 1978
17 (16 U.S.C. 2501 et seq.), \$305,000, to remain available
18 until expended.

19 HISTORIC PRESERVATION FUND

20 For expenses necessary in carrying out the Historic
21 Preservation Act of 1966, as amended (16 U.S.C. 470),
22 and the Omnibus Parks and Public Lands Management
23 Act of 1996 (Public Law 104–333), \$71,000,000, to be
24 derived from the Historic Preservation Fund, to remain
25 available until September 30, 2005: *Provided*, That of the

1 total amount provided, \$30,000,000 shall be for Save
2 America's Treasures for priority preservation projects, of
3 nationally significant sites, structures, and artifacts: *Pro-*
4 *vided further*, That any individual Save America's Treas-
5 ures grant shall be matched by non-Federal funds: *Pro-*
6 *vided further*, That individual projects shall only be eligible
7 for one grant, and all projects to be funded shall be ap-
8 proved by the House and Senate Committees on Appro-
9 priations and the Secretary of the Interior in consultation
10 with the President's Committee on the Arts and Human-
11 ities prior to the commitment of grant funds: *Provided fur-*
12 *ther*, That Save America's Treasures funds allocated for
13 Federal projects shall be available by transfer to appro-
14 priate accounts of individual agencies, after approval of
15 such projects by the Secretary of the Interior, in consulta-
16 tion with the House and Senate Committees on Appropria-
17 tions and the President's Committee on the Arts and Hu-
18 manities.

19 CONSTRUCTION

20 For construction, improvements, repair or replace-
21 ment of physical facilities, including the modifications au-
22 thorized by section 104 of the Everglades National Park
23 Protection and Expansion Act of 1989, \$303,199,000, to
24 remain available until expended: *Provided*, That none of
25 the funds in this or any other Act, may be used to pay

1 the salaries and expenses of more than 160 Full Time
2 Equivalent personnel working for the National Park Serv-
3 ice's Denver Service Center funded under the construction
4 program management and operations activity: *Provided*
5 *further*, That none of the funds provided in this or any
6 other Act may be used to pre-design, plan, or construct
7 any new facility (including visitor centers, curatorial facili-
8 ties, administrative buildings), for which appropriations
9 have not been specifically provided if the net construction
10 cost of such facility is in excess of \$5,000,000, without
11 prior approval of the House and Senate Committees on
12 Appropriations: *Provided further*, That this restriction ap-
13 plies to all funds available to the National Park Service,
14 including partnership and fee demonstration projects: *Pro-*
15 *vided further*, That no funds appropriated in this Act and
16 in any prior Acts for the purpose of implementing the
17 Modified Water Deliveries to Everglades National Park
18 Project shall be available for expenditure unless the Sec-
19 retary of the Interior, the Secretary of the Army, the Ad-
20 ministrator of the Environmental Protection Agency, and
21 the Attorney General file a joint report by September 30,
22 2003, and every six months thereafter until December 31,
23 2006, to the House and Senate Committees on Appropria-
24 tions, the House Committee on Transportation and Infra-
25 structure, the House Committee on Resources and the

1 Senate Committee on Environment and Public Works, in-
2 dicating that the water entering A.R.M. Loxahatchee Na-
3 tional Wildlife Refuge and Everglades National Park
4 meets all applicable State water quality standards and nu-
5 meric criteria adopted for phosphorus throughout A.R.M.
6 Loxahatchee National Wildlife Refuge and Everglades Na-
7 tional Park, as well as water quality requirements set
8 forth in the Consent Decree entered in *United States v.*
9 *South Florida Water Management District*, and that the
10 House and Senate Committees on Appropriations respond
11 in writing to the report indicating that the funds are avail-
12 able for expenditure.

13 LAND AND WATER CONSERVATION FUND

14 (RESCISSION)

15 The contract authority provided for fiscal year 2004
16 by 16 U.S.C. 4601–10a is rescinded.

17 LAND ACQUISITION AND STATE ASSISTANCE

18 (INCLUDING TRANSFERS OF FUNDS)

19 For expenses necessary to carry out the Land and
20 Water Conservation Act of 1965, as amended (16 U.S.C.
21 4601–4 through 11), including administrative expenses,
22 and for acquisition of lands or waters, or interest therein,
23 in accordance with the statutory authority applicable to
24 the National Park Service, \$131,154,000, to be derived
25 from the Land and Water Conservation Fund and to re-

1 main available until expended, of which \$97,500,000 is for
2 the State assistance program including \$2,500,000 to ad-
3 minister this program: *Provided*, That none of the funds
4 provided for the State assistance program may be used
5 to establish a contingency fund: *Provided further*, That
6 notwithstanding any other provision of law, the Secretary
7 of the Interior, using prior year unobligated funds made
8 available under any Act enacted before the date of enact-
9 ment of this Act for land acquisition assistance to the
10 State of Florida for the acquisition of lands or water, or
11 interests therein, within the Everglades watershed, shall
12 transfer \$5,000,000 to the United States Fish and Wild-
13 life Service “Resource Management” account for the pur-
14 pose of funding water quality monitoring and eradication
15 of invasive exotic plants at A.R.M. Loxahatchee National
16 Wildlife Refuge, as well as recovery actions for any listed
17 species in the South Florida ecosystem, and may transfer
18 such sums as may be determined necessary by the Sec-
19 retary of the Interior to the U.S. Army Corps of Engineers
20 “Construction, General” account for the purpose of modi-
21 fying the construction of Storm Water Treatment Area 1
22 East to include additional water quality improvement
23 measures, such as additional compartmentalization, im-
24 proved flow control, vegetation management, and other ad-
25 ditional technologies based upon the recommendations of

1 the Secretary of the Interior and the South Florida Water
2 Management District, to maximize the treatment effective-
3 ness of Storm Water Treatment Area 1 East so that water
4 delivered by Storm Water Treatment Area 1 East to
5 A.R.M. Loxahatchee National Wildlife Refuge achieves
6 State water quality standards, including the numeric cri-
7 terion for phosphorus, and that the cost sharing provisions
8 of section 528 of the Water Resources Development Act
9 of 1996 (110 Stat. 3769) shall apply to any funds pro-
10 vided by the Secretary of the Interior to the U.S. Army
11 Corps of Engineers for this purpose: *Provided further,*
12 That, subsequent to the transfer of the \$5,000,000 to the
13 U.S. Fish and Wildlife Service and the transfer of funds,
14 if any, to the U.S. Army Corps of Engineers to carry out
15 water quality improvement measures for Storm Water
16 Treatment Area 1 East, if any funds remain to be ex-
17 pended after the requirements of these provisions have
18 been met, then the Secretary of the Interior may transfer,
19 as appropriate, and use the remaining funds for Ever-
20 glades restoration activities benefiting the lands and re-
21 sources managed by the Department of the Interior in
22 South Florida, subject to the approval by the House and
23 Senate Committees on Appropriations of a reprogramming
24 request by the Secretary detailing how the remaining
25 funds will be expended for this purpose.

1 ADMINISTRATIVE PROVISIONS

2 Appropriations for the National Park Service shall be
3 available for the purchase of not to exceed 249 passenger
4 motor vehicles, of which 202 shall be for replacement only,
5 including not to exceed 193 for police-type use, 10 buses,
6 and 8 ambulances: *Provided*, That none of the funds ap-
7 propriated to the National Park Service may be used to
8 process any grant or contract documents which do not in-
9 clude the text of 18 U.S.C. 1913: *Provided further*, That
10 none of the funds appropriated to the National Park Serv-
11 ice may be used to implement an agreement for the rede-
12 velopment of the southern end of Ellis Island until such
13 agreement has been submitted to the Congress and shall
14 not be implemented prior to the expiration of 30 calendar
15 days (not including any day in which either House of Con-
16 gress is not in session because of adjournment of more
17 than 3 calendar days to a day certain) from the receipt
18 by the Speaker of the House of Representatives and the
19 President of the Senate of a full and comprehensive report
20 on the development of the southern end of Ellis Island,
21 including the facts and circumstances relied upon in sup-
22 port of the proposed project.

23 None of the funds in this Act may be spent by the
24 National Park Service for activities taken in direct re-
25 sponse to the United Nations Biodiversity Convention.

1 The National Park Service may distribute to oper-
2 ating units based on the safety record of each unit the
3 costs of programs designed to improve workplace and em-
4 ployee safety, and to encourage employees receiving work-
5 ers' compensation benefits pursuant to chapter 81 of title
6 5, United States Code, to return to appropriate positions
7 for which they are medically able.

8 UNITED STATES GEOLOGICAL SURVEY

9 SURVEYS, INVESTIGATIONS, AND RESEARCH

10 For expenses necessary for the United States Geo-
11 logical Survey to perform surveys, investigations, and re-
12 search covering topography, geology, hydrology, biology,
13 and the mineral and water resources of the United States,
14 its territories and possessions, and other areas as author-
15 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
16 to their mineral and water resources; give engineering su-
17 pervision to power permittees and Federal Energy Regu-
18 latory Commission licensees; administer the minerals ex-
19 ploration program (30 U.S.C. 641); and publish and dis-
20 seminate data relative to the foregoing activities; and to
21 conduct inquiries into the economic conditions affecting
22 mining and materials processing industries (30 U.S.C. 3,
23 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes
24 as authorized by law and to publish and disseminate data;
25 \$935,660,000, of which \$64,536,000 shall be available

1 only for cooperation with States or municipalities for
2 water resources investigations; and of which \$15,227,000
3 shall remain available until expended for conducting in-
4 quires into the economic conditions affecting mining and
5 materials processing industries; and of which \$8,000,000
6 shall remain available until expended for satellite oper-
7 ations; and of which \$24,190,000 shall be available until
8 September 30, 2005, for the operation and maintenance
9 of facilities and deferred maintenance; and of which
10 \$173,349,000 shall be available until September 30, 2005,
11 for the biological research activity and the operation of
12 the Cooperative Research Units: *Provided*, That none of
13 these funds provided for the biological research activity
14 shall be used to conduct new surveys on private property,
15 unless specifically authorized in writing by the property
16 owner: *Provided further*, That no part of this appropria-
17 tion shall be used to pay more than one-half the cost of
18 topographic mapping or water resources data collection
19 and investigations carried on in cooperation with States
20 and municipalities.

21 ADMINISTRATIVE PROVISIONS

22 The amount appropriated for the United States Geo-
23 logical Survey shall be available for the purchase of not
24 to exceed 53 passenger motor vehicles, of which 48 are
25 for replacement only; reimbursement to the General Serv-

1 ices Administration for security guard services; con-
2 tracting for the furnishing of topographic maps and for
3 the making of geophysical or other specialized surveys
4 when it is administratively determined that such proce-
5 dures are in the public interest; construction and mainte-
6 nance of necessary buildings and appurtenant facilities;
7 acquisition of lands for gauging stations and observation
8 wells; expenses of the United States National Committee
9 on Geology; and payment of compensation and expenses
10 of persons on the rolls of the Survey duly appointed to
11 represent the United States in the negotiation and admin-
12 istration of interstate compacts: *Provided*, That activities
13 funded by appropriations herein made may be accom-
14 plished through the use of contracts, grants, or coopera-
15 tive agreements as defined in 31 U.S.C. 6302 et seq.: *Pro-*
16 *vided further*, That notwithstanding the provisions of the
17 Federal Grant and Cooperative Agreement Act of 1977
18 (31 U.S.C. 6301–6308), the U.S. Geological Survey is au-
19 thorized to continue existing, and hereafter, to enter into
20 new cooperative agreements directed towards a particular
21 cooperator, in support of joint research and data collection
22 activities with Federal, State, and academic partners
23 funded by appropriations herein, including those that pro-
24 vide for space in cooperator facilities.

1 MINERALS MANAGEMENT SERVICE

2 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

3 For expenses necessary for minerals leasing and envi-
4 ronmental studies, regulation of industry operations, and
5 collection of royalties, as authorized by law; for enforcing
6 laws and regulations applicable to oil, gas, and other min-
7 erals leases, permits, licenses and operating contracts; and
8 for matching grants or cooperative agreements; including
9 the purchase of not to exceed eight passenger motor vehi-
10 cles for replacement only, \$164,216,000, of which
11 \$80,396,000, shall be available for royalty management
12 activities; and an amount not to exceed \$100,230,000, to
13 be credited to this appropriation and to remain available
14 until expended, from additions to receipts resulting from
15 increases to rates in effect on August 5, 1993, from rate
16 increases to fee collections for Outer Continental Shelf ad-
17 ministrative activities performed by the Minerals Manage-
18 ment Service (MMS) over and above the rates in effect
19 on September 30, 1993, and from additional fees for
20 Outer Continental Shelf administrative activities estab-
21 lished after September 30, 1993: *Provided*, That to the
22 extent \$100,230,000 in additions to receipts are not real-
23 ized from the sources of receipts stated above, the amount
24 needed to reach \$100,230,000 shall be credited to this ap-
25 propriation from receipts resulting from rental rates for

1 Outer Continental Shelf leases in effect before August 5,
2 1993: *Provided further*, That \$3,000,000 for computer ac-
3 quisitions shall remain available until September 30,
4 2005: *Provided further*, That funds appropriated under
5 this Act shall be available for the payment of interest in
6 accordance with 30 U.S.C. 1721(b) and (d): *Provided fur-*
7 *ther*, That not to exceed \$3,000 shall be available for rea-
8 sonable expenses related to promoting volunteer beach and
9 marine cleanup activities: *Provided further*, That notwith-
10 standing any other provision of law, \$15,000 under this
11 heading shall be available for refunds of overpayments in
12 connection with certain Indian leases in which the Direc-
13 tor of MMS concurred with the claimed refund due, to
14 pay amounts owed to Indian allottees or tribes, or to cor-
15 rect prior unrecoverable erroneous payments: *Provided*
16 *further*, That MMS may under the royalty-in-kind pilot
17 program, or under its authority to transfer oil to the Stra-
18 tegic Petroleum Reserve, use a portion of the revenues
19 from royalty-in-kind sales, without regard to fiscal year
20 limitation, to pay for transportation to wholesale market
21 centers or upstream pooling points, *and* to process or oth-
22 erwise dispose of royalty production taken in kind, and
23 to recover MMS transportation costs, salaries, and other
24 administrative costs directly related to filling the Strategic
25 Petroleum Reserve: *Provided further*, That MMS shall

1 analyze and document the expected return in advance of
2 any royalty-in-kind sales to assure to the maximum extent
3 practicable that royalty income under the pilot program
4 is equal to or greater than royalty income recognized
5 under a comparable royalty-in-value program.

6 OIL SPILL RESEARCH

7 For necessary expenses to carry out title I, section
8 1016, title IV, sections 4202 and 4303, title VII, and title
9 VIII, section 8201 of the Oil Pollution Act of 1990,
10 \$7,105,000, which shall be derived from the Oil Spill Li-
11 ability Trust Fund, to remain available until expended.

12 OFFICE OF SURFACE MINING RECLAMATION AND
13 ENFORCEMENT

14 REGULATION AND TECHNOLOGY

15 For necessary expenses to carry out the provisions
16 of the Surface Mining Control and Reclamation Act of
17 1977, Public Law 95–87, as amended, including the pur-
18 chase of not to exceed 10 passenger motor vehicles, for
19 replacement only; \$106,424,000: *Provided*, That the Sec-
20 retary of the Interior, pursuant to regulations, may use
21 directly or through grants to States, moneys collected in
22 fiscal year 2004 for civil penalties assessed under section
23 518 of the Surface Mining Control and Reclamation Act
24 of 1977 (30 U.S.C. 1268), to reclaim lands adversely af-
25 fected by coal mining practices after August 3, 1977, to

1 remain available until expended: *Provided further*, That
2 appropriations for the Office of Surface Mining Reclama-
3 tion and Enforcement may provide for the travel and per
4 diem expenses of State and tribal personnel attending Of-
5 fice of Surface Mining Reclamation and Enforcement
6 sponsored training.

7 ABANDONED MINE RECLAMATION FUND

8 For necessary expenses to carry out title IV of the
9 Surface Mining Control and Reclamation Act of 1977,
10 Public Law 95–87, as amended, including the purchase
11 of not more than 10 passenger motor vehicles for replace-
12 ment only, \$194,469,000, to be derived from receipts of
13 the Abandoned Mine Reclamation Fund and to remain
14 available until expended; of which up to \$10,000,000, to
15 be derived from the Federal Expenses Share of the Fund,
16 shall be for supplemental grants to States for the reclama-
17 tion of abandoned sites with acid mine rock drainage from
18 coal mines, and for associated activities, through the Ap-
19 palachian Clean Streams Initiative: *Provided*, That grants
20 to minimum program States will be \$1,500,000 per State
21 in fiscal year 2004: *Provided further*, That of the funds
22 herein provided up to \$18,000,000 may be used for the
23 emergency program authorized by section 410 of Public
24 Law 95–87, as amended, of which no more than 25 per-
25 cent shall be used for emergency reclamation projects in

1 any one State and funds for federally administered emer-
2 gency reclamation projects under this proviso shall not ex-
3 ceed \$11,000,000: *Provided further*, That prior year unob-
4 ligated funds appropriated for the emergency reclamation
5 program shall not be subject to the 25 percent limitation
6 per State and may be used without fiscal year limitation
7 for emergency projects: *Provided further*, That pursuant
8 to Public Law 97–365, the Department of the Interior is
9 authorized to use up to 20 percent from the recovery of
10 the delinquent debt owed to the United States Government
11 to pay for contracts to collect these debts: *Provided fur-*
12 *ther*, That funds made available under title IV of Public
13 Law 95–87 may be used for any required non-Federal
14 share of the cost of projects funded by the Federal Gov-
15 ernment for the purpose of environmental restoration re-
16 lated to treatment or abatement of acid mine drainage
17 from abandoned mines: *Provided further*, That such
18 projects must be consistent with the purposes and prior-
19 ities of the Surface Mining Control and Reclamation Act.

20 BUREAU OF INDIAN AFFAIRS

21 OPERATION OF INDIAN PROGRAMS

22 For expenses necessary for the operation of Indian
23 programs, as authorized by law, including the Snyder Act
24 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
25 termination and Education Assistance Act of 1975 (25

1 U.S.C. 450 et seq.), as amended, the Education Amend-
2 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
3 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
4 as amended, \$1,902,106,000, to remain available until
5 September 30, 2005 except as otherwise provided herein,
6 of which not to exceed \$85,925,000 shall be for welfare
7 assistance payments and notwithstanding any other provi-
8 sion of law, including but not limited to the Indian Self-
9 Determination Act of 1975, as amended, not to exceed
10 \$135,315,000 shall be available for payments to tribes and
11 tribal organizations for contract support costs associated
12 with ongoing contracts, grants, compacts, or annual fund-
13 ing agreements entered into with the Bureau prior to or
14 during fiscal year 2004, as authorized by such Act, except
15 that tribes and tribal organizations may use their tribal
16 priority allocations for unmet indirect costs of ongoing
17 contracts, grants, or compacts, or annual funding agree-
18 ments and for unmet welfare assistance costs; and of
19 which not to exceed \$458,524,000 for school operations
20 costs of Bureau-funded schools and other education pro-
21 grams shall become available on July 1, 2004, and shall
22 remain available until September 30, 2005; and of which
23 not to exceed \$55,374,000 shall remain available until ex-
24 pended for housing improvement, road maintenance, at-
25 torney fees, litigation support, the Indian Self-Determina-

1 tion Fund, land records improvement, and the Navajo-
2 Hopi Settlement Program: *Provided*, That notwith-
3 standing any other provision of law, including but not lim-
4 ited to the Indian Self-Determination Act of 1975, as
5 amended, and 25 U.S.C. 2008, not to exceed \$49,297,000
6 within and only from such amounts made available for
7 school operations shall be available to tribes and tribal or-
8 ganizations for administrative cost grants associated with
9 ongoing grants entered into with the Bureau prior to or
10 during fiscal year 2003 for the operation of Bureau-fund-
11 ed schools, and up to \$3,000,000 within and only from
12 such amounts made available for school operations shall
13 be available for the transitional costs of initial administra-
14 tive cost grants to tribes and tribal organizations that
15 enter into grants for the operation on or after July 1,
16 2004 of Bureau-operated schools: *Provided further*, That
17 any forestry funds allocated to a tribe which remain unob-
18 ligated as of September 30, 2005, may be transferred dur-
19 ing fiscal year 2006 to an Indian forest land assistance
20 account established for the benefit of such tribe within the
21 tribe's trust fund account: *Provided further*, That any such
22 unobligated balances not so transferred shall expire on
23 September 30, 2006.

CONSTRUCTION

1
2 For construction, repair, improvement, and mainte-
3 nance of irrigation and power systems, buildings, utilities,
4 and other facilities, including architectural and engineer-
5 ing services by contract; acquisition of lands, and interests
6 in lands; and preparation of lands for farming, and for
7 construction of the Navajo Indian Irrigation Project pur-
8 suant to Public Law 87-483, \$345,154,000, to remain
9 available until expended: *Provided*, That such amounts as
10 may be available for the construction of the Navajo Indian
11 Irrigation Project may be transferred to the Bureau of
12 Reclamation: *Provided further*, That not to exceed 6 per-
13 cent of contract authority available to the Bureau of In-
14 dian Affairs from the Federal Highway Trust Fund may
15 be used to cover the road program management costs of
16 the Bureau: *Provided further*, That any funds provided for
17 the Safety of Dams program pursuant to 25 U.S.C. 13
18 shall be made available on a nonreimbursable basis: *Pro-*
19 *vided further*, That for fiscal year 2004, in implementing
20 new construction or facilities improvement and repair
21 project grants in excess of \$100,000 that are provided to
22 tribally controlled grant schools under Public Law 100-
23 297, as amended, the Secretary of the Interior shall use
24 the Administrative and Audit Requirements and Cost
25 Principles for Assistance Programs contained in 43 CFR

1 part 12 as the regulatory requirements: *Provided further*,
2 That such grants shall not be subject to section 12.61 of
3 43 CFR; the Secretary and the grantee shall negotiate and
4 determine a schedule of payments for the work to be per-
5 formed: *Provided further*, That in considering applications,
6 the Secretary shall consider whether the Indian tribe or
7 tribal organization would be deficient in assuring that the
8 construction projects conform to applicable building stand-
9 ards and codes and Federal, tribal, or State health and
10 safety standards as required by 25 U.S.C. 2005(a), with
11 respect to organizational and financial management capa-
12 bilities: *Provided further*, That if the Secretary declines an
13 application, the Secretary shall follow the requirements
14 contained in 25 U.S.C. 2505(f): *Provided further*, That
15 any disputes between the Secretary and any grantee con-
16 cerning a grant shall be subject to the disputes provision
17 in 25 U.S.C. 2508(e).

18 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
19 MISCELLANEOUS PAYMENTS TO INDIANS
20 (INCLUDING TRANSFER OF FUNDS)

21 For miscellaneous payments to Indian tribes and in-
22 dividuals and for necessary administrative expenses,
23 \$60,551,000, to remain available until expended; of which
24 \$31,610,000 shall be available for implementation of en-
25 acted Indian land and water claim settlements pursuant

1 to Public Laws 101–618, 107–331, and 102–575, and for
2 implementation of other enacted water rights settlements;
3 and of which \$18,817,000 shall be available pursuant to
4 Public Laws 99–264, 100–580, 106–425, and 106–554;
5 and of which \$9,968,000 shall be available for payment
6 to the Quinault Indian Nation pursuant to the terms of
7 the North Boundary Settlement Agreement dated July 14,
8 2000, providing for the acquisition of perpetual conserva-
9 tion easements from the Nation: *Provided*, That of the
10 payment to the Quinault Indian Nation, \$4,968,000 shall
11 be derived from amounts provided under the heading
12 “United States Fish and Wildlife Service, Land Acquisi-
13 tion” in Public Law 108–7.

14 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

15 For the cost of guaranteed and insured loans,
16 \$5,797,000, as authorized by the Indian Financing Act
17 of 1974, as amended: *Provided*, That such costs, including
18 the cost of modifying such loans, shall be as defined in
19 section 502 of the Congressional Budget Act of 1974: *Pro-*
20 *vided further*, That these funds are available to subsidize
21 total loan principal, any part of which is to be guaranteed,
22 not to exceed \$94,568,000.

23 In addition, for administrative expenses to carry out
24 the guaranteed and insured loan programs, \$700,000.

1 ADMINISTRATIVE PROVISIONS

2 The Bureau of Indian Affairs may carry out the oper-
3 ation of Indian programs by direct expenditure, contracts,
4 cooperative agreements, compacts and grants, either di-
5 rectly or in cooperation with States and other organiza-
6 tions.

7 Notwithstanding 25 U.S.C. 15, the Bureau of Indian
8 Affairs may contract for services in support of the man-
9 agement, operation, and maintenance of the Power Divi-
10 sion of the San Carlos Irrigation Project.

11 Appropriations for the Bureau of Indian Affairs (ex-
12 cept the revolving fund for loans, the Indian loan guar-
13 antee and insurance fund, and the Indian Guaranteed
14 Loan Program account) shall be available for expenses of
15 exhibits, and purchase of not to exceed 229 passenger
16 motor vehicles, of which not to exceed 187 shall be for
17 replacement only.

18 Notwithstanding any other provision of law, no funds
19 available to the Bureau of Indian Affairs for central office
20 operations, or pooled overhead general administration (ex-
21 cept facilities operations and maintenance) shall be avail-
22 able for tribal contracts, grants, compacts, or cooperative
23 agreements with the Bureau of Indian Affairs under the
24 provisions of the Indian Self-Determination Act or the

1 Tribal Self-Governance Act of 1994 (Public Law 103–
2 413).

3 In the event any tribe returns appropriations made
4 available by this Act to the Bureau of Indian Affairs for
5 distribution to other tribes, this action shall not diminish
6 the Federal Government’s trust responsibility to that
7 tribe, or the government-to-government relationship be-
8 tween the United States and that tribe, or that tribe’s abil-
9 ity to access future appropriations.

10 Notwithstanding any other provision of law, no funds
11 available to the Bureau, other than the amounts provided
12 herein for assistance to public schools under 25 U.S.C.
13 452 et seq., shall be available to support the operation of
14 any elementary or secondary school in the State of Alaska.

15 Appropriations made available in this or any other
16 Act for schools funded by the Bureau shall be available
17 only to the schools in the Bureau school system as of Sep-
18 tember 1, 1996. No funds available to the Bureau shall
19 be used to support expanded grades for any school or dor-
20 mitory beyond the grade structure in place or approved
21 by the Secretary of the Interior at each school in the Bu-
22 reau school system as of October 1, 1995. Funds made
23 available under this Act may not be used to establish a
24 charter school at a Bureau-funded school (as that term
25 is defined in section 1146 of the Education Amendments

1 of 1978 (25 U.S.C. 2026)), except that a charter school
2 that is in existence on the date of the enactment of this
3 Act and that has operated at a Bureau-funded school be-
4 fore September 1, 1999, may continue to operate during
5 that period, but only if the charter school pays to the Bu-
6 reau a pro rata share of funds to reimburse the Bureau
7 for the use of the real and personal property (including
8 buses and vans), the funds of the charter school are kept
9 separate and apart from Bureau funds, and the Bureau
10 does not assume any obligation for charter school pro-
11 grams of the State in which the school is located if the
12 charter school loses such funding. Employees of Bureau-
13 funded schools sharing a campus with a charter school and
14 performing functions related to the charter school's oper-
15 ation and employees of a charter school shall not be treat-
16 ed as Federal employees for purposes of chapter 171 of
17 title 28, United States Code.

18 DEPARTMENTAL OFFICES

19 INSULAR AFFAIRS

20 ASSISTANCE TO TERRITORIES

21 For expenses necessary for assistance to territories
22 under the jurisdiction of the Department of the Interior,
23 \$74,343,000, of which: (1) \$68,022,000 shall be available
24 until expended for technical assistance, including mainte-
25 nance assistance, disaster assistance, insular management

1 controls, coral reef initiative activities, and brown tree
2 snake control and research; grants to the judiciary in
3 American Samoa for compensation and expenses, as au-
4 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
5 ment of American Samoa, in addition to current local rev-
6 enues, for construction and support of governmental func-
7 tions; grants to the Government of the Virgin Islands as
8 authorized by law; grants to the Government of Guam,
9 as authorized by law; and grants to the Government of
10 the Northern Mariana Islands as authorized by law (Pub-
11 lic Law 94–241; 90 Stat. 272); and (2) \$6,321,000 shall
12 be available for salaries and expenses of the Office of Insu-
13 lar Affairs: *Provided*, That all financial transactions of the
14 territorial and local governments herein provided for, in-
15 cluding such transactions of all agencies or instrumental-
16 ities established or used by such governments, may be au-
17 dited by the General Accounting Office, at its discretion,
18 in accordance with chapter 35 of title 31, United States
19 Code: *Provided further*, That Northern Mariana Islands
20 Covenant grant funding shall be provided according to
21 those terms of the Agreement of the Special Representa-
22 tives on Future United States Financial Assistance for the
23 Northern Mariana Islands approved by Public Law 104–
24 134: *Provided further*, That of the amounts provided for
25 technical assistance, sufficient funds shall be made avail-

1 able for a grant to the Pacific Basin Development Council:
2 *Provided further*, That of the amounts provided for tech-
3 nical assistance, sufficient funding shall be made available
4 for a grant to the Close Up Foundation: *Provided further*,
5 That the funds for the program of operations and mainte-
6 nance improvement are appropriated to institutionalize
7 routine operations and maintenance improvement of cap-
8 ital infrastructure with territorial participation and cost
9 sharing to be determined by the Secretary based on the
10 grantee's commitment to timely maintenance of its capital
11 assets: *Provided further*, That any appropriation for dis-
12 aster assistance under this heading in this Act or previous
13 appropriations Acts may be used as non-Federal matching
14 funds for the purpose of hazard mitigation grants provided
15 pursuant to section 404 of the Robert T. Stafford Disaster
16 Relief and Emergency Assistance Act (42 U.S.C. 5170c).

17 COMPACT OF FREE ASSOCIATION

18 For economic assistance and necessary expenses for
19 the Federated States of Micronesia and the Republic of
20 the Marshall Islands as provided for in sections 221(a)(3),
21 221(b), 223, and 233 of the Compact of Free Association,
22 and for economic assistance and necessary expenses for
23 the Republic of Palau as provided for in sections
24 221(a)(2), 221(b), and 233 of the Compact of Free Asso-
25 ciation, \$16,354,000, to remain available until expended,

1 as authorized by Public Law 99–239 and Public Law 99–
2 658.

3 DEPARTMENTAL MANAGEMENT

4 SALARIES AND EXPENSES

5 For necessary expenses for management of the De-
6 partment of the Interior, \$79,027,000, of which not to ex-
7 ceed \$8,500 may be for official reception and representa-
8 tion expenses, and of which up to \$1,000,000 shall be
9 available for workers compensation payments and unem-
10 ployment compensation payments associated with the or-
11 derly closure of the United States Bureau of Mines: *Pro-*
12 *vided*, That none of the funds in this or previous appro-
13 priations Acts may be used to establish any additional re-
14 serves in the Working Capital account other than the two
15 authorized reserves without prior approval of the House
16 and Senate Committees on Appropriations.

17 WORKING CAPITAL FUND

18 From unobligated balances under this heading,
19 \$20,000,000 are hereby cancelled.

20 PAYMENTS IN LIEU OF TAXES

21 For expenses necessary to implement the Act of Octo-
22 ber 20, 1976, as amended (31 U.S.C. 6901–6907),
23 \$225,000,000, of which not to exceed \$400,000 shall be
24 available for administrative expenses: *Provided*, That no
25 payment shall be made to otherwise eligible units of local

1 government if the computed amount of the payment is less
2 than \$100.

3 OFFICE OF THE SOLICITOR

4 SALARIES AND EXPENSES

5 For necessary expenses of the Office of the Solicitor,
6 \$50,374,000.

7 OFFICE OF INSPECTOR GENERAL

8 SALARIES AND EXPENSES

9 For necessary expenses of the Office of Inspector
10 General, \$39,049,000, of which \$3,812,000 shall be for
11 procurement by contract of independent auditing services
12 to audit the consolidated Department of the Interior an-
13 nual financial statement and the annual financial state-
14 ment of the Department of the Interior bureaus and of-
15 fices funded in this Act.

16 OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

17 FEDERAL TRUST PROGRAMS

18 For operation of trust programs for Indians by direct
19 expenditure, contracts, cooperative agreements, compacts,
20 and grants, \$219,641,000, of which \$75,000,000 shall be
21 available for historical accounting, to remain available
22 until expended: *Provided*, That funds for trust manage-
23 ment improvements and litigation support may, as needed,
24 be transferred to or merged with the Bureau of Indian
25 Affairs, "Operation of Indian Programs" account; the Of-

1 fice of the Solicitor, “Salaries and Expenses” account; and
2 the Departmental Management, “Salaries and Expenses”
3 account: *Provided further*, That funds made available to
4 Tribes and Tribal organizations through contracts or
5 grants obligated during fiscal year 2004, as authorized by
6 the Indian Self-Determination Act of 1975 (25 U.S.C. 450
7 et seq.), shall remain available until expended by the con-
8 tractor or grantee: *Provided further*, That notwithstanding
9 any other provision of law, the statute of limitations shall
10 not commence to run on any claim, including any claim
11 in litigation pending on the date of the enactment of this
12 Act, concerning losses to or mismanagement of trust
13 funds, until the affected tribe or individual Indian has
14 been furnished with an accounting of such funds from
15 which the beneficiary can determine whether there has
16 been a loss: *Provided further*, That notwithstanding any
17 other provision of law, the Secretary shall not be required
18 to provide a quarterly statement of performance for any
19 Indian trust account that has not had activity for at least
20 18 months and has a balance of \$1.00 or less: *Provided*
21 *further*, That the Secretary shall issue an annual account
22 statement and maintain a record of any such accounts and
23 shall permit the balance in each such account to be with-
24 drawn upon the express written request of the account
25 holder: *Provided further*, That not to exceed \$50,000 is

1 amended (16 U.S.C. 19jj et seq.), \$5,633,000, to remain
2 available until expended.

3 ADMINISTRATIVE PROVISIONS

4 There is hereby authorized for acquisition from avail-
5 able resources within the Working Capital Fund, 15 air-
6 craft, 10 of which shall be for replacement and which may
7 be obtained by donation, purchase or through available ex-
8 cess surplus property: *Provided*, That notwithstanding any
9 other provision of law, existing aircraft being replaced may
10 be sold, with proceeds derived or trade-in value used to
11 offset the purchase price for the replacement aircraft: *Pro-*
12 *vided further*, That no programs funded with appropriated
13 funds in the “Departmental Management”, “Office of the
14 Solicitor”, and “Office of Inspector General” may be aug-
15 mented through the Working Capital Fund or the Consoli-
16 dated Working Fund.

17 GENERAL PROVISIONS, DEPARTMENT OF THE
18 INTERIOR

19 SEC. 101. Appropriations made in this title shall be
20 available for expenditure or transfer (within each bureau
21 or office), with the approval of the Secretary, for the emer-
22 gency reconstruction, replacement, or repair of aircraft,
23 buildings, utilities, or other facilities or equipment dam-
24 aged or destroyed by fire, flood, storm, or other unavoid-
25 able causes: *Provided*, That no funds shall be made avail-

1 able under this authority until funds specifically made
2 available to the Department of the Interior for emer-
3 gencies shall have been exhausted: *Provided further*, That
4 all funds used pursuant to this section are hereby des-
5 ignated by Congress to be “emergency requirements” pur-
6 suant to section 251(b)(2)(A) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985, and must be re-
8 plenished by a supplemental appropriation which must be
9 requested as promptly as possible.

10 SEC. 102. The Secretary may authorize the expendi-
11 ture or transfer of any no year appropriation in this title,
12 in addition to the amounts included in the budget pro-
13 grams of the several agencies, for the suppression or emer-
14 gency prevention of wildland fires on or threatening lands
15 under the jurisdiction of the Department of the Interior;
16 for the emergency rehabilitation of burned-over lands
17 under its jurisdiction; for emergency actions related to po-
18 tential or actual earthquakes, floods, volcanoes, storms, or
19 other unavoidable causes; for contingency planning subse-
20 quent to actual oil spills; for response and natural resource
21 damage assessment activities related to actual oil spills;
22 for the prevention, suppression, and control of actual or
23 potential grasshopper and Mormon cricket outbreaks on
24 lands under the jurisdiction of the Secretary, pursuant to
25 the authority in section 1773(b) of Public Law 99–198

1 (99 Stat. 1658); for emergency reclamation projects under
2 section 410 of Public Law 95–87; and shall transfer, from
3 any no year funds available to the Office of Surface Min-
4 ing Reclamation and Enforcement, such funds as may be
5 necessary to permit assumption of regulatory authority in
6 the event a primacy State is not carrying out the regu-
7 latory provisions of the Surface Mining Act: *Provided*,
8 That appropriations made in this title for wildland fire
9 operations shall be available for the payment of obligations
10 incurred during the preceding fiscal year, and for reim-
11 bursement to other Federal agencies for destruction of ve-
12 hicles, aircraft, or other equipment in connection with
13 their use for wildland fire operations, such reimbursement
14 to be credited to appropriations currently available at the
15 time of receipt thereof: *Provided further*, That for wildland
16 fire operations, no funds shall be made available under
17 this authority until the Secretary determines that funds
18 appropriated for “wildland fire operations” shall be ex-
19 hausted within 30 days: *Provided further*, That all funds
20 used pursuant to this section are hereby designated by
21 Congress to be “emergency requirements” pursuant to
22 section 251(b)(2)(A) of the Balanced Budget and Emer-
23 gency Deficit Control Act of 1985, and must be replen-
24 ished by a supplemental appropriation which must be re-
25 quested as promptly as possible: *Provided further*, That

1 such replenishment funds shall be used to reimburse, on
2 a pro rata basis, accounts from which emergency funds
3 were transferred.

4 SEC. 103. Appropriations made in this title shall be
5 available for operation of warehouses, garages, shops, and
6 similar facilities, wherever consolidation of activities will
7 contribute to efficiency or economy, and said appropria-
8 tions shall be reimbursed for services rendered to any
9 other activity in the same manner as authorized by sec-
10 tions 1535 and 1536 of title 31, United States Code: *Pro-*
11 *vided*, That reimbursements for costs and supplies, mate-
12 rials, equipment, and for services rendered may be cred-
13 ited to the appropriation current at the time such reim-
14 bursements are received.

15 SEC. 104. Appropriations made to the Department
16 of the Interior in this title shall be available for services
17 as authorized by 5 U.S.C. 3109, when authorized by the
18 Secretary, in total amount not to exceed \$500,000; hire,
19 maintenance, and operation of aircraft; hire of passenger
20 motor vehicles; purchase of reprints; payment for tele-
21 phone service in private residences in the field, when au-
22 thorized under regulations approved by the Secretary; and
23 the payment of dues, when authorized by the Secretary,
24 for library membership in societies or associations which

1 issue publications to members only or at a price to mem-
2 bers lower than to subscribers who are not members.

3 SEC. 105. Appropriations available to the Depart-
4 ment of the Interior for salaries and expenses shall be
5 available for uniforms or allowances therefor, as author-
6 ized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

7 SEC. 106. Annual appropriations made in this title
8 shall be available for obligation in connection with con-
9 tracts issued for services or rentals for periods not in ex-
10 cess of 12 months beginning at any time during the fiscal
11 year.

12 SEC. 107. No funds provided in this title may be ex-
13 pended by the Department of the Interior for the conduct
14 of offshore preleasing, leasing and related activities placed
15 under restriction in the President’s moratorium statement
16 of June 12, 1998, in the areas of northern, central, and
17 southern California; the North Atlantic; Washington and
18 Oregon; and the eastern Gulf of Mexico south of 26 de-
19 grees north latitude and east of 86 degrees west longitude.

20 SEC. 108. No funds provided in this title may be ex-
21 pended by the Department of the Interior for the conduct
22 of offshore oil and natural gas preleasing, leasing, and re-
23 lated activities, on lands within the North Aleutian Basin
24 planning area.

1 SEC. 109. No funds provided in this title may be ex-
2 pended by the Department of the Interior to conduct off-
3 shore oil and natural gas preleasing, leasing and related
4 activities in the eastern Gulf of Mexico planning area for
5 any lands located outside Sale 181, as identified in the
6 final Outer Continental Shelf 5-Year Oil and Gas Leasing
7 Program, 1997–2002.

8 SEC. 110. No funds provided in this title may be ex-
9 pended by the Department of the Interior to conduct oil
10 and natural gas preleasing, leasing and related activities
11 in the Mid-Atlantic and South Atlantic planning areas.

12 SEC. 111. Advance payments made under this title
13 to Indian tribes, tribal organizations, and tribal consortia
14 pursuant to the Indian Self-Determination and Education
15 Assistance Act (25 U.S.C. 450 et seq.) or the Tribally
16 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.)
17 may be invested by the Indian tribe, tribal organization,
18 or consortium before such funds are expended for the pur-
19 poses of the grant, compact, or annual funding agreement
20 so long as such funds are—

21 (1) invested by the Indian tribe, tribal organiza-
22 tion, or consortium only in obligations of the United
23 States, or in obligations or securities that are guar-
24 anteed or insured by the United States, or mutual
25 (or other) funds registered with the Securities and

1 Exchange Commission and which only invest in obli-
2 gations of the United States or securities that are
3 guaranteed or insured by the United States; or

4 (2) deposited only into accounts that are in-
5 sured by an agency or instrumentality of the United
6 States, or are fully collateralized to ensure protec-
7 tion of the funds, even in the event of a bank failure.

8 SEC. 112. Notwithstanding any other provisions of
9 law, the National Park Service shall not develop or imple-
10 ment a reduced entrance fee program to accommodate
11 non-local travel through a unit. The Secretary may provide
12 for and regulate local non-recreational passage through
13 units of the National Park System, allowing each unit to
14 develop guidelines and permits for such activity appro-
15 priate to that unit.

16 SEC. 113. Appropriations made in this Act under the
17 headings Bureau of Indian Affairs and Office of Special
18 Trustee for American Indians and any available unobli-
19 gated balances from prior appropriations Acts made under
20 the same headings, shall be available for expenditure or
21 transfer for Indian trust management and reform activi-
22 ties.

23 SEC. 114. A grazing permit or lease that expires (or
24 is transferred) during fiscal year 2004 shall be renewed
25 under section 402 of the Federal Land Policy and Man-

1 agement Act of 1976, as amended (43 U.S.C. 1752) or,
2 if applicable, section 510 of the California Desert Protec-
3 tion Act (16 U.S.C. 410aaa–50). The terms and condi-
4 tions contained in the expiring permit or lease shall con-
5 tinue in effect under the new permit or lease until such
6 time as the Secretary of the Interior completes processing
7 of such permit or lease in compliance with all applicable
8 laws and regulations, at which time such permit or lease
9 may be canceled, suspended or modified, in whole or in
10 part, to meet the requirements of such applicable laws and
11 regulations. Nothing in this section shall be deemed to
12 alter the Secretary’s statutory authority: Provided, That
13 any Federal lands included within the boundary of Lake
14 Roosevelt National Recreation Area, as designated by the
15 Secretary of the Interior on April 5, 1990 (Lake Roosevelt
16 Cooperative Management Agreement), that were utilized
17 as of March 31, 1997, for grazing purposes pursuant to
18 a permit issued by the National Park Service, the person
19 or persons so utilizing such lands as of March 31, 1997,
20 shall be entitled to renew said permit under such terms
21 and conditions as the Secretary may prescribe, for the life-
22 time of the permittee or 20 years, whichever is less.

23 SEC. 115. Notwithstanding any other provision of
24 law, for the purpose of reducing the backlog of Indian pro-
25 bate cases in the Department of the Interior, the hearing

1 requirements of chapter 10 of title 25, United States
2 Code, are deemed satisfied by a proceeding conducted by
3 an Indian probate judge, appointed by the Secretary with-
4 out regard to the provisions of title 5, United States Code,
5 governing the appointments in the competitive service, for
6 such period of time as the Secretary determines necessary:
7 *Provided*, That the basic pay of an Indian probate judge
8 so appointed may be fixed by the Secretary without regard
9 to the provisions of chapter 51, and subchapter III of
10 chapter 53 of title 5, United States Code, governing the
11 classification and pay of General Schedule employees, ex-
12 cept that no such Indian probate judge may be paid at
13 a level which exceeds the maximum rate payable for the
14 highest grade of the General Schedule, including locality
15 pay.

16 SEC. 116. Notwithstanding any other provision of
17 law, the Secretary of the Interior is authorized to redis-
18 tribute any Tribal Priority Allocation funds, including
19 tribal base funds, to alleviate tribal funding inequities by
20 transferring funds to address identified, unmet needs,
21 dual enrollment, overlapping service areas or inaccurate
22 distribution methodologies. No tribe shall receive a reduc-
23 tion in Tribal Priority Allocation funds of more than 10
24 percent in fiscal year 2004. Under circumstances of dual
25 enrollment, overlapping service areas or inaccurate dis-

1 tribution methodologies, the 10 percent limitation does not
2 apply.

3 SEC. 117. Funds appropriated for the Bureau of In-
4 dian Affairs for postsecondary schools for fiscal year 2004
5 shall be allocated among the schools proportionate to the
6 unmet need of the schools as determined by the Postsec-
7 ondary Funding Formula adopted by the Office of Indian
8 Education Programs.

9 SEC. 118. (a) The Secretary of the Interior shall take
10 such action as may be necessary to ensure that the lands
11 comprising the Huron Cemetery in Kansas City, Kansas
12 (as described in section 123 of Public Law 106–291) are
13 used only in accordance with this section.

14 (b) The lands of the Huron Cemetery shall be used
15 only: (1) for religious and cultural uses that are compat-
16 ible with the use of the lands as a cemetery; and (2) as
17 a burial ground.

18 SEC. 119. Notwithstanding any other provision of
19 law, in conveying the Twin Cities Research Center under
20 the authority provided by Public Law 104–134, as amend-
21 ed by Public Law 104–208, the Secretary may accept and
22 retain land and other forms of reimbursement: *Provided*,
23 That the Secretary may retain and use any such reim-
24 bursement until expended and without further appropria-
25 tion: (1) for the benefit of the National Wildlife Refuge

1 System within the State of Minnesota; and (2) for all ac-
2 tivities authorized by Public Law 100–696; 16 U.S.C.
3 460zz.

4 SEC. 120. Notwithstanding other provisions of law,
5 the National Park Service may authorize, through cooper-
6 ative agreement, the Golden Gate National Parks Associa-
7 tion to provide fee-based education, interpretive and vis-
8 itor service functions within the Crissy Field and Fort
9 Point areas of the Presidio.

10 SEC. 121. Notwithstanding 31 U.S.C. 3302(b), sums
11 received by the Bureau of Land Management for the sale
12 of seeds or seedlings including those collected in fiscal year
13 2003, may be credited to the appropriation from which
14 funds were expended to acquire or grow the seeds or seed-
15 lings and are available without fiscal year limitation.

16 SEC. 122. WHITE RIVER OIL SHALE MINE, UTAH.
17 SALE.—Subject to the terms and conditions of section 126
18 of the Department of the Interior and Related Agencies
19 Act, 2002, the Administrator of General Services shall sell
20 all right, title, and interest of the United States in and
21 to the improvements and equipment of the White River
22 Oil Shale Mine.

23 SEC. 123. The Secretary of the Interior may use or
24 contract for the use of helicopters or motor vehicles on
25 the Sheldon and Hart National Wildlife Refuges for the

1 purpose of capturing and transporting horses and burros.
2 The provisions of subsection (a) of the Act of September
3 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such
4 use. Such use shall be in accordance with humane proce-
5 dures prescribed by the Secretary.

6 SEC. 124. Funds provided in this Act for Federal
7 land acquisition by the National Park Service for Shen-
8 andoah Valley Battlefields National Historic District, and
9 Ice Age National Scenic Trail may be used for a grant
10 to a State, a local government, or any other governmental
11 land management entity for the acquisition of lands with-
12 out regard to any restriction on the use of Federal land
13 acquisition funds provided through the Land and Water
14 Conservation Fund Act of 1965 as amended.

15 SEC. 125. None of the funds made available by this
16 Act may be obligated or expended by the National Park
17 Service to enter into or implement a concession contract
18 which permits or requires the removal of the underground
19 lunchroom at the Carlsbad Caverns National Park.

20 SEC. 126. None of the funds made available in this
21 Act may be used: (1) to demolish the bridge between Jer-
22 sey City, New Jersey, and Ellis Island; or (2) to prevent
23 pedestrian use of such bridge, when such pedestrian use
24 is consistent with generally accepted safety standards.

1 SEC. 127. None of the funds made available in this
2 or any other Act for any fiscal year may be used to des-
3 ignate, or to post any sign designating, any portion of Ca-
4 navaeral National Seashore in Brevard County, Florida, as
5 a clothing-optional area or as an area in which public nu-
6 dity is permitted, if such designation would be contrary
7 to county ordinance.

8 SEC. 128. None of the funds in this or any other Act
9 can be used to compensate the Special Master and the
10 Special Master-Monitor, and all variations thereto, ap-
11 pointed by the United States District Court for the Dis-
12 trict of Columbia in the Cobell v. Norton litigation at an
13 annual rate that exceeds 200 percent of the highest Senior
14 Executive Service rate of pay for the Washington-Balti-
15 more locality pay area.

16 SEC. 129. The Secretary of the Interior may use dis-
17 cretionary funds to pay private attorneys fees and costs
18 for employees and former employees of the Department
19 of the Interior reasonably incurred in connection with
20 Cobell v. Norton to the extent that such fees and costs
21 are not paid by the Department of Justice or by private
22 insurance. In no case shall the Secretary make payments
23 under this section that would result in payment of hourly
24 fees in excess of the highest hourly rate approved by the

1 District Court for the District of Columbia for counsel in
2 Cobell v. Norton.

3 SEC. 130. The United States Fish and Wildlife Serv-
4 ice shall, in carrying out its responsibilities to protect
5 threatened and endangered species of salmon, implement
6 a system of mass marking of salmonid stocks, intended
7 for harvest, that are released from Federally operated or
8 Federally financed hatcheries including but not limited to
9 fish releases of coho, chinook, and steelhead species.
10 Marked fish must have a visible mark that can be readily
11 identified by commercial and recreational fishers.

12 SEC. 131. Such sums as may be necessary from “De-
13 partmental Management, Salaries and Expenses”, may be
14 transferred to “United States Fish and Wildlife Service,
15 Resource Management” for operational needs at the Mid-
16 way Atoll National Wildlife Refuge airport.

17 SEC. 132. No funds appropriated for the Department
18 of the Interior by this Act or any other Act shall be used
19 to study or implement any plan to drain Lake Powell or
20 to reduce the water level of the lake below the range of
21 water levels required for the operation of the Glen Canyon
22 Dam.

23 SEC. 133. Section 122 of division F of Public Law
24 108–7 is amended as follows:

25 (a) Paragraph 122(a)(4) is amended to read—

1 “(4) TRIBALLY CONTROLLED SCHOOL.—The
2 term ‘tribally controlled school’ means a school that
3 currently receives a grant under the Tribally Con-
4 trolled Schools Act of 1988, as amended (25 U.S.C.
5 2501 et seq.) or is determined by the Secretary to
6 meet the eligibility criteria of section 5205 of the
7 Tribally Controlled Schools Act of 1988, as amended
8 (25 U.S.C. 2504).”.

9 (b) Paragraph 122(b)(1) is amended by striking the
10 second sentence and inserting: “The Secretary shall en-
11 sure that applications for funding to replace schools cur-
12 rently receiving funding for facility operation and mainte-
13 nance from the Bureau of Indian Affairs receive the high-
14 est priority for grants under this section. Among such ap-
15 plications, the Secretary shall give priority to applications
16 of Indian tribes that agree to fund all future facility oper-
17 ation and maintenance costs of the tribally controlled
18 school funded under the demonstration program from
19 other than Federal funds.”.

20 (c) Subsection (c) is amended by inserting after “EF-
21 FECT OF GRANT.—” the following: “(1) Except as pro-
22 vided in paragraph (2) of this subsection,” and is further
23 amended by adding the following new paragraph:

24 “(2) A tribe receiving a grant for construction
25 of a tribally controlled school under this section shall

1 not be eligible to receive funding from the Bureau
2 of Indian Affairs for that school for education oper-
3 ations or facility operation and maintenance if the
4 school that was not at the time of the grant: (i) a
5 school receiving funding for education operations or
6 facility operation and maintenance under the Trib-
7 ally Controlled Schools Act or the Indian Self-Deter-
8 mination and Education Assistance Act or (ii) a
9 school operated by the Bureau of Indian Affairs.”.

10 SEC. 134. The Secretary of the Interior shall within
11 180 days of the enactment of this Act submit to the House
12 and Senate Committees on Appropriations a report that
13 describes the condition and adequacy of educational facili-
14 ties available to the Eastern Band of Cherokee Indians,
15 the availability of lands necessary for the construction of
16 any necessary new or replacement education facilities, and
17 the impacts that construction of such facilities might have
18 on natural, cultural, and other resources present within
19 the Great Smoky Mountains National Park and the Blue
20 Ridge Parkway. The report shall specifically address the
21 resource implications of the land exchange described in
22 H.R. 1409, “The Eastern Band of Cherokee Indians Land
23 Exchange Act of 2002” as introduced in the 108th Con-
24 gress. The Secretary shall consult with the Eastern Band
25 of Cherokee Indians in preparing the report.

1 LAND EXCHANGE, WORLD WAR I NATIONAL MEMORIAL,
2 MOJAVE NATIONAL PRESERVE

3 SEC. 135. (a) EXCHANGE REQUIRED.—In exchange
4 for the private property described in subsection (b), the
5 Secretary of the Interior shall convey to the Veterans
6 Home of California-Barstow, Veterans of Foreign Wars
7 Post #385E (in this section referred to as the “recipi-
8 ent”), all right, title, and interest of the United States
9 in and to a parcel of real property consisting of approxi-
10 mately one acre in the Mojave National Preserve and des-
11 ignated (by section 8137 of the Department of Defense
12 Appropriations Act, 2002 (Public Law 101–117; 115 Stat.
13 2278)) as a national memorial commemorating United
14 States participation in World War I and honoring the
15 American veterans of that war. Notwithstanding the con-
16 veyance of the property under this subsection, the Sec-
17 retary shall continue to carry out the responsibilities of
18 the Secretary under such section 8137.

19 (b) CONSIDERATION.—As consideration for the prop-
20 erty to be conveyed by the Secretary under subsection (a),
21 Mr. and Mrs. Henry Sandoz of Mountain Pass, California,
22 have agreed to convey to the Secretary a parcel of real
23 property consisting of approximately five acres, identified
24 as parcel APN 569–051–44, and located in the west $\frac{1}{2}$
25 of the northeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of the northwest

1 ¼ of section 11, township 14 north, range 15 east, San
2 Bernardino base and meridian.

3 (c) EQUAL VALUE EXCHANGE; APPRAISAL.—The
4 values of the properties to be exchanged under this section
5 shall be equal or equalized as provided in subsection (d).
6 The value of the properties shall be determined through
7 an appraisal performed by a qualified appraiser in con-
8 formance with the Uniform Appraisal Standards for Fed-
9 eral Land Acquisitions (Department of Justice, December
10 2000).

11 (d) CASH EQUALIZATION.—Any difference in the
12 value of the properties to be exchanged under this section
13 shall be equalized through the making of a cash equali-
14 zation payment. The Secretary shall deposit any cash
15 equalization payment received by the Secretary under this
16 subsection in the Land and Water Conservation Fund.

17 (e) REVERSIONARY CLAUSE.—The conveyance under
18 subsection (a) shall be subject to the condition that the
19 recipient maintain the conveyed property as a memorial
20 commemorating United States participation in World War
21 I and honoring the American veterans of that war. If the
22 Secretary determines that the conveyed property is no
23 longer being maintained as a war memorial, the property
24 shall revert to the ownership of the United States.

1 (f) BOUNDARY ADJUSTMENT; ADMINISTRATION OF
2 ACQUIRED LAND.—The boundaries of the Mojave Na-
3 tional Preserve shall be adjusted to reflect the land ex-
4 change required by this section. The property acquired by
5 the Secretary under this section shall become part of the
6 Mojave National Preserve and be administered in accord-
7 ance with the laws, rules, and regulations generally appli-
8 cable to the Mojave National Preserve.

9 BLUE RIDGE NATIONAL HERITAGE AREA

10 SEC. 136. (a) SHORT TITLE.—This section may be
11 cited as the “Blue Ridge National Heritage Area Act of
12 2003”.

13 (b) FINDINGS AND PURPOSE.—

14 (1) FINDINGS.—Congress finds that:

15 (A) The Blue Ridge Mountains and the ex-
16 tensive cultural and natural resources of the
17 Blue Ridge Mountains have played a significant
18 role in the history of the United States and the
19 State of North Carolina.

20 (B) Archaeological evidence indicates that
21 the Blue Ridge Mountains have been inhabited
22 by humans since the last retreat of the glaciers,
23 with the Native Americans living in the area at
24 the time of European discovery being primarily
25 of Cherokee descent.

1 (C) The Blue Ridge Mountains of western
2 North Carolina, including the Great Smoky
3 Mountains, played a unique and significant role
4 in the establishment and development of the
5 culture of the United States through several
6 distinct legacies, including—

7 (i) the craft heritage that—

8 (I) was first influenced by the
9 Cherokee Indians;

10 (II) was the origin of the tradi-
11 tional craft movement starting in
12 1900 and the contemporary craft
13 movement starting in the 1940's; and

14 (III) is carried out by over 4,000
15 craftspeople in the Blue Ridge Moun-
16 tains of western North Carolina, the
17 third largest concentration of such
18 people in the United States;

19 (ii) a musical heritage comprised of
20 distinctive instrumental and vocal tradi-
21 tions that—

22 (I) includes stringband music,
23 bluegrass, ballad singing, blues, and
24 sacred music;

1 (II) has received national rec-
2 ognition; and

3 (III) has made the region one of
4 the richest repositories of traditional
5 music and folklife in the United
6 States;

7 (iii) the Cherokee heritage—

8 (I) dating back thousands of
9 years; and

10 (II) offering—

11 (aa) nationally significant
12 cultural traditions practiced by
13 the Eastern Band of Cherokee
14 Indians;

15 (bb) authentic tradition
16 bearers;

17 (cc) historic sites; and

18 (dd) historically important
19 collections of Cherokee artifacts;
20 and

21 (iv) the agricultural heritage estab-
22 lished by the Cherokee Indians, including
23 medicinal and ceremonial food crops, com-
24 bined with the historic European patterns
25 of raising livestock, culminating in the

1 largest number of specialty crop farms in
2 North Carolina.

3 (D) The artifacts and structures associated
4 with those legacies are unusually well-preserved.

5 (E) The Blue Ridge Mountains are recog-
6 nized as having one of the richest collections of
7 historical resources in North America.

8 (F) The history and cultural heritage of
9 the Blue Ridge Mountains are shared with the
10 States of Virginia, Tennessee, and Georgia.

11 (G) there are significant cultural, eco-
12 nomic, and educational benefits in celebrating
13 and promoting this mutual heritage.

14 (H) according to the 2002 reports entitled
15 “The Blue Ridge Heritage and Cultural Part-
16 nership” and “Western North Carolina Na-
17 tional Heritage Area Feasibility Study and
18 Plan”, the Blue Ridge Mountains contain nu-
19 merous resources that are of outstanding im-
20 portance to the history of the United States.

21 (I) it is in the interest of the United States
22 to preserve and interpret the cultural and his-
23 torical resources of the Blue Ridge Mountains
24 for the education and benefit of present and fu-
25 ture generations.

1 (2) PURPOSE.—The purpose of this section is
2 to foster a close working relationship with, and to
3 assist, all levels of government, the private sector,
4 and local communities in the State in managing,
5 preserving, protecting, and interpreting the cultural,
6 historical, and natural resources of the Heritage
7 Area while continuing to develop economic opportu-
8 nities.

9 (c) DEFINITIONS.—

10 (1) In this section:

11 (A) HERITAGE AREA.—The term “Herit-
12 age Area” means the Blue Ridge National Her-
13 itage Area established by subsection (d).

14 (B) MANAGEMENT ENTITY.—The term
15 “management entity” means the management
16 entity for the Heritage Area designated by sub-
17 section (d)(3).

18 (C) MANAGEMENT PLAN.—The term
19 “management plan” means the management
20 plan for the Heritage Area approved under sub-
21 section (e).

22 (D) SECRETARY.—The term “Secretary”
23 means the Secretary of the Interior.

24 (E) STATE.—The term “State” means the
25 State of North Carolina.

1 (d) BLUE RIDGE NATIONAL HERITAGE AREA.—

2 (1) ESTABLISHMENT.—There is established the
3 Blue Ridge National Heritage Area in the State.

4 (2) BOUNDARIES.—The Heritage Area shall
5 consist of the counties of Alleghany, Ashe, Avery,
6 Buncombe, Burke, Caldwell, Cherokee, Clay,
7 Graham, Haywood, Henderson, Jackson, McDowell,
8 Macon, Madison, Mitchell, Polk, Rutherford, Surry,
9 Swain, Transylvania, Watauga, Wilkes, Yadkin, and
10 Yancey in the State.

11 (3) MANAGEMENT ENTITY.—

12 (A) IN GENERAL.—As a condition of the
13 receipt of funds made available under sub-
14 section (i), the Blue Ridge National Heritage
15 Area Partnership shall be the management enti-
16 ty for the Heritage Area.

17 (B) BOARD OF DIRECTORS.—

18 (i) COMPOSITION.—The management
19 entity shall be governed by a board of di-
20 rectors composed of 9 members, of
21 whom—

22 (I) 2 members shall be appointed
23 by AdvantageWest;

1 (II) 2 members shall be ap-
2 pointed by HandMade In America,
3 Inc.;

4 (III) 1 member shall be ap-
5 pointed by the Education Research
6 Consortium of Western North Caro-
7 lina;

8 (IV) 1 member shall be appointed
9 by the Eastern Band of the Cherokee
10 Indians; and

11 (V) 3 members shall be ap-
12 pointed by the Governor of North
13 Carolina and shall—

14 (aa) reside in geographically
15 diverse regions of the Heritage
16 Area;

17 (bb) be a representative of
18 State or local governments or the
19 private sector; and

20 (cc) have knowledge of tour-
21 ism, economic and community de-
22 velopment, regional planning, his-
23 toric preservation, cultural or
24 natural resources development,
25 regional planning, conservation,

1 recreational services, education,
2 or museum services.

3 (e) MANAGEMENT PLAN.—

4 (1) IN GENERAL.—Not later than 3 years after
5 the date of enactment of this section, the manage-
6 ment entity shall submit to the Secretary for ap-
7 proval a management plan for the Heritage Area.

8 (2) CONSIDERATION OF OTHER PLANS AND AC-
9 TIONS.—In developing the management plan, the
10 management entity shall—

11 (A) for the purpose of presenting a unified
12 preservation and interpretation plan, take into
13 consideration Federal, State, and local plans;
14 and

15 (B) provide for the participation of resi-
16 dents, public agencies, and private organiza-
17 tions in the Heritage Area.

18 (3) CONTENTS.—The management plan shall—

19 (A) present comprehensive recommenda-
20 tions and strategies for the conservation, fund-
21 ing, management, and development of the Her-
22 itage Area;

23 (B) identify existing and potential sources
24 of Federal and non-Federal funding for the

1 conservation, management, and development of
2 the Heritage Area; and

3 (C) include—

4 (i) an inventory of the cultural, histor-
5 ical, natural, and recreational resources of
6 the Heritage Area, including a list of prop-
7 erty that—

8 (I) relates to the purposes of the
9 Heritage Area; and

10 (II) should be conserved, re-
11 stored, managed, developed, or main-
12 tained because of the significance of
13 the property;

14 (ii) a program of strategies and ac-
15 tions for the implementation of the man-
16 agement plan that identifies the roles of
17 agencies and organizations that are in-
18 volved in the implementation of the man-
19 agement plan;

20 (iii) an interpretive and educational
21 plan for the Heritage Area;

22 (iv) a recommendation of policies for
23 resource management and protection that
24 develop intergovernmental cooperative
25 agreements to manage and protect the cul-

1 tural, historical, natural, and recreational
2 resources of the Heritage Area; and

3 (v) an analysis of ways in which Fed-
4 eral, State, and local programs may best
5 be coordinated to promote the purposes of
6 this section.

7 (4) EFFECT OF FAILURE TO SUBMIT.—If a
8 management plan is not submitted to the Secretary
9 by the date described in paragraph (1), the Sec-
10 retary shall not provide any additional funding
11 under this section until a management plan is sub-
12 mitted to the Secretary.

13 (5) APPROVAL OR DISAPPROVAL OF MANAGE-
14 MENT PLAN.—

15 (A) IN GENERAL.—Not later than 90 days
16 after receiving the management plan submitted
17 under paragraph (1), the Secretary shall ap-
18 prove or disapprove the management plan.

19 (B) CRITERIA.—In determining whether to
20 approve the management plan, the Secretary
21 shall consider whether the management plan—

22 (i) has strong local support from land-
23 owners, business interests, nonprofit orga-
24 nizations, and governments in the Heritage
25 Area; and

1 (ii) has a high potential for effective
2 partnership mechanisms.

3 (C) ACTION FOLLOWING DISAPPROVAL.—If
4 the Secretary disapproves a management plan
5 under subparagraph (A), the Secretary shall—

6 (i) advise the management entity in
7 writing of the reasons for the disapproval;

8 (ii) make recommendations for revi-
9 sions to the management plan; and

10 (iii) allow the management entity to
11 submit to the Secretary revisions to the
12 management plan.

13 (D) DEADLINE FOR APPROVAL OF REVI-
14 SION.—Not later than 60 days after the date on
15 which a revision is submitted under subpara-
16 graph (C)(iii), the Secretary shall approve or
17 disapprove the proposed revision.

18 (6) AMENDMENT OF APPROVED MANAGEMENT
19 PLAN.—

20 (A) IN GENERAL.—After approval by the
21 Secretary of a management plan, the manage-
22 ment entity shall periodically—

23 (i) review the management plan; and

24 (ii) submit to the Secretary, for review
25 and approval, the recommendation of the

1 management entity for any amendments to
2 the management plan.

3 (B) USE OF FUNDS.—No funds made
4 available under subsection (i) shall be used to
5 implement any amendment proposed by the
6 management entity under subparagraph (A)
7 until the Secretary approves the amendment.

8 (f) AUTHORITIES AND DUTIES OF THE MANAGE-
9 MENT ENTITY.—

10 (1) AUTHORITIES.—For the purposes of devel-
11 oping and implementing the management plan, the
12 management entity may use funds made available
13 under subsection (i) to—

14 (A) make grants to, and enter into cooper-
15 ative agreements with, the State (including a
16 political subdivision), nonprofit organizations,
17 or persons;

18 (B) hire and compensate staff; and

19 (C) enter into contracts for goods and
20 services.

21 (2) DUTIES.—In addition to developing the
22 management plan, the management entity shall—

23 (A) develop and implement the manage-
24 ment plan while considering the interests of di-
25 verse units of government, businesses, private

1 property owners, and nonprofit groups in the
2 Heritage Area;

3 (B) conduct public meetings in the Herit-
4 age Area at least semiannually on the develop-
5 ment and implementation of the management
6 plan;

7 (C) give priority to the implementation of
8 actions, goals, and strategies in the manage-
9 ment plan, including providing assistance to
10 units of government, nonprofit organizations,
11 and persons in—

12 (i) carrying out the programs that
13 protect resources in the Heritage Area;

14 (ii) encouraging economic viability in
15 the Heritage Area in accordance with the
16 goals of the management plan;

17 (iii) establishing and maintaining in-
18 terpretive exhibits in the Heritage Area;

19 (iv) developing recreational and edu-
20 cational opportunities in the Heritage
21 Area; and

22 (v) increasing public awareness of and
23 appreciation for the cultural, historical,
24 and natural resources of the Heritage
25 Area; and

1 (D) for any fiscal year for which Federal
2 funds are received under subsection (i)—

3 (i) submit to the Secretary a report
4 that describes, for the fiscal year—

5 (I) the accomplishments of the
6 management entity;

7 (II) the expenses and income of
8 the management entity; and

9 (III) each entity to which a grant
10 was made;

11 (ii) make available for audit by Con-
12 gress, the Secretary, and appropriate units
13 of government, all records relating to the
14 expenditure of funds and any matching
15 funds; and

16 (iii) require, for all agreements au-
17 thORIZING expenditure of Federal funds by
18 any entity, that the receiving entity make
19 available for audit all records relating to
20 the expenditure of funds.

21 (3) PROHIBITION ON THE ACQUISITION OF
22 REAL PROPERTY.—The management entity shall not
23 use Federal funds received under subsection (i) to
24 acquire real property or an interest in real property.

25 (g) TECHNICAL AND FINANCIAL ASSISTANCE.—

1 (1) IN GENERAL.—The Secretary may provide
2 to the management entity technical assistance and,
3 subject to the availability of appropriations, financial
4 assistance, for use in developing and implementing
5 the management plan.

6 (2) PRIORITY FOR ASSISTANCE.—In providing
7 assistance under subsection (a), the Secretary shall
8 give priority to actions that facilitate—

9 (A) the preservation of the significant cul-
10 tural, historical, natural, and recreational re-
11 sources of the Heritage Area; and

12 (B) the provision of educational, interpre-
13 tive, and recreational opportunities that are
14 consistent with the resources of the Heritage
15 Area.

16 (h) LAND USE REGULATION.—

17 (1) IN GENERAL.—Nothing in this section—

18 (A) grants any power of zoning or land use
19 to the management entity; or

20 (B) modifies, enlarges, or diminishes any
21 authority of the Federal Government or any
22 State or local government to regulate any use
23 of land under any law (including regulations).

24 (2) PRIVATE PROPERTY.—Nothing in this sec-
25 tion—

1 (A) abridges the rights of any person with
2 respect to private property;

3 (B) affects the authority of the State or
4 local government with respect to private prop-
5 erty; or

6 (C) imposes any additional burden on any
7 property owner.

8 (i) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) IN GENERAL.—There is authorized to be
10 appropriated to carry out this section \$10,000,000,
11 of which not more than \$1,000,000 shall be made
12 available for any fiscal year.

13 (2) NON-FEDERAL SHARE.—The non-Federal
14 share of the cost of any activities carried out using
15 Federal funds made available under subsection (a)
16 shall be not less than 50 percent.

17 (j) TERMINATION OF AUTHORITY.—The authority of
18 the Secretary to provide assistance under this section ter-
19 minates on the date that is 15 years after the date of en-
20 actment of this section.

21 EXPEDITED PROCEDURES FOR INDIAN TRUST

22 ACCOUNTING

23 SEC. 137. (a) IN GENERAL.—Notwithstanding any
24 other provision of law, any claim against the United States
25 arising out of any obligation of the United States or any
26 of its agencies or officials relating to the conduct of an

1 accounting, or the balance of, any individual Indian money
2 account arising prior to December 31, 2000 shall be gov-
3 erned by the provisions of this section.

4 (b) STATISTICAL SAMPLING.—Not later than one
5 year following the date of enactment of this Act, the Sec-
6 retary shall formulate a statistical sampling evaluation to
7 assess the administration of individual Indian money ac-
8 counts for those accounts that were open as of December
9 31, 2000, and all individual Indian money accounts that
10 were open as of October 25, 1994, or opened thereafter
11 but closed as of December 31, 2000. The statistical sam-
12 pling evaluation described in this subsection shall be con-
13 ducted in a manner the Secretary deems feasible and ap-
14 propriate given the availability of records, data, and other
15 historic information, and shall estimate, so as to achieve
16 a ninety-eight percent confidence level, the rate of past
17 accounting error, if any, for each group or categories of
18 individual Indian money accounts. The Secretary shall
19 complete a statistical sampling evaluation covering all sub-
20 ject accounts within four years of the date of enactment
21 of this Act.

22 (c) CERTIFICATION.—Upon completion of a statis-
23 tical sampling evaluation for a category or group of indi-
24 vidual Indian money accounts, the Secretary shall certify

1 completion of the evaluation and publish such certification
2 in the Federal Register.

3 (d) ADJUSTMENT OF ACCOUNTS.—

4 (1) Within 180 days following any certification
5 under subsection (c), the Secretary shall adjust any
6 individual Indian money accounts covered by that
7 certification. The Secretary shall base such adjust-
8 ment on application of the error rate, if any, deter-
9 mined by the statistical sampling to the average
10 transaction amount for transactions in an account.
11 In addition, the Secretary may also consider any fac-
12 tual information regarding the particular account at
13 issue in adjusting the account.

14 (2) Amounts necessary for adjustments to indi-
15 vidual Indian money accounts shall be derived from
16 the claims and judgment appropriation provided by
17 31 U.S.C. 1304 in the same manner as payment of
18 judgments received by the Court of Federal Claims
19 under 28 U.S.C. 2414.

20 (e) NO DOWNWARD ADJUSTMENT.—The Secretary
21 may consider both positive and negative errors in esti-
22 mating a rate of past accounting error, but in no event
23 shall the Secretary adjust the balance of an account down-
24 ward under this Act. In the event that the Secretary deter-
25 mines that the rate of past accounting error for an ac-

1 count is zero or negative, the Secretary shall make an ad-
2 justment of zero to that account. Such a zero adjustment
3 shall constitute an “adjustment” as defined in this section.

4 (f) JUDICIAL REVIEW.—

5 (1) Notwithstanding any other provision of law,
6 judicial review of, or judicial relief with respect to,
7 any action of the United States or any of its agen-
8 cies or officials in carrying out the provisions of this
9 section shall be made solely in accordance with this
10 subsection.

11 (2) Judicial review of any agency action related
12 to an individual Indian money account performed
13 pursuant to this section may be had only by the fil-
14 ing of a petition for review in the United States
15 Court of Appeals for the District of Columbia no
16 later than 60 days after the Secretary’s adjustment
17 of an account. Such review shall be conducted in ac-
18 cordance with chapter 7 of part I of title 5, United
19 States Code (5 U.S.C. 701, et seq.).

20 (3) Except to the extent, if any, that review
21 may be required by the Constitution of the United
22 States, no court shall have jurisdiction to review,
23 grant, or enforce any relief with respect to any ac-
24 tion of the United States or any of its agencies or
25 officials in carrying out any obligation described in

1 subsection (a) other than pursuant to paragraph (2).

2 The provisions of this paragraph shall apply to any
3 litigation filed before, on, or after the date of enact-
4 ment of this section.

5 (g) ACCOUNT BALANCES.—The balance of any ac-
6 count as determined under this Act, including judicial re-
7 view in accordance with subsection (f), shall conclusively
8 constitute the new balance of the account as of December
9 31, 2000, and shall not be subject to any further adjust-
10 ment based upon events or occurrences prior to that date.

11 (h) VOLUNTARY SETTLEMENT OF CLAIMS.—Prior to
12 commencing the statistical evaluation provided in sub-
13 section (b), the Secretary may, at the Secretary's discre-
14 tion, resolve any claim or group of claims described in sub-
15 section (a) through voluntary settlement with any holder
16 or holders of individual Indian money accounts. Such vol-
17 untary settlement shall be paid from the claims and judg-
18 ment appropriation as provided in subsection (d) and shall
19 conclusively resolve claims under subsection (a). The hold-
20 er of the account who settles shall not be entitled to any
21 further adjustment under this section.

22 (i) REGULATIONS.—The Secretary may adopt such
23 regulations, as the Secretary deems necessary to imple-
24 ment this section.

1 (j) REPORT TO CONGRESS.—The Secretary shall re-
2 port to the House and Senate Committees on Appropria-
3 tions, the House Committee on Resources, and the Senate
4 Committee on Indian Affairs regarding the progress of
5 statistical sampling evaluations at least once every cal-
6 endar year until the Secretary has adjusted all accounts
7 covered by this Act.

8 (k) DEFINITIONS.—As used in this Act:

9 (1) The term “statistical sampling evaluation”
10 means an analysis of a selected statistically appro-
11 priate sample drawn from a group or groups of
12 transactions or other data.

13 (2) The term “individual Indian money ac-
14 counts” means account balances for funds held in
15 trust by the United States for the benefit of an indi-
16 vidual Indian which are deposited or invested pursu-
17 ant to the Act of June 24, 1938 (25 U.S.C. 162a),
18 but shall not include accounts classified by the Sec-
19 retary as Special Deposit, Judgment, or Per Capita
20 accounts.

21 (3) The term “adjust” means to revise the bal-
22 ance of the account pursuant to this Act.

23 (4) The term “Secretary” means the Secretary
24 of the Interior.

1 SEC. 138. None of the funds in this or any other Act
2 may be used by the Department of the Interior to support
3 the Klamath Fishery Management Council.

4 SEC. 139. Notwithstanding any other provision of
5 law, the United States Fish and Wildlife Service, here-
6 tofore and hereafter, may use funds for incidental ex-
7 penses related to encouraging public participation in Serv-
8 ice programs, and may use up to \$2,000,000 per year for
9 contracts for employment-related legal services.

10 TITLE II—RELATED AGENCIES

11 DEPARTMENT OF AGRICULTURE

12 FOREST SERVICE

13 FOREST AND RANGELAND RESEARCH

14 For necessary expenses of forest and rangeland re-
15 search as authorized by law, \$267,230,000, to remain
16 available until expended: *Provided*, That of the funds pro-
17 vided, \$49,428,000 is for the forest inventory and analysis
18 program.

19 STATE AND PRIVATE FORESTRY

20 For necessary expenses of cooperating with and pro-
21 viding technical and financial assistance to States, terri-
22 tories, possessions, and others, and for forest health man-
23 agement, including treatments of pests, pathogens, and
24 invasive or noxious plants and for restoring and rehabili-
25 tating forests damaged by pests or invasive plants, cooper-

1 ative forestry, and education and land conservation activi-
2 ties and conducting an international program as author-
3 ized, \$290,758,000, to remain available until expended, as
4 authorized by law: *Provided*, That none of the funds pro-
5 vided under this heading for the acquisition of lands or
6 interests in lands shall be available until the Forest Serv-
7 ice notifies the House Committee on Appropriations and
8 the Senate Committee on Appropriations, in writing, of
9 specific contractual and grant details including the non-
10 Federal cost share of each project, related to the acquisi-
11 tion of lands or interests in lands to be undertaken with
12 such funds: *Provided further*, That each forest legacy
13 grant shall be for a specific project or set of specific tasks:
14 *Provided further*, That grants for acquisition of lands or
15 conservation easements shall require that the State dem-
16 onstrates that 25 percent of the total value of the project
17 is comprised of a non-Federal cost share.

18 NATIONAL FOREST SYSTEM

19 For necessary expenses of the Forest Service, not
20 otherwise provided for, for management, protection, im-
21 provement, and utilization of the National Forest System,
22 \$1,400,792,000, to remain available until expended, which
23 shall include 50 percent of all moneys received during
24 prior fiscal years as fees collected under the Land and
25 Water Conservation Fund Act of 1965, as amended, in

1 accordance with section 4 of the Act (16 U.S.C. 460l–
2 6a(i)): *Provided*, That unobligated balances available at
3 the start of fiscal year 2004 shall be displayed by budget
4 line item in the fiscal year 2005 budget justification: *Pro-*
5 *vided further*, That the Secretary may authorize the ex-
6 penditure or transfer of such sums as necessary to the
7 Department of the Interior, Bureau of Land Management,
8 for removal, preparation, and adoption of excess wild
9 horses and burros from National Forest System lands and
10 for the performance of cadastral surveys to designate the
11 boundaries of such lands.

12 For an additional amount to reimburse the Judgment
13 Fund as required by 41 U.S.C. 612(c) for judgment liabil-
14 ities previously incurred, \$188,405,000.

15 WILDLAND FIRE MANAGEMENT

16 For necessary expenses for forest fire presuppression
17 activities on National Forest System lands, for emergency
18 fire suppression on or adjacent to such lands or other
19 lands under fire protection agreement, hazardous fuels re-
20 duction on or adjacent to such lands, and for emergency
21 rehabilitation of burned-over National Forest System
22 lands and water, \$1,624,632,000, to remain available until
23 expended: *Provided*, That such funds including unobli-
24 gated balances under this head, are available for repay-
25 ment of advances from other appropriations accounts pre-

1 viously transferred for such purposes: *Provided further,*
2 That not less than 50 percent of any unobligated balances
3 remaining (exclusive of amounts for hazardous fuels re-
4 duction) at the end of fiscal year 2003 shall be trans-
5 ferred, as repayment for past advances that have not been
6 repaid, to the fund established pursuant to section 3 of
7 Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided fur-*
8 *ther,* That notwithstanding any other provision of law,
9 \$8,000,000 of funds appropriated under this appropria-
10 tion shall be used for Fire Science Research in support
11 of the Joint Fire Science Program: *Provided further,* That
12 all authorities for the use of funds, including the use of
13 contracts, grants, and cooperative agreements, available to
14 execute the Forest and Rangeland Research appropria-
15 tion, are also available in the utilization of funds for Fire
16 Science Research: *Provided further,* That funds provided
17 shall be available for emergency rehabilitation and restora-
18 tion, hazardous fuels reduction activities in the urban-
19 wildland interface, support to Federal emergency re-
20 sponse, and wildfire suppression activities of the Forest
21 Service: *Provided further,* That of the funds provided,
22 \$246,392,000 is for hazardous fuels reduction activities,
23 \$40,000,000 is for rehabilitation and restoration,
24 \$22,000,000 is for research activities and to make com-
25 petitive research grants pursuant to the Forest and

1 Rangeland Renewable Resources Research Act, as amend-
2 ed (16 U.S.C. 1641 et seq.), \$51,000,000 is for State fire
3 assistance, \$8,240,000 is for volunteer fire assistance,
4 \$25,000,000 is for forest health activities on State, pri-
5 vate, and Federal lands, and \$6,000,000 is for economic
6 action programs: *Provided further*, That amounts in this
7 paragraph may be transferred to the “State and Private
8 Forestry”, “National Forest System”, and “Forest and
9 Rangeland Research” accounts to fund State fire assist-
10 ance, volunteer fire assistance, forest health management,
11 economic action programs, forest and rangeland research,
12 vegetation and watershed management, heritage site reha-
13 bilitation, and wildlife and fish habitat management and
14 restoration: *Provided further*, That transfers of any
15 amounts in excess of those authorized in this paragraph,
16 shall require approval of the House and Senate Commit-
17 tees on Appropriations in compliance with reprogramming
18 procedures contained in the House report accompanying
19 this Act: *Provided further*, That the costs of implementing
20 any cooperative agreement between the Federal Govern-
21 ment and any non-Federal entity may be shared, as mutu-
22 ally agreed on by the affected parties: *Provided further*,
23 That in addition to funds provided for State Fire Assist-
24 ance programs, and subject to all authorities available to
25 the Forest Service under the State and Private Forestry

1 Appropriations, up to \$15,000,000 may be used on adja-
2 cent non-Federal lands for the purpose of protecting com-
3 munities when hazard reduction activities are planned on
4 national forest lands that have the potential to place such
5 communities at risk: *Provided further*, That included in
6 funding for hazardous fuel reduction is \$5,000,000 for im-
7 plementing the Community Forest Restoration Act, Public
8 Law 106–393, title VI, and any portion of such funds
9 shall be available for use on non-Federal lands in accord-
10 ance with authorities available to the Forest Service under
11 the State and Private Forestry Appropriation: *Provided*
12 *further*, That in using the funds provided in this Act for
13 hazardous fuels reduction activities, the Secretary of Agri-
14 culture may conduct fuel reduction treatments on Federal
15 lands using all contracting and hiring authorities available
16 to the Secretary applicable to hazardous fuel reduction ac-
17 tivities under the wildland fire management accounts: *Pro-*
18 *vided further*, That notwithstanding Federal Government
19 procurement and contracting laws, the Secretaries may
20 conduct fuel reduction treatments, rehabilitation and res-
21 toration, and other activities authorized under this head-
22 ing on and adjacent to Federal lands using grants and
23 cooperative agreements: *Provided further*, That notwith-
24 standing Federal Government procurement and con-
25 tracting laws, in order to provide employment and training

1 opportunities to people in rural communities, the Secre-
2 taries may award contracts, including contracts for moni-
3 toring activities, to local private, non-profit, or cooperative
4 entities; Youth Conservation Corps crews or related part-
5 nerships, with State, local and non-profit youth groups;
6 small or micro-businesses; or other entities that will hire
7 or train a significant percentage of local people to com-
8 plete such contracts: *Provided further*, That the authorities
9 described above relating to contracts, grants, and coopera-
10 tive agreements are available until all funds provided in
11 this title for hazardous fuels reduction activities in the
12 urban wildland interface are obligated: *Provided further*,
13 That the Secretary of the Interior and the Secretary of
14 Agriculture may authorize the transfer of funds appro-
15 priated for wildland fire management, in an aggregate
16 amount not to exceed \$12,000,000, between the Depart-
17 ments when such transfers would facilitate and expedite
18 jointly funded wildland fire management programs and
19 projects.

20 CAPITAL IMPROVEMENT AND MAINTENANCE

21 For necessary expenses of the Forest Service, not
22 otherwise provided for, \$560,473,000, to remain available
23 until expended for construction, reconstruction, mainte-
24 nance and acquisition of buildings and other facilities, and
25 for construction, reconstruction, repair, decommissioning,

1 and maintenance of forest roads and trails by the Forest
2 Service as authorized by 16 U.S.C. 532–538 and 23
3 U.S.C. 101 and 205: *Provided*, That up to \$15,000,000
4 of the funds provided herein for road maintenance shall
5 be available for the decommissioning of roads, including
6 unauthorized roads not part of the transportation system,
7 which are no longer needed: *Provided further*, That no
8 funds shall be expended to decommission any system road
9 until notice and an opportunity for public comment has
10 been provided on each decommissioning project.

11 LAND ACQUISITION

12 For expenses necessary to carry out the provisions
13 of the Land and Water Conservation Fund Act of 1965,
14 as amended (16 U.S.C. 4601–4 through 11), including ad-
15 ministrative expenses, and for acquisition of land or wa-
16 ters, or interest therein, in accordance with statutory au-
17 thority applicable to the Forest Service, \$29,288,000, to
18 be derived from the Land and Water Conservation Fund
19 and to remain available until expended.

20 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL

21 ACTS

22 For acquisition of lands within the exterior bound-
23 aries of the Cache, Uinta, and Wasatch National Forests,
24 Utah; the Toiyabe National Forest, Nevada; and the An-
25 geles, San Bernardino, Sequoia, and Cleveland National

1 Forests, California, as authorized by law, \$1,069,000, to
2 be derived from forest receipts.

3 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

4 For acquisition of lands, such sums, to be derived
5 from funds deposited by State, county, or municipal gov-
6 ernments, public school districts, or other public school au-
7 thorities, and for authorized expenditures from funds de-
8 posited by non-federal parties pursuant to Land Sale and
9 Exchange Acts, pursuant to the Act of December 4, 1967,
10 as amended (16 U.S.C. 484a), to remain available until
11 expended.

12 RANGE BETTERMENT FUND

13 For necessary expenses of range rehabilitation, pro-
14 tection, and improvement, 50 percent of all moneys re-
15 ceived during the prior fiscal year, as fees for grazing do-
16 mestic livestock on lands in National Forests in the 16
17 Western States, pursuant to section 401(b)(1) of Public
18 Law 94-579, as amended, to remain available until ex-
19 pended, of which not to exceed 6 percent shall be available
20 for administrative expenses associated with on-the-ground
21 range rehabilitation, protection, and improvements.

1 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
2 RANGELAND RESEARCH

3 For expenses authorized by 16 U.S.C. 1643(b),
4 \$92,000, to remain available until expended, to be derived
5 from the fund established pursuant to the above Act.

6 MANAGEMENT OF NATIONAL FOREST LANDS FOR
7 SUBSISTENCE USES

8 For necessary expenses of the Forest Service to man-
9 age federal lands in Alaska for subsistence uses under title
10 VIII of the Alaska National Interest Lands Conservation
11 Act (Public Law 96-487), \$5,535,000, to remain available
12 until expended.

13 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

14 Appropriations to the Forest Service for the current
15 fiscal year shall be available for: (1) purchase of not to
16 exceed 124 passenger motor vehicles of which 21 will be
17 used primarily for law enforcement purposes and of which
18 124 shall be for replacement; acquisition of 25 passenger
19 motor vehicles from excess sources, and hire of such vehi-
20 cles; operation and maintenance of aircraft, the purchase
21 of not to exceed seven for replacement only, and acquisi-
22 tion of sufficient aircraft from excess sources to maintain
23 the operable fleet at 195 aircraft for use in Forest Service
24 wildland fire programs and other Forest Service programs;
25 notwithstanding other provisions of law, existing aircraft

1 being replaced may be sold, with proceeds derived or
2 trade-in value used to offset the purchase price for the
3 replacement aircraft; (2) services pursuant to 7 U.S.C.
4 2225, and not to exceed \$100,000 for employment under
5 5 U.S.C. 3109; (3) purchase, erection, and alteration of
6 buildings and other public improvements (7 U.S.C. 2250);
7 (4) acquisition of land, waters, and interests therein pur-
8 suant to 7 U.S.C. 428a; (5) for expenses pursuant to the
9 Volunteers in the National Forest Act of 1972 (16 U.S.C.
10 558a, 558d, and 558a note); (6) the cost of uniforms as
11 authorized by 5 U.S.C. 5901–5902; and (7) for debt col-
12 lection contracts in accordance with 31 U.S.C. 3718(e).

13 None of the funds made available under this Act shall
14 be obligated or expended to abolish any region, to move
15 or close any regional office for National Forest System
16 administration of the Forest Service, Department of Agri-
17 culture without the consent of the House and Senate Com-
18 mittees on Appropriations.

19 Any appropriations or funds available to the Forest
20 Service may be transferred to the Wildland Fire Manage-
21 ment appropriation for forest firefighting, emergency re-
22 habilitation of burned-over or damaged lands or waters
23 under its jurisdiction, and fire preparedness due to severe
24 burning conditions if and only if all previously appro-
25 priated emergency contingent funds under the heading

1 “Wildland Fire Management” have been released by the
2 President and apportioned and all funds under the head-
3 ing “Wildland Fire Management” are obligated.

4 Funds appropriated to the Forest Service shall be
5 available for assistance to or through the Agency for Inter-
6 national Development and the Foreign Agricultural Serv-
7 ice in connection with forest and rangeland research, tech-
8 nical information, and assistance in foreign countries, and
9 shall be available to support forestry and related natural
10 resource activities outside the United States and its terri-
11 tories and possessions, including technical assistance, edu-
12 cation and training, and cooperation with United States
13 and international organizations.

14 None of the funds made available to the Forest Serv-
15 ice under this Act shall be subject to transfer under the
16 provisions of section 702(b) of the Department of Agri-
17 culture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C.
18 147b unless the proposed transfer is approved in advance
19 by the House and Senate Committees on Appropriations
20 in compliance with the reprogramming procedures con-
21 tained in the House report accompanying this Act.

22 None of the funds available to the Forest Service may
23 be reprogrammed without the advance approval of the
24 House and Senate Committees on Appropriations in ac-

1 cordance with the procedures contained in the House re-
2 port accompanying this Act.

3 No funds available to the Forest Service shall be
4 transferred to the Working Capital Fund of the Depart-
5 ment of Agriculture that exceed the total amount trans-
6 ferred during fiscal year 2000 for such purposes without
7 the advance approval of the House and Senate Committees
8 on Appropriations.

9 Funds available to the Forest Service shall be avail-
10 able to conduct a program of not less than \$2,000,000
11 for high priority projects within the scope of the approved
12 budget which shall be carried out by the Youth Conserva-
13 tion Corps.

14 Of the funds available to the Forest Service, \$2,500
15 is available to the Chief of the Forest Service for official
16 reception and representation expenses.

17 Pursuant to sections 405(b) and 410(b) of Public
18 Law 101-593, of the funds available to the Forest Service,
19 \$3,000,000 may be advanced in a lump sum to the Na-
20 tional Forest Foundation to aid conservation partnership
21 projects in support of the Forest Service mission, without
22 regard to when the Foundation incurs expenses, for ad-
23 ministrative expenses or projects on or benefitting Na-
24 tional Forest System lands or related to Forest Service
25 programs: *Provided*, That of the Federal funds made

1 available to the Foundation, no more than \$300,000 shall
2 be available for administrative expenses: *Provided further,*
3 That the Foundation shall obtain, by the end of the period
4 of Federal financial assistance, private contributions to
5 match on at least one-for-one basis funds made available
6 by the Forest Service: *Provided further,* That the Founda-
7 tion may transfer Federal funds to a non-Federal recipient
8 for a project at the same rate that the recipient has ob-
9 tained the non-Federal matching funds: *Provided further,*
10 That authorized investments of Federal funds held by the
11 Foundation may be made only in interest-bearing obliga-
12 tions of the United States or in obligations guaranteed as
13 to both principal and interest by the United States.

14 Pursuant to section 2(b)(2) of Public Law 98-244,
15 \$2,650,000 of the funds available to the Forest Service
16 shall be available for matching funds to the National Fish
17 and Wildlife Foundation, as authorized by 16 U.S.C.
18 3701-3709, and may be advanced in a lump sum to aid
19 conservation partnership projects in support of the Forest
20 Service mission, without regard to when expenses are in-
21 curred, for projects on or benefitting National Forest Sys-
22 tem lands or related to Forest Service programs: *Provided,*
23 That the Foundation shall obtain, by the end of the period
24 of Federal financial assistance, private contributions to
25 match on at least one-for-one basis funds advanced by the

1 Forest Service: *Provided further*, That the Foundation
2 may transfer Federal funds to a non-Federal recipient for
3 a project at the same rate that the recipient has obtained
4 the non-Federal matching funds.

5 Funds appropriated to the Forest Service shall be
6 available for interactions with and providing technical as-
7 sistance to rural communities for sustainable rural devel-
8 opment purposes.

9 Funds appropriated to the Forest Service shall be
10 available for payments to counties within the Columbia
11 River Gorge National Scenic Area, pursuant to sections
12 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-
13 663.

14 Not later than 60 days after the date of the enact-
15 ment of this Act, the Secretary of Agriculture shall submit
16 to Congress, and make available to interested persons, a
17 report containing the results of a management review of
18 outfitter and guiding operations in the John Muir, Ansel
19 Adams, and Dinkey Lakes Wilderness Areas of the Inyo
20 and Sierra National Forests, California. The report shall
21 include information regarding: (1) how the Secretary in-
22 tends to minimize adverse impacts on the historic access
23 rights of special use permittees in these three wilderness
24 areas; and (2) how the Secretary intends to ensure timely

1 compliance with the requirements of the National Envi-
2 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

3 Notwithstanding any other provision of law, any ap-
4 propriations or funds available to the Forest Service not
5 to exceed \$500,000 may be used to reimburse the Office
6 of the General Counsel (OGC), Department of Agri-
7 culture, for travel and related expenses incurred as a re-
8 sult of OGC assistance or participation requested by the
9 Forest Service at meetings, training sessions, management
10 reviews, land purchase negotiations and similar non-litiga-
11 tion related matters. Future budget justifications for both
12 the Forest Service and the Department of Agriculture
13 should clearly display the sums previously transferred and
14 the requested funding transfers.

15 Any appropriations or funds available to the Forest
16 Service may be used for necessary expenses in the event
17 of law enforcement emergencies as necessary to protect
18 natural resources and public or employee safety: *Provided*,
19 That such amounts shall not exceed \$1,000,000.

20 The Secretary of Agriculture may authorize the sale
21 of excess buildings, facilities, and other properties owned
22 by the Forest Service and located on the Green Mountain
23 National Forest, the revenues of which shall be retained
24 by the Forest Service and available to the Secretary with-
25 out further appropriation and until expended for mainte-

1 nance and rehabilitation activities on the Green Mountain
2 National Forest.

3 The Secretary of Agriculture may transfer or reim-
4 burse funds available to the Forest Service, not to exceed
5 \$15,000,000, to the Secretary of the Interior or the Sec-
6 retary of Commerce to expedite conferencing and consulta-
7 tions as required under section 7 of the Endangered Spe-
8 cies Act, 16 U.S.C. 1536. The amount of the transfer or
9 reimbursement shall be as mutually agreed by the Sec-
10 retary of Agriculture and the Secretary of the Interior or
11 Secretary of Commerce, as applicable, or their designees.
12 The amount shall in no case exceed the actual costs of
13 consultation and conferencing.

14 Beginning on June 30, 2001 and concluding on De-
15 cember 31, 2004, an eligible individual who is employed
16 in any project funded under Title V of the Older American
17 Act of 1965 (42 U.S.C. 3056 et seq.) and administered
18 by the Forest Service shall be considered to be a Federal
19 employee for purposes of chapter 171 of title 28, United
20 States Code.

21 DEPARTMENT OF ENERGY

22 CLEAN COAL TECHNOLOGY

23 (DEFERRAL)

24 Of the funds made available under this heading for
25 obligation in prior years, \$86,000,000 shall not be avail-

1 able until October 1, 2004: *Provided*, That funds made
2 available in previous appropriations Acts shall be available
3 for any ongoing project regardless of the separate request
4 for proposal under which the project was selected.

5 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

6 For necessary expenses in carrying out fossil energy
7 research and development activities, under the authority
8 of the Department of Energy Organization Act (Public
9 Law 95–91), including the acquisition of interest, includ-
10 ing defeasible and equitable interests in any real property
11 or any facility or for plant or facility acquisition or expan-
12 sion, and for conducting inquiries, technological investiga-
13 tions and research concerning the extraction, processing,
14 use, and disposal of mineral substances without objection-
15 able social and environmental costs (30 U.S.C. 3, 1602,
16 and 1603), \$609,290,000 to remain available until ex-
17 pended, of which \$2,000,000 is to continue a multi-year
18 project for construction, renovation, furnishing, and demo-
19 lition or removal of buildings at National Energy Tech-
20 nology Laboratory facilities in Morgantown, West Virginia
21 and Pittsburgh, Pennsylvania; and of which \$130,000,000
22 are to be made available, after coordination with the pri-
23 vate sector, for a request for proposals for a Clean Coal
24 Power Initiative providing for competitively-awarded re-
25 search, development, and demonstration projects to reduce

1 the barriers to continued and expanded coal use: *Provided*,
2 That no project may be selected for which sufficient fund-
3 ing is not available to provide for the total project: *Pro-*
4 *vided further*, That funds shall be expended in accordance
5 with the provisions governing the use of funds contained
6 under the heading “Clean Coal Technology” in 42 U.S.C.
7 5903d: *Provided further*, That the Department may in-
8 clude provisions for repayment of Government contribu-
9 tions to individual projects in an amount up to the Govern-
10 ment contribution to the project on terms and conditions
11 that are acceptable to the Department including repay-
12 ments from sale and licensing of technologies from both
13 domestic and foreign transactions: *Provided further*, That
14 such repayments shall be retained by the Department for
15 future coal-related research, development and demonstra-
16 tion projects: *Provided further*, That any technology se-
17 lected under this program shall be considered a Clean Coal
18 Technology, and any project selected under this program
19 shall be considered a Clean Coal Technology Project, for
20 the purposes of 42 U.S.C. 7651n, and Chapters 51, 52,
21 and 60 of title 40 of the Code of Federal Regulations:
22 *Provided further*, That no part of the sum herein made
23 available shall be used for the field testing of nuclear ex-
24 plosives in the recovery of oil and gas: *Provided further*,
25 That up to 4 percent of program direction funds available

1 to the National Energy Technology Laboratory may be
2 used to support Department of Energy activities not in-
3 cluded in this account.

4 NAVAL PETROLEUM AND OIL SHALE RESERVES

5 For expenses necessary to carry out naval petroleum
6 and oil shale reserve activities, \$20,500,000, to remain
7 available until expended: *Provided*, That, notwithstanding
8 any other provision of law, unobligated funds remaining
9 from prior years shall be available for all naval petroleum
10 and oil shale reserve activities.

11 ELK HILLS SCHOOL LANDS FUND

12 For necessary expenses in fulfilling installment pay-
13 ments under the Settlement Agreement entered into by
14 the United States and the State of California on October
15 11, 1996, as authorized by section 3415 of Public Law
16 104–106, \$36,000,000, to become available on October 1,
17 2004 for payment to the State of California for the State
18 Teachers' Retirement Fund from the Elk Hills School
19 Lands Fund.

20 ENERGY CONSERVATION

21 For necessary expenses in carrying out energy con-
22 servation activities, \$879,487,000, to remain available
23 until expended: *Provided*, That \$270,000,000 shall be for
24 use in energy conservation grant programs as defined in
25 section 3008(3) of Public Law 99–509 (15 U.S.C. 4507):
26 *Provided further*, That notwithstanding section 3003(d)(2)

1 of Public Law 99–509, such sums shall be allocated to
2 the eligible programs as follows: \$225,000,000 for weath-
3 erization assistance grants and \$45,000,000 for State en-
4 ergy program grants.

5 ECONOMIC REGULATION

6 For necessary expenses in carrying out the activities
7 of the Office of Hearings and Appeals, \$1,047,000, to re-
8 main available until expended.

9 STRATEGIC PETROLEUM RESERVE

10 For necessary expenses for Strategic Petroleum Re-
11 serve facility development and operations and program
12 management activities pursuant to the Energy Policy and
13 Conservation Act of 1975, as amended (42 U.S.C. 6201
14 et seq.), \$175,081,000, to remain available until expended.

15 NORTHEAST HOME HEATING OIL RESERVE

16 For necessary expenses for Northeast Home Heating
17 Oil Reserve storage, operations, and management activi-
18 ties pursuant to the Energy Policy and Conservation Act
19 of 2000, \$5,000,000, to remain available until expended.

20 ENERGY INFORMATION ADMINISTRATION

21 For necessary expenses in carrying out the activities
22 of the Energy Information Administration, \$82,111,000,
23 to remain available until expended.

1 ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

2 Appropriations under this Act for the current fiscal
3 year shall be available for hire of passenger motor vehicles;
4 hire, maintenance, and operation of aircraft; purchase, re-
5 pair, and cleaning of uniforms; and reimbursement to the
6 General Services Administration for security guard serv-
7 ices.

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

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

17 The Secretary is authorized to accept lands, build-
18 ings, equipment, and other contributions from public and
19 private sources and to prosecute projects in cooperation
20 with other agencies, Federal, State, private or foreign:
21 *Provided*, That revenues and other moneys received by or
22 for the account of the Department of Energy or otherwise
23 generated by sale of products in connection with projects
24 of the Department appropriated under this Act may be
25 retained by the Secretary of Energy, to be available until

1 expended, and used only for plant construction, operation,
2 costs, and payments to cost-sharing entities as provided
3 in appropriate cost-sharing contracts or agreements: *Pro-*
4 *vided further*, That the remainder of revenues after the
5 making of such payments shall be covered into the Treas-
6 ury as miscellaneous receipts: *Provided further*, That any
7 contract, agreement, or provision thereof entered into by
8 the Secretary pursuant to this authority shall not be exe-
9 cuted prior to the expiration of 30 calendar days (not in-
10 cluding any day in which either House of Congress is not
11 in session because of adjournment of more than 3 calendar
12 days to a day certain) from the receipt by the Speaker
13 of the House of Representatives and the President of the
14 Senate of a full comprehensive report on such project, in-
15 cluding the facts and circumstances relied upon in support
16 of the proposed project.

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

21 In addition to other authorities set forth in this Act,
22 the Secretary may accept fees and contributions from pub-
23 lic and private sources, to be deposited in a contributed
24 funds account, and prosecute projects using such fees and

1 contributions in cooperation with other Federal, State or
2 private agencies or concerns.

3 DEPARTMENT OF HEALTH AND HUMAN
4 SERVICES

5 INDIAN HEALTH SERVICE

6 INDIAN HEALTH SERVICES

7 For expenses necessary to carry out the Act of Au-
8 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
9 tion Act, the Indian Health Care Improvement Act, and
10 titles II and III of the Public Health Service Act with re-
11 spect to the Indian Health Service, \$2,556,082,000, to-
12 gether with payments received during the fiscal year pur-
13 suant to 42 U.S.C. 238(b) for services furnished by the
14 Indian Health Service: *Provided*, That funds made avail-
15 able to tribes and tribal organizations through contracts,
16 grant agreements, or any other agreements or compacts
17 authorized by the Indian Self-Determination and Edu-
18 cation Assistance Act of 1975 (25 U.S.C. 450), shall be
19 deemed to be obligated at the time of the grant or contract
20 award and thereafter shall remain available to the tribe
21 or tribal organization without fiscal year limitation: *Pro-*
22 *vided further*, That \$18,000,000 shall remain available
23 until expended, for the Indian Catastrophic Health Emer-
24 gency Fund: *Provided further*, That \$460,046,000 for con-
25 tract medical care shall remain available for obligation

1 until September 30, 2005: *Provided further*, That of the
2 funds provided, up to \$27,000,000 to remain available
3 until expended, shall be used to carry out the loan repay-
4 ment program under section 108 of the Indian Health
5 Care Improvement Act: *Provided further*, That funds pro-
6 vided in this Act may be used for one-year contracts and
7 grants which are to be performed in two fiscal years, so
8 long as the total obligation is recorded in the year for
9 which the funds are appropriated: *Provided further*, That
10 the amounts collected by the Secretary of Health and
11 Human Services under the authority of title IV of the In-
12 dian Health Care Improvement Act shall remain available
13 until expended for the purpose of achieving compliance
14 with the applicable conditions and requirements of titles
15 XVIII and XIX of the Social Security Act (exclusive of
16 planning, design, or construction of new facilities): *Pro-*
17 *vided further*, That funding contained herein, and in any
18 earlier appropriations Acts for scholarship programs
19 under the Indian Health Care Improvement Act (25
20 U.S.C. 1613) shall remain available until expended: *Pro-*
21 *vided further*, That amounts received by tribes and tribal
22 organizations under title IV of the Indian Health Care Im-
23 provement Act shall be reported and accounted for and
24 available to the receiving tribes and tribal organizations
25 until expended: *Provided further*, That, notwithstanding

1 any other provision of law, of the amounts provided herein,
2 not to exceed \$270,734,000 shall be for payments to tribes
3 and tribal organizations for contract or grant support
4 costs associated with contracts, grants, self-governance
5 compacts or annual funding agreements between the In-
6 dian Health Service and a tribe or tribal organization pur-
7 suant to the Indian Self-Determination Act of 1975, as
8 amended, prior to or during fiscal year 2004, of which
9 not to exceed \$2,500,000 may be used for contract sup-
10 port costs associated with new or expanded self-determina-
11 tion contracts, grants, self-governance compacts or annual
12 funding agreements: *Provided further*, That funds avail-
13 able for the Indian Health Care Improvement Fund may
14 be used, as needed, to carry out activities typically funded
15 under the Indian Health Facilities account.

16 INDIAN HEALTH FACILITIES

17 For construction, repair, maintenance, improvement,
18 and equipment of health and related auxiliary facilities,
19 including quarters for personnel; preparation of plans,
20 specifications, and drawings; acquisition of sites, purchase
21 and erection of modular buildings, and purchases of trail-
22 ers; and for provision of domestic and community sanita-
23 tion facilities for Indians, as authorized by section 7 of
24 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
25 Self-Determination Act, and the Indian Health Care Im-

1 improvement Act, and for expenses necessary to carry out
2 such Acts and titles II and III of the Public Health Serv-
3 ice Act with respect to environmental health and facilities
4 support activities of the Indian Health Service,
5 \$392,560,000, to remain available until expended: *Pro-*
6 *vided*, That notwithstanding any other provision of law,
7 funds appropriated for the planning, design, construction
8 or renovation of health facilities for the benefit of an In-
9 dian tribe or tribes may be used to purchase land for sites
10 to construct, improve, or enlarge health or related facili-
11 ties: *Provided further*, That from the funds appropriated
12 herein, \$5,000,000 shall be designated by the Indian
13 Health Service as a contribution to the Yukon-Kuskokwim
14 Health Corporation (YKHC) to complete a priority project
15 for the acquisition of land, planning, design and construc-
16 tion of 79 staff quarters in the Bethel service area, pursu-
17 ant to the negotiated project agreement between the
18 YKHC and the Indian Health Service: *Provided further*,
19 That this project shall not be subject to the construction
20 provisions of the Indian Self-Determination and Edu-
21 cation Assistance Act and shall be removed from the In-
22 dian Health Service priority list upon completion: *Provided*
23 *further*, That the Federal Government shall not be liable
24 for any property damages or other construction claims
25 that may arise from YKHC undertaking this project: *Pro-*

1 *vided further*, That the land shall be owned or leased by
2 the YKHC and title to quarters shall remain vested with
3 the YKHC: *Provided further*, That not to exceed \$500,000
4 shall be used by the Indian Health Service to purchase
5 TRANSAM equipment from the Department of Defense
6 for distribution to the Indian Health Service and tribal
7 facilities: *Provided further*, That none of the funds appro-
8 priated to the Indian Health Service may be used for sani-
9 tation facilities construction for new homes funded with
10 grants by the housing programs of the United States De-
11 partment of Housing and Urban Development: *Provided*
12 *further*, That not to exceed \$500,000 shall be used by the
13 Indian Health Service to obtain ambulances for the Indian
14 Health Service and tribal facilities in conjunction with an
15 existing interagency agreement between the Indian Health
16 Service and the General Services Administration: *Provided*
17 *further*, That not to exceed \$500,000 shall be placed in
18 a Demolition Fund, available until expended, to be used
19 by the Indian Health Service for demolition of Federal
20 buildings.

21 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

22 Appropriations in this Act to the Indian Health Serv-
23 ice shall be available for services as authorized by 5 U.S.C.
24 3109 but at rates not to exceed the per diem rate equiva-
25 lent to the maximum rate payable for senior-level positions

1 under 5 U.S.C. 5376; hire of passenger motor vehicles and
2 aircraft; purchase of medical equipment; purchase of re-
3 prints; purchase, renovation and erection of modular
4 buildings and renovation of existing facilities; payments
5 for telephone service in private residences in the field,
6 when authorized under regulations approved by the Sec-
7 retary; and for uniforms or allowances therefor as author-
8 ized by 5 U.S.C. 5901–5902; and for expenses of attend-
9 ance at meetings which are concerned with the functions
10 or activities for which the appropriation is made or which
11 will contribute to improved conduct, supervision, or man-
12 agement of those functions or activities.

13 In accordance with the provisions of the Indian
14 Health Care Improvement Act, non-Indian patients may
15 be extended health care at all tribally administered or In-
16 dian Health Service facilities, subject to charges, and the
17 proceeds along with funds recovered under the Federal
18 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
19 be credited to the account of the facility providing the
20 service and shall be available without fiscal year limitation.
21 Notwithstanding any other law or regulation, funds trans-
22 ferred from the Department of Housing and Urban Devel-
23 opment to the Indian Health Service shall be administered
24 under Public Law 86–121 (the Indian Sanitation Facili-
25 ties Act) and Public Law 93–638, as amended.

1 Funds appropriated to the Indian Health Service in
2 this Act, except those used for administrative and program
3 direction purposes, shall not be subject to limitations di-
4 rected at curtailing Federal travel and transportation.

5 Notwithstanding any other provision of law, funds
6 previously or herein made available to a tribe or tribal or-
7 ganization through a contract, grant, or agreement au-
8 thorized by title I or title III of the Indian Self-Determina-
9 tion and Education Assistance Act of 1975 (25 U.S.C.
10 450), may be deobligated and reobligated to a self-deter-
11 mination contract under title I, or a self-governance agree-
12 ment under title III of such Act and thereafter shall re-
13 main available to the tribe or tribal organization without
14 fiscal year limitation.

15 None of the funds made available to the Indian
16 Health Service in this Act shall be used to implement the
17 final rule published in the Federal Register on September
18 16, 1987, by the Department of Health and Human Serv-
19 ices, relating to the eligibility for the health care services
20 of the Indian Health Service until the Indian Health Serv-
21 ice has submitted a budget request reflecting the increased
22 costs associated with the proposed final rule, and such re-
23 quest has been included in an appropriations Act and en-
24 acted into law.

1 With respect to functions transferred by the Indian
2 Health Service to tribes or tribal organizations, the Indian
3 Health Service is authorized to provide goods and services
4 to those entities, on a reimbursable basis, including pay-
5 ment in advance with subsequent adjustment. The reim-
6 bursements received therefrom, along with the funds re-
7 ceived from those entities pursuant to the Indian Self-De-
8 termination Act, may be credited to the same or subse-
9 quent appropriation account which provided the funding.
10 Such amounts shall remain available until expended.

11 Reimbursements for training, technical assistance, or
12 services provided by the Indian Health Service will contain
13 total costs, including direct, administrative, and overhead
14 associated with the provision of goods, services, or tech-
15 nical assistance.

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

19 OTHER RELATED AGENCIES

20 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

21 SALARIES AND EXPENSES

22 For necessary expenses of the Office of Navajo and
23 Hopi Indian Relocation as authorized by Public Law 93-
24 531, \$13,532,000, to remain available until expended:
25 *Provided*, That funds provided in this or any other appro-

1 priations Act are to be used to relocate eligible individuals
2 and groups including evictees from District 6, Hopi-parti-
3 tioned lands residents, those in significantly substandard
4 housing, and all others certified as eligible and not in-
5 cluded in the preceding categories: *Provided further*, That
6 none of the funds contained in this or any other Act may
7 be used by the Office of Navajo and Hopi Indian Reloca-
8 tion to evict any single Navajo or Navajo family who, as
9 of November 30, 1985, was physically domiciled on the
10 lands partitioned to the Hopi Tribe unless a new or re-
11 placement home is provided for such household: *Provided*
12 *further*, That no relocatee will be provided with more than
13 one new or replacement home: *Provided further*, That the
14 Office shall relocate any certified eligible relocatees who
15 have selected and received an approved homesite on the
16 Navajo reservation or selected a replacement residence off
17 the Navajo reservation or on the land acquired pursuant
18 to 25 U.S.C. 640d-10.

19 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
20 CULTURE AND ARTS DEVELOPMENT

21 PAYMENT TO THE INSTITUTE

22 For payment to the Institute of American Indian and
23 Alaska Native Culture and Arts Development, as author-
24 ized by title XV of Public Law 99-498, as amended (20
25 U.S.C. 56 part A), \$5,250,000.

1 SMITHSONIAN INSTITUTION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Smithsonian Institu-
4 tion, as authorized by law, including research in the fields
5 of art, science, and history; development, preservation, and
6 documentation of the National Collections; presentation of
7 public exhibits and performances; collection, preparation,
8 dissemination, and exchange of information and publica-
9 tions; conduct of education, training, and museum assist-
10 ance programs; maintenance, alteration, operation, lease
11 (for terms not to exceed 30 years), and protection of build-
12 ings, facilities, and approaches; not to exceed \$100,000
13 for services as authorized by 5 U.S.C. 3109; up to five
14 replacement passenger vehicles; purchase, rental, repair,
15 and cleaning of uniforms for employees, \$489,748,000, of
16 which not to exceed \$46,903,000 for the instrumentation
17 program, collections acquisition, exhibition reinstallation,
18 the National Museum of the American Indian, and the re-
19 patriation of skeletal remains program shall remain avail-
20 able until expended; and of which \$828,000 for fellowships
21 and scholarly awards shall remain available until Sep-
22 tember 30, 2005; and including such funds as may be nec-
23 essary to support American overseas research centers and
24 a total of \$125,000 for the Council of American Overseas
25 Research Centers: *Provided*, That funds appropriated

1 herein are available for advance payments to independent
2 contractors performing research services or participating
3 in official Smithsonian presentations: *Provided further,*
4 That the Smithsonian Institution may expend Federal ap-
5 propriations designated in this Act for lease or rent pay-
6 ments for long term and swing space, as rent payable to
7 the Smithsonian Institution, and such rent payments may
8 be deposited into the general trust funds of the Institution
9 to the extent that federally supported activities are housed
10 in the 900 H Street, N.W. building in the District of Co-
11 lumbia: *Provided further,* That this use of Federal appro-
12 priations shall not be construed as debt service, a Federal
13 guarantee of, a transfer of risk to, or an obligation of,
14 the Federal Government: *Provided further,* That no appro-
15 priated funds may be used to service debt which is in-
16 curred to finance the costs of acquiring the 900 H Street
17 building or of planning, designing, and constructing im-
18 provements to such building.

19 FACILITIES CAPITAL

20 For necessary expenses of repair, revitalization, and
21 alteration of facilities owned or occupied by the Smithso-
22 nian Institution, by contract or otherwise, as authorized
23 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
24 and for construction, including necessary personnel,
25 \$93,970,000, to remain available until expended, of which

1 not to exceed \$10,000 is for services as authorized by 5
2 U.S.C. 3109: *Provided*, That contracts awarded for envi-
3 ronmental systems, protection systems, and repair or res-
4 toration of facilities of the Smithsonian Institution may
5 be negotiated with selected contractors and awarded on
6 the basis of contractor qualifications as well as price: *Pro-*
7 *vided further*, That balances from amounts previously ap-
8 propriated under the headings “Repair, Restoration and
9 Alteration of Facilities” and “Construction” shall be
10 transferred to and merged with this appropriation and
11 shall remain until expended.

12 ADMINISTRATIVE PROVISIONS, SMITHSONIAN

13 INSTITUTION

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

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

24 None of the funds in this or any other Act may be
25 used for the Holt House located at the National Zoological

1 Park in Washington, D.C., unless identified as repairs to
2 minimize water damage, monitor structure movement, or
3 provide interim structural support.

4 None of the funds available to the Smithsonian may
5 be reprogrammed without the advance written approval of
6 the House and Senate Committees on Appropriations in
7 accordance with the procedures contained in the House
8 report accompanying this Act.

9 The Secretary of the Smithsonian Institution may es-
10 tablish a voluntary separation incentive program substan-
11 tially similar to the program established under section
12 1313(a) of the “Homeland Security Act of 2002” (Public
13 Law 107–296, 116 Stat. 2135) for individuals serving in
14 civil service positions in the Smithsonian Institution.

15 NATIONAL GALLERY OF ART

16 SALARIES AND EXPENSES

17 For the upkeep and operations of the National Gal-
18 lery of Art, the protection and care of the works of art
19 therein, and administrative expenses incident thereto, as
20 authorized by the Act of March 24, 1937 (50 Stat. 51),
21 as amended by the public resolution of April 13, 1939
22 (Public Resolution 9, Seventy-sixth Congress), including
23 services as authorized by 5 U.S.C. 3109; payment in ad-
24 vance when authorized by the treasurer of the Gallery for
25 membership in library, museum, and art associations or

1 societies whose publications or services are available to
2 members only, or to members at a price lower than to the
3 general public; purchase, repair, and cleaning of uniforms
4 for guards, and uniforms, or allowances therefor, for other
5 employees as authorized by law (5 U.S.C. 5901–5902);
6 purchase or rental of devices and services for protecting
7 buildings and contents thereof, and maintenance, alter-
8 ation, improvement, and repair of buildings, approaches,
9 and grounds; and purchase of services for restoration and
10 repair of works of art for the National Gallery of Art by
11 contracts made, without advertising, with individuals,
12 firms, or organizations at such rates or prices and under
13 such terms and conditions as the Gallery may deem prop-
14 er, \$88,849,000, of which not to exceed \$3,026,000 for
15 the special exhibition program shall remain available until
16 expended.

17 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

18 For necessary expenses of repair, restoration and
19 renovation of buildings, grounds and facilities owned or
20 occupied by the National Gallery of Art, by contract or
21 otherwise, as authorized, \$11,600,000, to remain available
22 until expended: *Provided*, That contracts awarded for envi-
23 ronmental systems, protection systems, and exterior repair
24 or renovation of buildings of the National Gallery of Art

1 may be negotiated with selected contractors and awarded
2 on the basis of contractor qualifications as well as price.

3 JOHN F. KENNEDY CENTER FOR THE PERFORMING
4 ARTS
5 OPERATIONS AND MAINTENANCE

6 For necessary expenses for the operation, mainte-
7 nance and security of the John F. Kennedy Center for
8 the Performing Arts, \$16,560,000.

9 CONSTRUCTION

10 For necessary expenses for capital repair and restora-
11 tion of the existing features of the building and site of
12 the John F. Kennedy Center for the Performing Arts,
13 \$16,000,000, to remain available until expended.

14 WOODROW WILSON INTERNATIONAL CENTER FOR
15 SCHOLARS
16 SALARIES AND EXPENSES

17 For expenses necessary in carrying out the provisions
18 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
19 1356) including hire of passenger vehicles and services as
20 authorized by 5 U.S.C. 3109, \$8,604,000.

1 NATIONAL FOUNDATION ON THE ARTS AND THE
2 HUMANITIES
3 NATIONAL ENDOWMENT FOR THE ARTS
4 GRANTS AND ADMINISTRATION

5 For necessary expenses to carry out the National
6 Foundation on the Arts and the Humanities Act of 1965,
7 as amended, \$117,480,000, shall be available to the Na-
8 tional Endowment for the Arts for the support of projects
9 and productions in the arts through assistance to organi-
10 zations and individuals pursuant to sections 5(c) and 5(g)
11 of the Act, including \$17,000,000 for support of arts edu-
12 cation and public outreach activities through the Chal-
13 lenge America program, for program support, and for ad-
14 ministering the functions of the Act, to remain available
15 until expended: *Provided*, That funds previously appro-
16 priated to the National Endowment for the Arts “Match-
17 ing Grants” account and “Challenge America” account
18 may be transferred to and merged with this account.

19 NATIONAL ENDOWMENT FOR THE HUMANITIES
20 GRANTS AND ADMINISTRATION

21 For necessary expenses to carry out the National
22 Foundation on the Arts and the Humanities Act of 1965,
23 as amended, \$120,878,000, shall be available to the Na-
24 tional Endowment for the Humanities for support of ac-
25 tivities in the humanities, pursuant to section 7(c) of the

1 Act, and for administering the functions of the Act, to
2 remain available until expended.

3 MATCHING GRANTS

4 To carry out the provisions of section 10(a)(2) of the
5 National Foundation on the Arts and the Humanities Act
6 of 1965, as amended, \$16,122,000, to remain available
7 until expended, of which \$10,436,000 shall be available
8 to the National Endowment for the Humanities for the
9 purposes of section 7(h): *Provided*, That this appropria-
10 tion shall be available for obligation only in such amounts
11 as may be equal to the total amounts of gifts, bequests,
12 and devises of money, and other property accepted by the
13 chairman or by grantees of the Endowment under the pro-
14 visions of subsections 11(a)(2)(B) and 11(a)(3)(B) during
15 the current and preceding fiscal years for which equal
16 amounts have not previously been appropriated.

17 ADMINISTRATIVE PROVISIONS

18 None of the funds appropriated to the National
19 Foundation on the Arts and the Humanities may be used
20 to process any grant or contract documents which do not
21 include the text of 18 U.S.C. 1913: *Provided*, That none
22 of the funds appropriated to the National Foundation on
23 the Arts and the Humanities may be used for official re-
24 ception and representation expenses: *Provided further*,
25 That funds from nonappropriated sources may be used as

1 necessary for official reception and representation ex-
2 penses: *Provided further*, That the Chairperson of the Na-
3 tional Endowment for the Arts may approve grants up to
4 \$10,000, if in the aggregate this amount does not exceed
5 5 percent of the sums appropriated for grant making pur-
6 poses per year: *Provided further*, That such small grant
7 actions are taken pursuant to the terms of an expressed
8 and direct delegation of authority from the National Coun-
9 cil on the Arts to the Chairperson.

10 COMMISSION OF FINE ARTS

11 SALARIES AND EXPENSES

12 For expenses made necessary by the Act establishing
13 a Commission of Fine Arts (40 U.S.C. 104), \$1,422,000:
14 *Provided*, That the Commission is authorized to charge
15 fees to cover the full costs of its publications, and such
16 fees shall be credited to this account as an offsetting col-
17 lection, to remain available until expended without further
18 appropriation.

19 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

20 For necessary expenses as authorized by Public Law
21 99–190 (20 U.S.C. 956(a)), as amended, \$7,000,000.

22 ADMINISTRATIVE PROVISION

23 None of the funds appropriated in this or any other
24 Act, except funds appropriated to the Office of Manage-
25 ment and Budget, shall be available to study the alteration

1 or transfer of the National Capital Arts and Cultural Af-
2 fairs program.

3 ADVISORY COUNCIL ON HISTORIC PRESERVATION

4 SALARIES AND EXPENSES

5 For necessary expenses of the Advisory Council on
6 Historic Preservation (Public Law 89–665, as amended),
7 \$4,100,000: *Provided*, That none of these funds shall be
8 available for compensation of level V of the Executive
9 Schedule or higher positions.

10 NATIONAL CAPITAL PLANNING COMMISSION

11 SALARIES AND EXPENSES

12 For necessary expenses, as authorized by the Na-
13 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
14 including services as authorized by 5 U.S.C. 3109,
15 \$7,730,000: *Provided*, That for fiscal year 2004 and there-
16 after, all appointed members of the Commission will be
17 compensated at a rate not to exceed the daily equivalent
18 of the annual rate of pay for positions at level IV of the
19 Executive Schedule for each day such member is engaged
20 in the actual performance of duties.

21 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

22 HOLOCAUST MEMORIAL MUSEUM

23 For expenses of the Holocaust Memorial Museum, as
24 authorized by Public Law 106–292 (36 U.S.C. 2301–
25 2310), \$39,997,000, of which \$1,900,000 for the muse-

1 um's repair and rehabilitation program and \$1,264,000
2 for the museum's exhibitions program shall remain avail-
3 able until expended.

4 PRESIDIO TRUST

5 PRESIDIO TRUST FUND

6 For necessary expenses to carry out title I of the Om-
7 nibus Parks and Public Lands Management Act of 1996,
8 \$20,700,000 shall be available to the Presidio Trust, to
9 remain available until expended.

10 TITLE III—GENERAL PROVISIONS

11 SEC. 301. The expenditure of any appropriation
12 under this Act for any consulting service through procure-
13 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
14 to those contracts where such expenditures are a matter
15 of public record and available for public inspection, except
16 where otherwise provided under existing law, or under ex-
17 isting Executive Order issued pursuant to existing law.

18 SEC. 302. No part of any appropriation contained in
19 this Act shall be available for any activity or the publica-
20 tion or distribution of literature that in any way tends to
21 promote public support or opposition to any legislative
22 proposal on which congressional action is not complete.

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

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

6 SEC. 305. No assessments, charges, or billings may
7 be levied against any program, budget activity, subactivity,
8 or project funded by this Act unless advance notice of such
9 assessments, charges, or billings and the basis therefor are
10 presented to the House and Senate Committees on Appro-
11 priations and are approved by such Committees.

12 SEC. 306. None of the funds in this Act may be used
13 to plan, prepare, or offer for sale timber from trees classi-
14 fied as giant sequoia (*Sequoiadendron giganteum*) which
15 are located on National Forest System or Bureau of Land
16 Management lands in a manner different than such sales
17 were conducted in fiscal year 2002.

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

23 (b) EXCEPTIONS.—The provisions of subsection (a)
24 shall not apply if the Secretary of the Interior determines
25 that, for the claim concerned: (1) a patent application was

1 filed with the Secretary on or before September 30, 1994;
2 and (2) all requirements established under sections 2325
3 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)
4 for vein or lode claims and sections 2329, 2330, 2331,
5 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and
6 37) for placer claims, and section 2337 of the Revised
7 Statutes (30 U.S.C. 42) for mill site claims, as the case
8 may be, were fully complied with by the applicant by that
9 date.

10 (c) REPORT.—On September 30, 2004, the Secretary
11 of the Interior shall file with the House and Senate Com-
12 mittees on Appropriations and the Committee on Re-
13 sources of the House of Representatives and the Com-
14 mittee on Energy and Natural Resources of the Senate
15 a report on actions taken by the Department under the
16 plan submitted pursuant to section 314(c) of the Depart-
17 ment of the Interior and Related Agencies Appropriations
18 Act, 1997 (Public Law 104–208).

19 (d) MINERAL EXAMINATIONS.—In order to process
20 patent applications in a timely and responsible manner,
21 upon the request of a patent applicant, the Secretary of
22 the Interior shall allow the applicant to fund a qualified
23 third-party contractor to be selected by the Bureau of
24 Land Management to conduct a mineral examination of
25 the mining claims or mill sites contained in a patent appli-

1 cation as set forth in subsection (b). The Bureau of Land
2 Management shall have the sole responsibility to choose
3 and pay the third-party contractor in accordance with the
4 standard procedures employed by the Bureau of Land
5 Management in the retention of third-party contractors.

6 SEC. 308. Notwithstanding any other provision of
7 law, amounts appropriated to or earmarked in committee
8 reports for the Bureau of Indian Affairs and the Indian
9 Health Service by Public Laws 103–138, 103–332, 104–
10 134, 104–208, 105–83, 105–277, 106–113, 106–291,
11 107–63, and 108–7 for payments to tribes and tribal orga-
12 nizations for contract support costs associated with self-
13 determination or self-governance contracts, grants, com-
14 pacts, or annual funding agreements with the Bureau of
15 Indian Affairs or the Indian Health Service as funded by
16 such Acts, are the total amounts available for fiscal years
17 1994 through 2003 for such purposes, except that, for the
18 Bureau of Indian Affairs, tribes and tribal organizations
19 may use their tribal priority allocations for unmet indirect
20 costs of ongoing contracts, grants, self-governance com-
21 pacts or annual funding agreements.

22 SEC. 309. Of the funds provided to the National En-
23 dowment for the Arts—

24 (1) The Chairperson shall only award a grant
25 to an individual if such grant is awarded to such in-

1 dividual for a literature fellowship, National Herit-
2 age Fellowship, or American Jazz Masters Fellow-
3 ship.

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

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

16 SEC. 310. The National Endowment for the Arts and
17 the National Endowment for the Humanities are author-
18 ized to solicit, accept, receive, and invest in the name of
19 the United States, gifts, bequests, or devises of money and
20 other property or services and to use such in furtherance
21 of the functions of the National Endowment for the Arts
22 and the National Endowment for the Humanities. Any
23 proceeds from such gifts, bequests, or devises, after ac-
24 ceptance by the National Endowment for the Arts or the
25 National Endowment for the Humanities, shall be paid by

1 the donor or the representative of the donor to the Chair-
2 man. The Chairman shall enter the proceeds in a special
3 interest-bearing account to the credit of the appropriate
4 endowment for the purposes specified in each case.

5 SEC. 311. (a) In providing services or awarding fi-
6 nancial assistance under the National Foundation on the
7 Arts and the Humanities Act of 1965 from funds appro-
8 priated under this Act, the Chairperson of the National
9 Endowment for the Arts shall ensure that priority is given
10 to providing services or awarding financial assistance for
11 projects, productions, workshops, or programs that serve
12 underserved populations.

13 (b) In this section:

14 (1) The term “underserved population” means
15 a population of individuals, including urban minori-
16 ties, who have historically been outside the purview
17 of arts and humanities programs due to factors such
18 as a high incidence of income below the poverty line
19 or to geographic isolation.

20 (2) The term “poverty line” means the poverty
21 line (as defined by the Office of Management and
22 Budget, and revised annually in accordance with sec-
23 tion 673(2) of the Community Services Block Grant
24 Act (42 U.S.C. 9902(2)) (applicable to a family of
25 the size involved).

1 (c) In providing services and awarding financial as-
2 sistance under the National Foundation on the Arts and
3 Humanities Act of 1965 with funds appropriated by this
4 Act, the Chairperson of the National Endowment for the
5 Arts shall ensure that priority is given to providing serv-
6 ices or awarding financial assistance for projects, produc-
7 tions, workshops, or programs that will encourage public
8 knowledge, education, understanding, and appreciation of
9 the arts.

10 (d) With funds appropriated by this Act to carry out
11 section 5 of the National Foundation on the Arts and Hu-
12 manities Act of 1965—

13 (1) the Chairperson shall establish a grant cat-
14 egory for projects, productions, workshops, or pro-
15 grams that are of national impact or availability or
16 are able to tour several States;

17 (2) the Chairperson shall not make grants ex-
18 ceeding 15 percent, in the aggregate, of such funds
19 to any single State, excluding grants made under the
20 authority of paragraph (1);

21 (3) the Chairperson shall report to the Con-
22 gress annually and by State, on grants awarded by
23 the Chairperson in each grant category under sec-
24 tion 5 of such Act; and

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

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

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

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

16 SEC. 315. Notwithstanding any other provision of
17 law, for fiscal year 2004 the Secretaries of Agriculture and
18 the Interior are authorized to limit competition for water-
19 shed restoration project contracts as part of the “Jobs in
20 the Woods” Program established in Region 10 of the For-
21 est Service to individuals and entities in historically tim-
22 ber-dependent areas in the States of Washington, Oregon,
23 northern California, Idaho, Montana, and Alaska that
24 have been affected by reduced timber harvesting on Fed-
25 eral lands. The Secretaries shall consider the benefits to

1 the local economy in evaluating bids and designing pro-
2 curements which create economic opportunities for local
3 contractors.

4 SEC. 316. Amounts deposited during fiscal year 2003
5 in the roads and trails fund provided for in the 14th para-
6 graph under the heading “FOREST SERVICE” of the
7 Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall
8 be used by the Secretary of Agriculture, without regard
9 to the State in which the amounts were derived, to repair
10 or reconstruct roads, bridges, and trails on National For-
11 est System lands or to carry out and administer projects
12 to improve forest health conditions, which may include the
13 repair or reconstruction of roads, bridges, and trails on
14 National Forest System lands in the wildland-community
15 interface where there is an abnormally high risk of fire.
16 The projects shall emphasize reducing risks to human
17 safety and public health and property and enhancing eco-
18 logical functions, long-term forest productivity, and bio-
19 logical integrity. The projects may be completed in a sub-
20 sequent fiscal year. Funds shall not be expended under
21 this section to replace funds which would otherwise appro-
22 priately be expended from the timber salvage sale fund.
23 Nothing in this section shall be construed to exempt any
24 project from any environmental law.

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

7 SEC. 318. No timber sale in Region 10 shall be adver-
8 tised if the indicated rate is deficit when appraised using
9 a residual value approach that assigns domestic Alaska
10 values for western redcedar. Program accomplishments
11 shall be based on volume sold. Should Region 10 sell, in
12 fiscal year 2004, the annual average portion of the decadal
13 allowable sale quantity called for in the current Tongass
14 Land Management Plan in sales which are not deficit
15 when appraised using a residual value approach that as-
16 signs domestic Alaska values for western redcedar, all of
17 the western redcedar timber from those sales which is sur-
18 plus to the needs of domestic processors in Alaska, shall
19 be made available to domestic processors in the contiguous
20 48 United States at prevailing domestic prices. Should Re-
21 gion 10 sell, in fiscal year 2003, less than the annual aver-
22 age portion of the decadal allowable sale quantity called
23 for in the Tongass Land Management Plan in sales which
24 are not deficit when appraised using a residual value ap-
25 proach that assigns domestic Alaska values for western

1 redcedar, the volume of western redcedar timber available
2 to domestic processors at prevailing domestic prices in the
3 contiguous 48 United States shall be that volume: (i)
4 which is surplus to the needs of domestic processors in
5 Alaska, and (ii) is that percent of the surplus western
6 redcedar volume determined by calculating the ratio of the
7 total timber volume which has been sold on the Tongass
8 to the annual average portion of the decadal allowable sale
9 quantity called for in the current Tongass Land Manage-
10 ment Plan. The percentage shall be calculated by Region
11 10 on a rolling basis as each sale is sold (for purposes
12 of this amendment, a “rolling basis” shall mean that the
13 determination of how much western redcedar is eligible for
14 sale to various markets shall be made at the time each
15 sale is awarded). Western redcedar shall be deemed “sur-
16 plus to the needs of domestic processors in Alaska” when
17 the timber sale holder has presented to the Forest Service
18 documentation of the inability to sell western redcedar logs
19 from a given sale to domestic Alaska processors at a price
20 equal to or greater than the log selling value stated in
21 the contract. All additional western redcedar volume not
22 sold to Alaska or contiguous 48 United States domestic
23 processors may be exported to foreign markets at the elec-
24 tion of the timber sale holder. All Alaska yellow cedar may

1 be sold at prevailing export prices at the election of the
2 timber sale holder.

3 SEC. 319. A project undertaken by the Forest Service
4 under the Recreation Fee Demonstration Program as au-
5 thorized by section 315 of the Department of the Interior
6 and Related Agencies Appropriations Act for Fiscal Year
7 1996, as amended, shall not result in—

8 (1) displacement of the holder of an authoriza-
9 tion to provide commercial recreation services on
10 Federal lands. Prior to initiating any project, the
11 Secretary shall consult with potentially affected
12 holders to determine what impacts the project may
13 have on the holders. Any modifications to the au-
14 thorization shall be made within the terms and con-
15 ditions of the authorization and authorities of the
16 impacted agency;

17 (2) the return of a commercial recreation serv-
18 ice to the Secretary for operation when such services
19 have been provided in the past by a private sector
20 provider, except when—

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

23 (B) the private sector provider termi-
24 nates its relationship with the agency; or

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

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

8 SEC. 320. Prior to October 1, 2004, the Secretary
9 of Agriculture shall not be considered to be in violation
10 of subparagraph 6(f)(5)(A) of the Forest and Rangeland
11 Renewable Resources Planning Act of 1974 (16 U.S.C.
12 1604(f)(5)(A)) solely because more than 15 years have
13 passed without revision of the plan for a unit of the Na-
14 tional Forest System. Nothing in this section exempts the
15 Secretary from any other requirement of the Forest and
16 Rangeland Renewable Resources Planning Act (16 U.S.C.
17 1600 et seq.) or any other law: *Provided*, That if the Sec-
18 retary is not acting expeditiously and in good faith, within
19 the funding available, to revise a plan for a unit of the
20 National Forest System, this section shall be void with re-
21 spect to such plan and a court of proper jurisdiction may
22 order completion of the plan on an accelerated basis.

23 SEC. 321. No funds provided in this Act may be ex-
24 pended to conduct preleasing, leasing and related activities
25 under either the Mineral Leasing Act (30 U.S.C. 181 et

1 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
2 1331 et seq.) within the boundaries of a National Monu-
3 ment established pursuant to the Act of June 8, 1906 (16
4 U.S.C. 431 et seq.) as such boundary existed on January
5 20, 2001, except where such activities are allowed under
6 the Presidential proclamation establishing such monu-
7 ment.

8 SEC. 322. EXTENSION OF FOREST SERVICE CONVEY-
9 ANCES PILOT PROGRAM.—Section 329 of the Department
10 of the Interior and Related Agencies Appropriations Act,
11 2002 (16 U.S.C. 580d note; Public Law 107–63) is
12 amended—

13 (1) in subsection (b), by striking “20” and in-
14 serting “30”;

15 (2) in subsection (c) by striking “3” and insert-
16 ing “8”; and

17 (3) in subsection (d), by striking “2006” and
18 inserting “2007”.

19 SEC. 323. Employees of the foundations established
20 by Acts of Congress to solicit private sector funds on be-
21 half of Federal land management agencies shall, in fiscal
22 year 2004 and thereafter, qualify for General Service Ad-
23 ministration contract airfares.

24 SEC. 324. In entering into agreements with foreign
25 countries pursuant to the Wildfire Suppression Assistance

1 Act (42 U.S.C. 1856m) the Secretary of Agriculture and
2 the Secretary of the Interior are authorized to enter into
3 reciprocal agreements in which the individuals furnished
4 under said agreements to provide fire management serv-
5 ices are considered, for purposes of tort liability, employ-
6 ees of the country receiving said services when the individ-
7 uals are engaged in fire management activities: *Provided*,
8 That the Secretary of Agriculture or the Secretary of the
9 Interior shall not enter into any agreement under this pro-
10 vision unless the foreign country (either directly or
11 through its fire organization) agrees to assume any and
12 all liability for the acts or omissions of American fire-
13 fighters engaged in firefighting in a foreign country: *Pro-*
14 *vided further*, That when an agreement is reached for fur-
15 nishing fire fighting services, the only remedies for acts
16 or omissions committed while fighting fires shall be those
17 provided under the laws of the host country, and those
18 remedies shall be the exclusive remedies for any claim aris-
19 ing out of fighting fires in a foreign country: *Provided fur-*
20 *ther*, That neither the sending country nor any legal orga-
21 nization associated with the firefighter shall be subject to
22 any legal action whatsoever pertaining to or arising out
23 of the firefighter's role in fire suppression.

24 SEC. 325. A grazing permit or lease issued by the
25 Secretary of the Interior or a grazing permit issued by

1 the Secretary of Agriculture where National Forest Sys-
2 tem lands are involved that expires, is transferred, or
3 waived during fiscal year 2004 shall be renewed under sec-
4 tion 402 of the Federal Land Policy and Management Act
5 of 1976, as amended (43 U.S.C. 1752), section 19 of the
6 Granger-Thye Act, as amended (16 U.S.C. 5801), title III
7 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010
8 et seq.), or, if applicable, section 510 of the California
9 Desert Protection Act (16 U.S.C. 410aaa–50). The terms
10 and conditions contained in the expired, transferred, or
11 waived permit or lease shall continue in effect under the
12 renewed permit or lease until such time as the Secretary
13 of the Interior or Secretary of Agriculture as appropriate
14 completes processing of such permit or lease in compliance
15 with all applicable laws and regulations, at which time
16 such permit or lease may be canceled, suspended or modi-
17 fied, in whole or in part, to meet the requirements of such
18 applicable laws and regulations. Nothing in this section
19 shall be deemed to alter the statutory authority of the Sec-
20 retary of the Interior or the Secretary of Agriculture: *Pro-*
21 *vided*, That where National Forest System lands are in-
22 volved and the Secretary of Agriculture has renewed an
23 expired or waived grazing permit prior to or during fiscal
24 year 2004, the terms and conditions of the renewed graz-
25 ing permit shall remain in effect until such time as the

1 Secretary of Agriculture completes processing of the re-
2 newed permit in compliance with all applicable laws and
3 regulations or until the expiration of the renewed permit,
4 whichever comes first. Upon completion of the processing,
5 the permit may be canceled, suspended or modified, in
6 whole or in part, to meet the requirements of applicable
7 laws and regulations. Nothing in this section shall be
8 deemed to alter the Secretary of Agriculture's statutory
9 authority.

10 SEC. 326. Notwithstanding any other provision of law
11 or regulation, to promote the more efficient use of the
12 health care funding allocation for fiscal year 2004, the
13 Eagle Butte Service Unit of the Indian Health Service,
14 at the request of the Cheyenne River Sioux Tribe, may
15 pay base salary rates to health professionals up to the
16 highest grade and step available to a physician, phar-
17 macist, or other health professional and may pay a recruit-
18 ment or retention bonus of up to 25 percent above the
19 base pay rate.

20 SEC. 327. None of the funds made available in this
21 Act may be transferred to any department, agency, or in-
22 strumentality of the United States Government except
23 pursuant to a transfer made by, or transfer authority pro-
24 vided in, this Act or any other appropriations Act.

1 SEC. 328. PROHIBITION OF OIL AND GAS DRILLING
2 IN THE FINGER LAKES NATIONAL FOREST, NEW
3 YORK.—None of the funds in this Act may be used to
4 prepare or issue a permit or lease for oil or gas drilling
5 in the Finger Lakes National Forest, New York, during
6 fiscal year 2004.

7 SEC. 329. None of the funds made available in this
8 Act may be used for the planning, design, or construction
9 of improvements to Pennsylvania Avenue in front of the
10 White House without the advance approval of the Commit-
11 tees on Appropriations.

12 SEC. 330. In awarding a Federal Contract with funds
13 made available by this Act, the Secretary of Agriculture
14 and the Secretary of the Interior (the “Secretaries”) may,
15 in evaluating bids and proposals, give consideration to
16 local contractors who are from, and who provide employ-
17 ment and training for, dislocated and displaced workers
18 in an economically disadvantaged rural community, in-
19 cluding those historically timber-dependent areas that
20 have been affected by reduced timber harvesting on Fed-
21 eral lands and other forest-dependent rural communities
22 isolated from significant alternative employment opportu-
23 nities: *Provided*, That the Secretaries may award grants
24 or cooperative agreements to local non-profit entities,
25 Youth Conservation Corps or related partnerships with

1 State, local or non-profit youth groups, or small or dis-
2 advantaged business if the contract, grant, or cooperative
3 agreement is for forest hazardous fuels reduction, water-
4 shed or water quality monitoring or restoration, wildlife
5 or fish population monitoring, or habitat restoration or
6 management: *Provided further*, That the terms “rural
7 community” and “economically disadvantaged” shall have
8 the same meanings as in section 2374 of Public Law 101–
9 624: *Provided further*, That the Secretaries shall develop
10 guidance to implement this section: *Provided further*, That
11 nothing in this section shall be construed as relieving the
12 Secretaries of any duty under applicable procurement
13 laws, except as provided in this section.

14 SEC. 331. No funds appropriated in this Act for the
15 acquisition of lands or interests in lands may be expended
16 for the filing of declarations of taking or complaints in
17 condemnation without the approval of the House and Sen-
18 ate Committees on Appropriations: *Provided*, That this
19 provision shall not apply to funds appropriated to imple-
20 ment the Everglades National Park Protection and Ex-
21 pansion Act of 1989, or to funds appropriated for federal
22 assistance to the State of Florida to acquire lands for Ev-
23 erglades restoration purposes.

24 SEC. 332. Section 315(f) of the Department of the
25 Interior and Related Agencies Appropriations Act, 1996

1 (as contained in section 101(c) of Public Law 104–134;
2 110 Stat. 1321–200; 16 U.S.C. 460l–6a note), is amend-
3 ed—

4 (1) by striking “2004” and inserting “2006”;

5 and

6 (2) by striking “2007” and inserting “2009”.

7 SEC. 333. Subsection (c) of section 551 of the Land
8 Between the Lakes Protection Act of 1998 (16 U.S.C.
9 460*ll*–61) is amended to read as follows:

10 “(c) USE OF FUNDS.—The Secretary of Agriculture
11 may expend amounts appropriated or otherwise made
12 available to carry out this title in a manner consistent with
13 the authorities exercised by the Tennessee Valley Author-
14 ity before the transfer of the Recreation Area to the ad-
15 ministrative jurisdiction of the Secretary, including camp-
16 ground management and visitor services, paid advertise-
17 ment, and procurement of food and supplies for resale
18 purposes.”.

19 SEC. 334. Section 339 of the Department of the Inte-
20 rior and Related Agencies Appropriations Act, 2000, as
21 enacted into law by section 1000(a)(3) of Public Law 106–
22 113 (113 Stat. 1501A–204; 16 U.S.C. 528 note), is
23 amended—

24 (1) in subsection (b)—

1 (A) in the first sentence, by striking “not
2 less than the fair market value” and inserting
3 “fees under subsection (c)”;

4 (B) by striking the second sentence and in-
5 serting the following: “The Secretary shall es-
6 tablish appraisal methods and bidding proce-
7 dures to determine the fair market value of for-
8 est botanical products harvested under the pilot
9 program.”;

10 (2) in subsection (c), by striking paragraph (1)
11 and inserting the following new paragraph (1):

12 “(1) IMPOSITION AND COLLECTION.—Under the
13 pilot program, the Secretary of Agriculture shall
14 charge and collect from a person who harvests forest
15 botanical products on National Forest System lands
16 a fee in an amount established by the Secretary to
17 recover at least a portion of the fair market value
18 of the harvested forest botanical products and a por-
19 tion of the costs incurred by the Department of Ag-
20 riculture associated with granting, modifying, or
21 monitoring the authorization for harvest of the for-
22 est botanical products, including the costs of any en-
23 vironmental or other analysis.”;

1 (3) in subsection (d)(1), by striking “charges
2 and fees under subsections (b) and” and inserting
3 “a fee under subsection”;

4 (4) in subsection (f)—

5 (A) in paragraph (1), by striking “sub-
6 sections (b) and” and inserting “subsection”;

7 (B) in paragraph (2), by striking “in ex-
8 cess of the amounts collected for forest botan-
9 ical products during fiscal year 1999”;

10 (C) in paragraph (3), by striking “charges
11 and fees collected at that unit under the pilot
12 program to pay for” and all that follows
13 through the period at the end and inserting
14 “fees collected at that unit under subsection (c)
15 to pay for the costs of conducting inventories of
16 forest botanical products, determining sustain-
17 able levels of harvest, monitoring and assessing
18 the impacts of harvest levels and methods, con-
19 ducting restoration activities, including any nec-
20 essary vegetation, and covering costs of the De-
21 partment of Agriculture described in subsection
22 (c)(1).”; and

23 (D) in paragraph (4), by striking “sub-
24 sections (b) and” and inserting “subsection”;

25 (5) in subsection (g)—

1 (A) by striking “charges and fees under
2 subsections (b) and” and inserting “fees under
3 subsection”; and

4 (B) by striking “subsections (b) and” the
5 second place it appears and inserting “sub-
6 section”; and

7 (6) in subsection (h), by striking paragraph (1)
8 and inserting the following new paragraph (1):

9 “(1) COLLECTION OF FEES.—The Secretary of
10 Agriculture may collect fees under the authority of
11 subsection (c) until September 30, 2009.”.

12 SEC. 335. None of the funds in this Act can be used
13 to initiate any new competitive sourcing studies.

14 This Act may be cited as the “Department of the In-
15 terior and Related Agencies Appropriations Act, 2004”.

Union Calendar No. 100

108TH CONGRESS
2D SESSION

H. R. 2691

[Report No. 108-195]

A BILL

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

JULY 10, 2003

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