

Calendar No. 196

108TH CONGRESS
1ST SESSION

S. 1391

[Report No. 108–89]

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 SENATE OF THE UNITED STATES

JULY 10, 2003

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

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)), \$847,091,000, 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; \$2,484,000 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 of which \$3,000,000 shall be available in fiscal year
23 2004 subject to a match by at least an equal amount by
24 the National 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 \$847,091,000; 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.

16 WILDLAND FIRE MANAGEMENT

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

1 such purposes: *Provided further*, That persons hired pur-
2 suant to 43 U.S.C. 1469 may be furnished subsistence and
3 lodging without cost from funds available from this appro-
4 priation: *Provided further*, That notwithstanding 42
5 U.S.C. 1856d, sums received by a bureau or office of the
6 Department of the Interior for fire protection rendered
7 pursuant to 42 U.S.C. 1856 et seq., protection of United
8 States property, may be credited to the appropriation from
9 which funds were expended to provide that protection, and
10 are available without fiscal year limitation: *Provided fur-*
11 *ther*, That using the amounts designated under this title
12 of this Act, the Secretary of the Interior may enter into
13 procurement contracts, grants, or cooperative agreements,
14 for hazardous fuels reduction activities, and for training
15 and monitoring associated with such hazardous fuels re-
16 duction activities, on Federal land, or on adjacent non-
17 Federal land for activities that benefit resources on Fed-
18 eral land: *Provided further*, That notwithstanding require-
19 ments of the Competition in Contracting Act, the Sec-
20 retary, for purposes of hazardous fuels reduction activi-
21 ties, may obtain maximum practicable competition among:
22 (A) local private, nonprofit, or cooperative entities; (B)
23 Youth Conservation Corps crews or related partnerships
24 with state, local, or non-profit youth groups; (C) small or
25 micro-businesses; or (D) other entities that will hire or

1 train locally a significant percentage, defined as 50 per-
2 cent or more, of the project workforce to complete such
3 contracts: *Provided further*, That in implementing this sec-
4 tion, the Secretary shall develop written guidance to field
5 units to ensure accountability and consistent application
6 of the authorities provided herein: *Provided further*, That
7 funds appropriated under this head may be used to reim-
8 burse the United States Fish and Wildlife Service and the
9 National Marine Fisheries Service for the costs of carrying
10 out their responsibilities under the Endangered Species
11 Act of 1973 (16 U.S.C. 1531 et seq.) to consult and con-
12 ference, as required by section 7 of such Act in connection
13 with wildland fire management activities: *Provided further*,
14 That the Secretary of the Interior may use wildland fire
15 appropriations to enter into non-competitive sole source
16 leases of real property with local governments, at or below
17 fair market value, to construct capitalized improvements
18 for fire facilities on such leased properties, including but
19 not limited to fire guard stations, retardant stations, and
20 other initial attack and fire support facilities, and to make
21 advance payments for any such lease or for construction
22 activity associated with the lease.

23 CENTRAL HAZARDOUS MATERIALS FUND

24 For necessary expenses of the Department of the In-
25 terior and any of its component offices and bureaus for

1 the remedial action, including associated activities, of haz-
2 ardous waste substances, pollutants, or contaminants pur-
3 suant to the Comprehensive Environmental Response,
4 Compensation, and Liability Act, as amended (42 U.S.C.
5 9601 et seq.), \$9,978,000, to remain available until ex-
6 pended: *Provided*, That notwithstanding 31 U.S.C. 3302,
7 sums recovered from or paid by a party in advance of or
8 as reimbursement for remedial action or response activi-
9 ties conducted by the Department pursuant to section 107
10 or 113(f) of such Act, shall be credited to this account,
11 to be available until expended without further appropria-
12 tion: *Provided further*, That such sums recovered from or
13 paid by any party are not limited to monetary payments
14 and may include stocks, bonds or other personal or real
15 property, which may be retained, liquidated, or otherwise
16 disposed of by the Secretary and which shall be credited
17 to this account.

18 CONSTRUCTION

19 For construction of buildings, recreation facilities,
20 roads, trails, and appurtenant facilities, \$12,476,000, to
21 remain available until expended.

22 LAND ACQUISITION

23 For expenses necessary to carry out sections 205,
24 206, and 318(d) of Public Law 94-579, including admin-
25 istrative expenses and acquisition of lands or waters, or

1 interests therein, \$25,600,000, to be derived from the
 2 Land and Water Conservation Fund and to remain avail-
 3 able until expended.

4 OREGON AND CALIFORNIA GRANT LANDS

5 For expenses necessary for management, protection,
 6 and development of resources and for construction, oper-
 7 ation, and maintenance of access roads, reforestation, and
 8 other improvements on the revested Oregon and California
 9 Railroad grant lands, on other Federal lands in the Or-
 10 egon and California land-grant counties of Oregon, and
 11 on adjacent rights-of-way; and acquisition of lands or in-
 12 terests therein, including existing connecting roads on or
 13 adjacent to such grant lands; \$106,672,000, to remain
 14 available until expended: *Provided*, That 25 percent of the
 15 aggregate of all receipts during the current fiscal year
 16 from the revested Oregon and California Railroad grant
 17 lands is hereby made a charge against the Oregon and
 18 California land-grant fund and shall be transferred to the
 19 General Fund in the Treasury in accordance with the sec-
 20 ond paragraph of subsection (b) of title II of the Act of
 21 August 28, 1937 (50 Stat. 876).

22 FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND
 23 (REVOLVING FUND, SPECIAL ACCOUNT)

24 In addition to the purposes authorized in Public Law
 25 102–381, funds made available in the Forest Ecosystem

1 Health and Recovery Fund can be used for the purpose
2 of planning, preparing, implementing and monitoring sal-
3 vage timber sales and forest ecosystem health and recovery
4 activities, such as release from competing vegetation and
5 density control treatments. The Federal share of receipts
6 (defined as the portion of salvage timber receipts not paid
7 to the counties under 43 U.S.C. 1181f and 43 U.S.C.
8 1181f–1 et seq., and Public Law 106–393) derived from
9 treatments funded by this account shall be deposited into
10 the Forest Ecosystem Health and Recovery Fund.

11 RANGE IMPROVEMENTS

12 For rehabilitation, protection, and acquisition of
13 lands and interests therein, and improvement of Federal
14 rangelands pursuant to section 401 of the Federal Land
15 Policy and Management Act of 1976 (43 U.S.C. 1701),
16 notwithstanding any other Act, sums equal to 50 percent
17 of all moneys received during the prior fiscal year under
18 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
19 315 et seq.) and the amount designated for range improve-
20 ments from grazing fees and mineral leasing receipts from
21 Bankhead-Jones lands transferred to the Department of
22 the Interior pursuant to law, but not less than
23 \$10,000,000, to remain available until expended: *Pro-*
24 *vided*, That not to exceed \$600,000 shall be available for
25 administrative expenses.

1 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

2 For administrative expenses and other costs related
3 to processing application documents and other authoriza-
4 tions for use and disposal of public lands and resources,
5 for costs of providing copies of official public land docu-
6 ments, for monitoring construction, operation, and termi-
7 nation of facilities in conjunction with use authorizations,
8 and for rehabilitation of damaged property, such amounts
9 as may be collected under Public Law 94–579, as amend-
10 ed, and Public Law 93–153, to remain available until ex-
11 pended: *Provided*, That notwithstanding any provision to
12 the contrary of section 305(a) of Public Law 94–579 (43
13 U.S.C. 1735(a)), any moneys that have been or will be
14 received pursuant to that section, whether as a result of
15 forfeiture, compromise, or settlement, if not appropriate
16 for refund pursuant to section 305(c) of that Act (43
17 U.S.C. 1735(c)), shall be available and may be expended
18 under the authority of this Act by the Secretary to im-
19 prove, protect, or rehabilitate any public lands adminis-
20 tered through the Bureau of Land Management which
21 have been damaged by the action of a resource developer,
22 purchaser, permittee, or any unauthorized person, without
23 regard to whether all moneys collected from each such ac-
24 tion are used on the exact lands damaged which led to
25 the action: *Provided further*, That any such moneys that

1 are in excess of amounts needed to repair damage to the
 2 exact land for which funds were collected may be used to
 3 repair other damaged public lands.

4 MISCELLANEOUS TRUST FUNDS

5 In addition to amounts authorized to be expended
 6 under existing laws, there is hereby appropriated such
 7 amounts as may be contributed under section 307 of the
 8 Act of October 21, 1976 (43 U.S.C. 1701), and such
 9 amounts as may be advanced for administrative costs, sur-
 10 veys, appraisals, and costs of making conveyances of omit-
 11 ted lands under section 211(b) of that Act, to remain
 12 available until expended.

13 ADMINISTRATIVE PROVISIONS

14 Appropriations for the Bureau of Land Management
 15 shall be available for purchase, erection, and dismantling
 16 of temporary structures, and alteration and maintenance
 17 of necessary buildings and appurtenant facilities to
 18 which the United States has title; up to \$100,000 for pay-
 19 ments, at the discretion of the Secretary, for information
 20 or evidence concerning violations of laws administered by
 21 the Bureau; miscellaneous and emergency expenses of en-
 22 forcement activities authorized or approved by the Sec-
 23 retary and to be accounted for solely on her certificate,
 24 not to exceed \$10,000: *Provided*, That notwithstanding 44
 25 U.S.C. 501, the Bureau may, under cooperative cost-shar-

1 ing and partnership arrangements authorized by law, pro-
 2 cure printing services from cooperators in connection with
 3 jointly produced publications for which the cooperators
 4 share the cost of printing either in cash or in services,
 5 and the Bureau determines the cooperator is capable of
 6 meeting accepted quality standards: *Provided further*,
 7 That section 28 of title 30, United States Code, is amend-
 8 ed: (1) in section 28f(a), by striking “for years 2002
 9 through 2003” and inserting in lieu thereof “for years
 10 2004 through 2008”; and (2) in section 28g, by striking
 11 “and before September 30, 2003” and inserting in lieu
 12 thereof “and before September 30, 2008”.

13 UNITED STATES FISH AND WILDLIFE SERVICE

14 RESOURCE MANAGEMENT

15 For necessary expenses of the United States Fish and
 16 Wildlife Service, as authorized by law, and for scientific
 17 and economic studies, maintenance of the herd of long-
 18 horned cattle on the Wichita Mountains Wildlife Refuge,
 19 general administration, and for the performance of other
 20 authorized functions related to such resources by direct
 21 expenditure, contracts, grants, cooperative agreements
 22 and reimbursable agreements with public and private enti-
 23 ties, \$942,244,000, to remain available until September
 24 30, 2005: *Provided*, That \$2,000,000 is for high priority
 25 projects, which shall be carried out by the Youth Con-

1 servation Corps: *Provided further*, That not to exceed
2 \$12,286,000 shall be used for implementing subsections
3 (a), (b), (c), and (e) of section 4 of the Endangered Spe-
4 cies Act, as amended, for species that are indigenous to
5 the United States (except for processing petitions, devel-
6 oping and issuing proposed and final regulations, and tak-
7 ing any other steps to implement actions described in sub-
8 section (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which
9 not to exceed \$8,900,000 shall be used for any activity
10 regarding the designation of critical habitat, pursuant to
11 subsection (a)(3), excluding litigation support, for species
12 already listed pursuant to subsection (a)(1) as of the date
13 of enactment of this Act: *Provided further*, That of the
14 amount available for law enforcement, up to \$400,000 to
15 remain available until expended, may at the discretion of
16 the Secretary be used for payment for information, re-
17 wards, or evidence concerning violations of laws adminis-
18 tered by the Service, and miscellaneous and emergency ex-
19 penses of enforcement activity, authorized or approved by
20 the Secretary and to be accounted for solely on her certifi-
21 cate: *Provided further*, That of the amount provided for
22 environmental contaminants, up to \$1,000,000 may re-
23 main available until expended for contaminant sample
24 analyses.

1 CONSTRUCTION

2 For construction, improvement, acquisition, or re-
3 moval of buildings and other facilities required in the con-
4 servation, management, investigation, protection, and uti-
5 lization of fishery and wildlife resources, and the acquisi-
6 tion of lands and interests therein; \$53,285,000, to remain
7 available until expended.

8 LAND ACQUISITION

9 For expenses necessary to carry out the Land and
10 Water Conservation Fund Act of 1965, as amended (16
11 U.S.C. 460l-4 through 11), including administrative ex-
12 penses, and for acquisition of land or waters, or interest
13 therein, in accordance with statutory authority applicable
14 to the United States Fish and Wildlife Service,
15 \$64,689,000, to be derived from the Land and Water Con-
16 servation Fund and to remain available until expended:
17 *Provided*, That none of the funds appropriated for specific
18 land acquisition projects can be used to pay for any ad-
19 ministrative overhead, planning or other management
20 costs.

21 LANDOWNER INCENTIVE PROGRAM

22 For expenses necessary to carry out the Land and
23 Water Conservation Fund Act of 1965, as amended (16
24 U.S.C. 460l-4 through 11), including administrative ex-
25 penses, and for private conservation efforts to be carried

1 out on private lands, \$40,000,000, to be derived from the
 2 Land and Water Conservation Fund, to remain available
 3 until expended: *Provided*, That the amount provided here-
 4 in is for a Landowner Incentive Program established by
 5 the Secretary that provides matching, competitively
 6 awarded grants to States, the District of Columbia,
 7 Tribes, Puerto Rico, Guam, the United States Virgin Is-
 8 lands, the Northern Mariana Islands, and American
 9 Samoa, to establish or supplement existing landowner in-
 10 centive programs that provide technical and financial as-
 11 sistance, including habitat protection and restoration, to
 12 private landowners for the protection and management of
 13 habitat to benefit federally listed, proposed, candidate or
 14 other at-risk species on private lands.

15 STEWARDSHIP GRANTS

16 For expenses necessary to carry out the Land and
 17 Water Conservation Fund Act of 1965, as amended (16
 18 U.S.C. 460l-4 through 11), including administrative ex-
 19 penses, and for private conservation efforts to be carried
 20 out on private lands, \$10,000,000, to be derived from the
 21 Land and Water Conservation Fund, to remain available
 22 until expended: *Provided*, That the amount provided here-
 23 in is for a Stewardship Grants Program established by the
 24 Secretary to provide grants and other assistance to indi-
 25 viduals and groups engaged in private conservation efforts

1 that benefit federally listed, proposed, candidate, or other
2 at-risk species.

3 COOPERATIVE ENDANGERED SPECIES CONSERVATION
4 FUND

5 For expenses necessary to carry out section 6 of the
6 Endangered Species Act of 1973 (16 U.S.C. 1531–1543),
7 as amended, \$86,614,000, of which \$36,614,000 is to be
8 derived from the Cooperative Endangered Species Con-
9 servation Fund and \$50,000,000 is to be derived from the
10 Land and Water Conservation Fund, to remain available
11 until expended.

12 NATIONAL WILDLIFE REFUGE FUND

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

15 NORTH AMERICAN WETLANDS CONSERVATION FUND

16 For expenses necessary to carry out the provisions
17 of the North American Wetlands Conservation Act, Public
18 Law 101–233, as amended, \$42,982,000, to remain avail-
19 able until expended.

20 NEOTROPICAL MIGRATORY BIRD CONSERVATION

21 For financial assistance for projects to promote the
22 conservation of neotropical migratory birds in accordance
23 with the Neotropical Migratory Bird Conservation Act,
24 Public Law 106–247 (16 U.S.C. 6101–6109), \$3,000,000,
25 to remain available until expended.

1 MULTINATIONAL SPECIES CONSERVATION FUND

2 For expenses necessary to carry out the African Ele-
3 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
4 4213, 4221–4225, 4241–4245, and 1538), the Asian Ele-
5 phant Conservation Act of 1997 (Public Law 105–96; 16
6 U.S.C. 4261–4266), the Rhinoceros and Tiger Conserva-
7 tion Act of 1994 (16 U.S.C. 5301–5306), and the Great
8 Ape Conservation Act of 2000 (16 U.S.C. 6301),
9 \$6,000,000, to remain available until expended.

10 STATE AND TRIBAL WILDLIFE GRANTS

11 For wildlife conservation grants to States and to the
12 District of Columbia, Puerto Rico, Guam, the United
13 States Virgin Islands, the Northern Mariana Islands,
14 American Samoa, and federally recognized Indian tribes
15 under the provisions of the Fish and Wildlife Act of 1956
16 and the Fish and Wildlife Coordination Act, for the devel-
17 opment and implementation of programs for the benefit
18 of wildlife and their habitat, including species that are not
19 hunted or fished, \$75,000,000 to be derived from the
20 Land and Water Conservation Fund, and to remain avail-
21 able until expended: *Provided*, That of the amount pro-
22 vided herein, \$5,000,000 is for a competitive grant pro-
23 gram for Indian tribes not subject to the remaining provi-
24 sions of this appropriation: *Provided further*, That the Sec-
25 retary shall, after deducting said \$5,000,000 and adminis-

1 trative expenses, apportion the amount provided herein in
2 the following manner: (A) to the District of Columbia and
3 to the Commonwealth of Puerto Rico, each a sum equal
4 to not more than one-half of 1 percent thereof; and (B)
5 to Guam, American Samoa, the United States Virgin Is-
6 lands, and the Commonwealth of the Northern Mariana
7 Islands, each a sum equal to not more than one-fourth
8 of 1 percent thereof: *Provided further*, That the Secretary
9 shall apportion the remaining amount in the following
10 manner: (A) one-third of which is based on the ratio to
11 which the land area of such State bears to the total land
12 area of all such States; and (B) two-thirds of which is
13 based on the ratio to which the population of such State
14 bears to the total population of all such States: *Provided*
15 *further*, That the amounts apportioned under this para-
16 graph shall be adjusted equitably so that no State shall
17 be apportioned a sum which is less than 1 percent of the
18 amount available for apportionment under this paragraph
19 for any fiscal year or more than 5 percent of such amount:
20 *Provided further*, That the Federal share of planning
21 grants shall not exceed 75 percent of the total costs of
22 such projects and the Federal share of implementation
23 grants shall not exceed 50 percent of the total costs of
24 such projects: *Provided further*, That the non-Federal
25 share of such projects may not be derived from Federal

1 grant programs: *Provided further*, That no State, territory,
2 or other jurisdiction shall receive a grant unless it has de-
3 veloped, or committed to develop by October 1, 2005, a
4 comprehensive wildlife conservation plan, consistent with
5 criteria established by the Secretary of the Interior, that
6 considers the broad range of the State, territory, or other
7 jurisdiction's wildlife and associated habitats, with appro-
8 priate priority placed on those species with the greatest
9 conservation need and taking into consideration the rel-
10 ative level of funding available for the conservation of
11 those species: *Provided further*, That any amount appor-
12 tioned in 2004 to any State, territory, or other jurisdiction
13 that remains unobligated as of September 30, 2005, shall
14 be reapportioned, together with funds appropriated in
15 2006, in the manner provided herein: *Provided further*,
16 That balances from amounts previously appropriated
17 under the heading "State Wildlife Grants" shall be trans-
18 ferred to and merged with this appropriation and shall re-
19 main available until expended: *Provided further*, That up
20 to 10 percent of the funds received by any State under
21 this heading may be used for wildlife conservation edu-
22 cation and outreach efforts that contribute significantly to
23 the conservation of wildlife species or wildlife habitat.

ADMINISTRATIVE PROVISIONS

1
2 Appropriations and funds available to the United
3 States Fish and Wildlife Service shall be available for pur-
4 chase of not to exceed 157 passenger motor vehicles, of
5 which 142 are for replacement only (including 33 for po-
6 lice-type use); repair of damage to public roads within and
7 adjacent to reservation areas caused by operations of the
8 Service; options for the purchase of land at not to exceed
9 \$1 for each option; facilities incident to such public rec-
10 reational uses on conservation areas as are consistent with
11 their primary purpose; and the maintenance and improve-
12 ment of aquaria, buildings, and other facilities under the
13 jurisdiction of the Service and to which the United States
14 has title, and which are used pursuant to law in connection
15 with management, and investigation of fish and wildlife
16 resources: *Provided*, That notwithstanding 44 U.S.C. 501,
17 the Service may, under cooperative cost sharing and part-
18 nership arrangements authorized by law, procure printing
19 services from cooperators in connection with jointly pro-
20 duced publications for which the cooperators share at least
21 one-half the cost of printing either in cash or services and
22 the Service determines the cooperator is capable of meet-
23 ing accepted quality standards: *Provided further*, That the
24 Service may accept donated aircraft as replacements for
25 existing aircraft: *Provided further*, That notwithstanding

1 any other provision of law, the Secretary of the Interior
2 may not spend any of the funds appropriated in this Act
3 for the purchase of lands or interests in lands to be used
4 in the establishment of any new unit of the National Wild-
5 life Refuge System unless the purchase is approved in ad-
6 vance by the House and Senate Committees on Appropria-
7 tions in compliance with the reprogramming procedures
8 contained in Senate Report 105–56.

9 NATIONAL PARK SERVICE

10 OPERATION OF THE NATIONAL PARK SYSTEM

11 For expenses necessary for the management, oper-
12 ation, and maintenance of areas and facilities adminis-
13 tered by the National Park Service (including special road
14 maintenance service to trucking permittees on a reimburs-
15 able basis), and for the general administration of the Na-
16 tional Park Service, \$1,636,299,000, of which
17 \$10,887,000 is for planning and interagency coordination
18 in support of Everglades restoration and shall remain
19 available until expended; of which \$96,480,000, to remain
20 available until September 30, 2005, is for maintenance,
21 repair or rehabilitation projects for constructed assets, op-
22 eration of the National Park Service automated facility
23 management software system, and comprehensive facility
24 condition assessments; and of which \$2,000,000 is for the
25 Youth Conservation Corps for high priority projects: *Pro-*

1 *vided further*, That the only funds in this account which
 2 may be made available to support United States Park Po-
 3 lice are those funds approved for emergency law and order
 4 incidents pursuant to established National Park Service
 5 procedures, those funds needed to maintain and repair
 6 United States Park Police administrative facilities, and
 7 those funds necessary to reimburse the United States
 8 Park Police account for the unbudgeted overtime and trav-
 9 el costs associated with special events for an amount not
 10 to exceed \$10,000 per event subject to the review and con-
 11 currence of the Washington headquarters office.

12 UNITED STATES PARK POLICE

13 For expenses necessary to carry out the programs of
 14 the United States Park Police, \$78,349,000.

15 NATIONAL RECREATION AND PRESERVATION

16 For expenses necessary to carry out recreation pro-
 17 grams, natural programs, cultural programs, heritage
 18 partnership programs, environmental compliance and re-
 19 view, international park affairs, statutory or contractual
 20 aid for other activities, and grant administration, not oth-
 21 erwise provided for, \$60,154,000.

22 URBAN PARK AND RECREATION FUND

23 For expenses necessary to carry out the provisions
 24 of the Urban Park and Recreation Recovery Act of 1978

1 (16 U.S.C. 2501 et seq.), \$305,000, to remain available
2 until expended.

3 HISTORIC PRESERVATION FUND

4 For expenses necessary in carrying out the Historic
5 Preservation Act of 1966, as amended (16 U.S.C. 470),
6 and the Omnibus Parks and Public Lands Management
7 Act of 1996 (Public Law 104–333), \$75,750,000, to be
8 derived from the Historic Preservation Fund, to remain
9 available until September 30, 2005: *Provided*, That, of the
10 amount provided herein, \$500,000, to remain available
11 until expended, is for a grant for the perpetual care and
12 maintenance of National Trust Historic Sites, as author-
13 ized under 16 U.S.C. 470a(e)(2), to be made available in
14 full upon signing of a grant agreement: *Provided further*,
15 That, notwithstanding any other provision of law, these
16 funds shall be available for investment with the proceeds
17 to be used for the same purpose as set out herein: *Pro-*
18 *vided further*, That of the total amount provided,
19 \$32,000,000 shall be for Save America’s Treasures for
20 priority preservation projects, of nationally significant
21 sites, structures, and artifacts: *Provided further*, That any
22 individual Save America’s Treasures grant shall be
23 matched by non-Federal funds: *Provided further*, That in-
24 dividual projects shall only be eligible for one grant, and
25 all projects to be funded shall be approved by the House

1 and Senate Committees on Appropriations and the Sec-
 2 retary of the Interior in consultation with the President's
 3 Committee on the Arts and Humanities prior to the com-
 4 mitment of grant funds: *Provided further*, That Save
 5 America's Treasures funds allocated for Federal projects,
 6 following approval, shall be available by transfer to appro-
 7 priate accounts of individual agencies.

8 CONSTRUCTION

9 For construction, improvements, repair or replace-
 10 ment of physical facilities, including the modifications au-
 11 thorized by section 104 of the Everglades National Park
 12 Protection and Expansion Act of 1989, \$341,531,000, to
 13 remain available until expended, of which \$300,000 for the
 14 L.Q.C. Lamar House National Historic Landmark and
 15 \$375,000 for the Sun Watch National Historic Landmark
 16 shall be derived from the Historic Preservation Fund pur-
 17 suant to 16 U.S.C. 470a: *Provided*, That none of the funds
 18 in this or any other Act, may be used to pay the salaries
 19 and expenses of more than 160 Full Time Equivalent per-
 20 sonnel working for the National Park Service's Denver
 21 Service Center funded under the construction program
 22 management and operations activity: *Provided further*,
 23 That none of the funds provided in this or any other Act
 24 may be used to pre-design, plan, or construct any new fa-
 25 cility (including visitor centers, curatorial facilities, admin-

1 istrative buildings), for which appropriations have not
 2 been specifically provided if the net construction cost of
 3 such facility is in excess of \$5,000,000, without prior ap-
 4 proval of the House and Senate Committees on Appropria-
 5 tions: *Provided further*, That this restriction applies to all
 6 funds available to the National Park Service, including
 7 partnership and fee demonstration projects.

8 LAND AND WATER CONSERVATION FUND

9 (RESCISSION)

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

12 LAND ACQUISITION AND STATE ASSISTANCE

13 For expenses necessary to carry out the Land and
 14 Water Conservation Act of 1965, as amended (16 U.S.C.
 15 460l–4 through 11), including administrative expenses,
 16 and for acquisition of lands or waters, or interest therein,
 17 in accordance with the statutory authority applicable to
 18 the National Park Service, \$158,473,000, to be derived
 19 from the Land and Water Conservation Fund and to re-
 20 main available until expended, of which \$104,000,000 is
 21 for the State assistance program including not to exceed
 22 \$4,000,000 for the administration of this program: *Pro-*
 23 *vided*, That none of the funds provided for the State as-
 24 sistance program may be used to establish a contingency
 25 fund.

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: *Provided further*, That the
23 National Park Service may make a grant of not to exceed
24 \$70,000 for the construction of a memorial in Cadillac,
25 Michigan in honor of Kris Eggle.

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

4 The National Park Service may distribute to oper-
 5 ating units based on the safety record of each unit the
 6 costs of programs designed to improve workplace and em-
 7 ployee safety, and to encourage employees receiving work-
 8 ers' compensation benefits pursuant to chapter 81 of title
 9 5, United States Code, to return to appropriate positions
 10 for which they are medically able.

11 Notwithstanding any other provision of law, in fiscal
 12 year 2004, with respect to the administration of the Na-
 13 tional Park Service park pass program by the National
 14 Park Foundation, the Secretary may obligate to the Foun-
 15 dation administrative funds expected to be received in that
 16 fiscal year before the revenues are collected, so long as
 17 total obligations in the administrative account do not ex-
 18 ceed total revenue collected and deposited in that account
 19 by the end of the fiscal year.

20 UNITED STATES GEOLOGICAL SURVEY

21 SURVEYS, INVESTIGATIONS, AND RESEARCH

22 For expenses necessary for the United States Geo-
 23 logical Survey to perform surveys, investigations, and re-
 24 search covering topography, geology, hydrology, biology,
 25 and the mineral and water resources of the United States,

1 its territories and possessions, and other areas as author-
2 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
3 to their mineral and water resources; give engineering su-
4 pervision to power permittees and Federal Energy Regu-
5 latory Commission licensees; administer the minerals ex-
6 ploration program (30 U.S.C. 641); and publish and dis-
7 seminate data relative to the foregoing activities; and to
8 conduct inquiries into the economic conditions affecting
9 mining and materials processing industries (30 U.S.C. 3,
10 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes
11 as authorized by law and to publish and disseminate data;
12 \$928,864,000, of which \$64,630,000 shall be available
13 only for cooperation with States or municipalities for
14 water resources investigations; and of which \$15,499,000
15 shall remain available until expended for conducting in-
16 quires into the economic conditions affecting mining and
17 materials processing industries; and of which \$8,000,000
18 shall remain available until expended for satellite oper-
19 ations; and of which \$23,230,000 shall be available until
20 September 30, 2005, for the operation and maintenance
21 of facilities and deferred maintenance; of which
22 \$169,580,000 shall be available until September 30, 2005,
23 for the biological research activity and the operation of
24 the Cooperative Research Units: *Provided*, That none of
25 these funds provided for the biological research activity

1 shall be used to conduct new surveys on private property,
 2 unless specifically authorized in writing by the property
 3 owner: *Provided further*, That no part of this appropria-
 4 tion shall be used to pay more than one-half the cost of
 5 topographic mapping or water resources data collection
 6 and investigations carried on in cooperation with States
 7 and municipalities.

8 ADMINISTRATIVE PROVISIONS

9 The amount appropriated for the United States Geo-
 10 logical Survey shall be available for the purchase of not
 11 to exceed 53 passenger motor vehicles, of which 48 are
 12 for replacement only; reimbursement to the General Serv-
 13 ices Administration for security guard services; con-
 14 tracting for the furnishing of topographic maps and for
 15 the making of geophysical or other specialized surveys
 16 when it is administratively determined that such proce-
 17 dures are in the public interest; construction and mainte-
 18 nance of necessary buildings and appurtenant facilities;
 19 acquisition of lands for gauging stations and observation
 20 wells; expenses of the United States National Committee
 21 on Geology; and payment of compensation and expenses
 22 of persons on the rolls of the Survey duly appointed to
 23 represent the United States in the negotiation and admin-
 24 istration of interstate compacts: *Provided*, That activities
 25 funded by appropriations herein made may be accom-

1 plished through the use of contracts, grants, or coopera-
 2 tive agreements as defined in 31 U.S.C. 6302 et seq.

3 MINERALS MANAGEMENT SERVICE

4 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

5 For expenses necessary for minerals leasing and envi-
 6 ronmental studies, regulation of industry operations, and
 7 collection of royalties, as authorized by law; for enforcing
 8 laws and regulations applicable to oil, gas, and other min-
 9 erals leases, permits, licenses and operating contracts; and
 10 for matching grants or cooperative agreements; including
 11 the purchase of not to exceed eight passenger motor vehi-
 12 cles for replacement only, \$166,016,000, of which
 13 \$80,396,000 shall be available for royalty management ac-
 14 tivities; and an amount not to exceed \$100,230,000, to
 15 be credited to this appropriation and to remain available
 16 until expended, from additions to receipts resulting from
 17 increases to rates in effect on August 5, 1993, from rate
 18 increases to fee collections for Outer Continental Shelf ad-
 19 ministrative activities performed by the Minerals Manage-
 20 ment Service (MMS) over and above the rates in effect
 21 on September 30, 1993, and from additional fees for
 22 Outer Continental Shelf administrative activities estab-
 23 lished after September 30, 1993: *Provided*, That to the
 24 extent \$100,230,000 in additions to receipts are not real-
 25 ized from the sources of receipts stated above, the amount

1 needed to reach \$100,230,000 shall be credited to this ap-
2 propriation from receipts resulting from rental rates for
3 Outer Continental Shelf leases in effect before August 5,
4 1993: *Provided further*, That \$3,000,000 for computer ac-
5 quisitions shall remain available until September 30,
6 2005: *Provided further*, That funds appropriated under
7 this Act shall be available for the payment of interest in
8 accordance with 30 U.S.C. 1721(b) and (d): *Provided fur-*
9 *ther*, That not to exceed \$3,000 shall be available for rea-
10 sonable expenses related to promoting volunteer beach and
11 marine cleanup activities: *Provided further*, That notwith-
12 standing any other provision of law, \$15,000 under this
13 heading shall be available for refunds of overpayments in
14 connection with certain Indian leases in which the Direc-
15 tor of MMS concurred with the claimed refund due, to
16 pay amounts owed to Indian allottees or tribes, or to cor-
17 rect prior unrecoverable erroneous payments: *Provided*
18 *further*, That MMS may under the royalty-in-kind pilot
19 program, or under its authority to transfer oil to the Stra-
20 tegic Petroleum Reserve, use a portion of the revenues
21 from royalty-in-kind sales, without regard to fiscal year
22 limitation, to pay for transportation to wholesale market
23 centers or upstream pooling points, and to process or oth-
24 erwise dispose of royalty production taken in kind, and
25 to recover MMS transportation costs, salaries, and other

1 administrative costs directly related to filling the Strategic
 2 Petroleum Reserve: *Provided further*, That MMS shall
 3 analyze and document the expected return in advance of
 4 any royalty-in-kind sales to assure to the maximum extent
 5 practicable that royalty income under the pilot program
 6 is equal to or greater than royalty income recognized
 7 under a comparable royalty-in-value program.

8 OIL SPILL RESEARCH

9 For necessary expenses to carry out title I, section
 10 1016, title IV, sections 4202 and 4303, title VII, and title
 11 VIII, section 8201 of the Oil Pollution Act of 1990,
 12 \$7,105,000, which shall be derived from the Oil Spill Li-
 13 ability Trust Fund, to remain available until expended.

14 OFFICE OF SURFACE MINING RECLAMATION AND 15 ENFORCEMENT

16 REGULATION AND TECHNOLOGY

17 For necessary expenses to carry out the provisions
 18 of the Surface Mining Control and Reclamation Act of
 19 1977, Public Law 95–87, as amended, including the pur-
 20 chase of not to exceed 10 passenger motor vehicles, for
 21 replacement only; \$106,424,000: *Provided*, That the Sec-
 22 retary of the Interior, pursuant to regulations, may use
 23 directly or through grants to States, moneys collected in
 24 fiscal year 2004 for civil penalties assessed under section
 25 518 of the Surface Mining Control and Reclamation Act

1 of 1977 (30 U.S.C. 1268), to reclaim lands adversely af-
 2 fected by coal mining practices after August 3, 1977, to
 3 remain available until expended: *Provided further*, That
 4 appropriations for the Office of Surface Mining Reclama-
 5 tion and Enforcement may provide for the travel and per
 6 diem expenses of State and tribal personnel attending Of-
 7 fice of Surface Mining Reclamation and Enforcement
 8 sponsored training.

9 ABANDONED MINE RECLAMATION FUND

10 For necessary expenses to carry out title IV of the
 11 Surface Mining Control and Reclamation Act of 1977,
 12 Public Law 95–87, as amended, including the purchase
 13 of not more than 10 passenger motor vehicles for replace-
 14 ment only, \$190,893,000, to be derived from receipts of
 15 the Abandoned Mine Reclamation Fund and to remain
 16 available until expended; of which up to \$10,000,000, to
 17 be derived from the Federal Expenses Share of the Fund,
 18 shall be for supplemental grants to States for the reclama-
 19 tion of abandoned sites with acid mine rock drainage from
 20 coal mines, and for associated activities, through the Ap-
 21 palachian Clean Streams Initiative: *Provided*, That grants
 22 to minimum program States will be \$1,500,000 per State
 23 in fiscal year 2004: *Provided further*, That pursuant to
 24 Public Law 97–365, the Department of the Interior is au-
 25 thorized to use up to 20 percent from the recovery of the

1 delinquent debt owed to the United States Government to
2 pay for contracts to collect these debts: *Provided further*,
3 That funds made available under title IV of Public Law
4 95–87 may be used for any required non-Federal share
5 of the cost of projects funded by the Federal Government
6 for the purpose of environmental restoration related to
7 treatment or abatement of acid mine drainage from aban-
8 doned mines: *Provided further*, That such projects must
9 be consistent with the purposes and priorities of the Sur-
10 face Mining Control and Reclamation Act: *Provided fur-*
11 *ther*, That the State of Maryland may set aside the greater
12 of \$1,000,000 or 10 percent of the total of the grants
13 made available to the State under title IV of the Surface
14 Mining Control and Reclamation Act of 1977, as amended
15 (30 U.S.C. 1231 et seq.), if the amount set aside is depos-
16 ited in an acid mine drainage abatement and treatment
17 fund established under a State law, pursuant to which law
18 the amount (together with all interest earned on the
19 amount) is expended by the State to undertake acid mine
20 drainage abatement and treatment projects, except that
21 before any amounts greater than 10 percent of its title
22 IV grants are deposited in an acid mine drainage abate-
23 ment and treatment fund, the State of Maryland must
24 first complete all Surface Mining Control and Reclamation
25 Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, \$1,912,178,000, to remain available until September 30, 2005 except as otherwise provided herein, of which not to exceed \$87,925,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$135,315,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2004, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed \$458,524,000 for school operations

1 costs of Bureau-funded schools and other education pro-
2 grams shall become available on July 1, 2004, and shall
3 remain available until September 30, 2005; and of which
4 not to exceed \$55,766,000 shall remain available until ex-
5 pended for housing improvement, road maintenance, at-
6 torney fees, litigation support, the Indian Self-Determina-
7 tion Fund, land records improvement, and the Navajo-
8 Hopi Settlement Program: *Provided*, That notwith-
9 standing any other provision of law, including but not lim-
10 ited to the Indian Self-Determination Act of 1975, as
11 amended, and 25 U.S.C. 2008, not to exceed \$46,182,000
12 within and only from such amounts made available for
13 school operations shall be available to tribes and tribal or-
14 ganizations for administrative cost grants associated with
15 ongoing grants entered into with the Bureau prior to or
16 during fiscal year 2003 for the operation of Bureau-fund-
17 ed schools, and up to \$3,000,000 within and only from
18 such amounts made available for school operations shall
19 be available for the transitional costs of initial administra-
20 tive cost grants to tribes and tribal organizations that
21 enter into grants for the operation on or after July 1,
22 2004 of Bureau-operated schools: *Provided further*, That
23 any forestry funds allocated to a tribe which remain unob-
24 ligated as of September 30, 2005, may be transferred dur-
25 ing fiscal year 2006 to an Indian forest land assistance

1 account established for the benefit of such tribe within the
 2 tribe's trust fund account: *Provided further*, That any such
 3 unobligated balances not so transferred shall expire on
 4 September 30, 2006.

5 CONSTRUCTION

6 For construction, repair, improvement, and mainte-
 7 nance of irrigation and power systems, buildings, utilities,
 8 and other facilities, including architectural and engineer-
 9 ing services by contract; acquisition of lands, and interests
 10 in lands; and preparation of lands for farming, and for
 11 construction of the Navajo Indian Irrigation Project pur-
 12 suant to Public Law 87-483, \$351,154,000, to remain
 13 available until expended: *Provided*, That such amounts as
 14 may be available for the construction of the Navajo Indian
 15 Irrigation Project may be transferred to the Bureau of
 16 Reclamation: *Provided further*, That not to exceed 6 per-
 17 cent of contract authority available to the Bureau of In-
 18 dian Affairs from the Federal Highway Trust Fund may
 19 be used to cover the road program management costs of
 20 the Bureau: *Provided further*, That any funds provided for
 21 the Safety of Dams program pursuant to 25 U.S.C. 13
 22 shall be made available on a nonreimbursable basis: *Pro-*
 23 *vided further*, That for fiscal year 2004, in implementing
 24 new construction or facilities improvement and repair
 25 project grants in excess of \$100,000 that are provided to

1 tribally controlled grant schools under Public Law 100–
 2 297, as amended, the Secretary of the Interior shall use
 3 the Administrative and Audit Requirements and Cost
 4 Principles for Assistance Programs contained in 43 CFR
 5 part 12 as the regulatory requirements: *Provided further*,
 6 That such grants shall not be subject to section 12.61 of
 7 43 CFR; the Secretary and the grantee shall negotiate and
 8 determine a schedule of payments for the work to be per-
 9 formed: *Provided further*, That in considering applications,
 10 the Secretary shall consider whether the Indian tribe or
 11 tribal organization would be deficient in assuring that the
 12 construction projects conform to applicable building stand-
 13 ards and codes and Federal, tribal, or State health and
 14 safety standards as required by 25 U.S.C. 2005(a), with
 15 respect to organizational and financial management capa-
 16 bilities: *Provided further*, That if the Secretary declines an
 17 application, the Secretary shall follow the requirements
 18 contained in 25 U.S.C. 2505(f): *Provided further*, That
 19 any disputes between the Secretary and any grantee con-
 20 cerning a grant shall be subject to the disputes provision
 21 in 25 U.S.C. 2508(e).

22 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
 23 MISCELLANEOUS PAYMENTS TO INDIANS

24 For miscellaneous payments to Indian tribes and in-
 25 dividuals and for necessary administrative expenses,

1 \$50,583,000, to remain available until expended; of which
 2 \$31,766,000 shall be available for implementation of en-
 3 acted Indian land and water claim settlements pursuant
 4 to Public Laws 101–618, 107–331, and 102–575, and for
 5 implementation of other enacted water rights settlements;
 6 and of which \$18,817,000 shall be available pursuant to
 7 Public Laws 99–264, 100–580, 106–425, and 106–554.

8 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

9 For the cost of guaranteed and insured loans,
 10 \$5,797,000, as authorized by the Indian Financing Act
 11 of 1974, as amended: *Provided*, That such costs, including
 12 the cost of modifying such loans, shall be as defined in
 13 section 502 of the Congressional Budget Act of 1974: *Pro-*
 14 *vided further*, That these funds are available to subsidize
 15 total loan principal, any part of which is to be guaranteed,
 16 not to exceed \$94,568,000.

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

19 ADMINISTRATIVE PROVISIONS

20 The Bureau of Indian Affairs may carry out the oper-
 21 ation of Indian programs by direct expenditure, contracts,
 22 cooperative agreements, compacts and grants, either di-
 23 rectly or in cooperation with States and other organiza-
 24 tions.

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

5 Appropriations for the Bureau of Indian Affairs (ex-
6 cept the revolving fund for loans, the Indian loan guar-
7 antee and insurance fund, and the Indian Guaranteed
8 Loan Program account) shall be available for expenses of
9 exhibits, and purchase of not to exceed 229 passenger
10 motor vehicles, of which not to exceed 187 shall be for
11 replacement only.

12 Notwithstanding any other provision of law, no funds
13 available to the Bureau of Indian Affairs for central office
14 operations or pooled overhead general administration (ex-
15 cept facilities operations and maintenance) shall be avail-
16 able for tribal contracts, grants, compacts, or cooperative
17 agreements with the Bureau of Indian Affairs under the
18 provisions of the Indian Self-Determination Act or the
19 Tribal Self-Governance Act of 1994 (Public Law 103-
20 413).

21 In the event any tribe returns appropriations made
22 available by this Act to the Bureau of Indian Affairs for
23 distribution to other tribes, this action shall not diminish
24 the Federal Government's trust responsibility to that
25 tribe, or the government-to-government relationship be-

1 tween the United States and that tribe, or that tribe's abil-
2 ity to access future appropriations.

3 Notwithstanding any other provision of law, no funds
4 available to the Bureau, other than the amounts provided
5 herein for assistance to public schools under 25 U.S.C.
6 452 et seq., shall be available to support the operation of
7 any elementary or secondary school in the State of Alaska.

8 Appropriations made available in this or any other
9 Act for schools funded by the Bureau shall be available
10 only to the schools in the Bureau school system as of Sep-
11 tember 1, 1996. No funds available to the Bureau shall
12 be used to support expanded grades for any school or dor-
13 mitory beyond the grade structure in place or approved
14 by the Secretary of the Interior at each school in the Bu-
15 reau school system as of October 1, 1995. Funds made
16 available under this Act may not be used to establish a
17 charter school at a Bureau-funded school (as that term
18 is defined in section 1146 of the Education Amendments
19 of 1978 (25 U.S.C. 2026)), except that a charter school
20 that is in existence on the date of the enactment of this
21 Act and that has operated at a Bureau-funded school be-
22 fore September 1, 1999, may continue to operate during
23 that period, but only if the charter school pays to the Bu-
24 reau a pro rata share of funds to reimburse the Bureau
25 for the use of the real and personal property (including

1 buses and vans), the funds of the charter school are kept
 2 separate and apart from Bureau funds, and the Bureau
 3 does not assume any obligation for charter school pro-
 4 grams of the State in which the school is located if the
 5 charter school loses such funding. Employees of Bureau-
 6 funded schools sharing a campus with a charter school and
 7 performing functions related to the charter school's oper-
 8 ation and employees of a charter school shall not be treat-
 9 ed as Federal employees for purposes of chapter 171 of
 10 title 28, United States Code.

11 DEPARTMENTAL OFFICES

12 INSULAR AFFAIRS

13 ASSISTANCE TO TERRITORIES

14 For expenses necessary for assistance to territories
 15 under the jurisdiction of the Department of the Interior,
 16 \$71,343,000, of which: (1) \$65,022,000 shall be available
 17 until expended for technical assistance, including mainte-
 18 nance assistance, disaster assistance, insular management
 19 controls, coral reef initiative activities, and brown tree
 20 snake control and research; grants to the judiciary in
 21 American Samoa for compensation and expenses, as au-
 22 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
 23 ment of American Samoa, in addition to current local rev-
 24 enues, for construction and support of governmental func-
 25 tions; grants to the Government of the Virgin Islands as

1 authorized by law; grants to the Government of Guam,
2 as authorized by law; and grants to the Government of
3 the Northern Mariana Islands as authorized by law (Pub-
4 lic Law 94–241; 90 Stat. 272); and (2) \$6,321,000 shall
5 be available for salaries and expenses of the Office of Insu-
6 lar Affairs: *Provided*, That all financial transactions of the
7 territorial and local governments herein provided for, in-
8 cluding such transactions of all agencies or instrumental-
9 ities established or used by such governments, may be au-
10 dited by the General Accounting Office, at its discretion,
11 in accordance with chapter 35 of title 31, United States
12 Code: *Provided further*, That Northern Mariana Islands
13 Covenant grant funding shall be provided according to
14 those terms of the Agreement of the Special Representa-
15 tives on Future United States Financial Assistance for the
16 Northern Mariana Islands approved by Public Law 104–
17 134: *Provided further*, That of the amounts provided for
18 technical assistance, sufficient funding shall be made
19 available for a grant to the Close Up Foundation: *Provided*
20 *further*, That the funds for the program of operations and
21 maintenance improvement are appropriated to institu-
22 tionalize routine operations and maintenance improvement
23 of capital infrastructure with territorial participation and
24 cost sharing to be determined by the Secretary based on
25 the grantee’s commitment to timely maintenance of its

1 capital assets: *Provided further*, That any appropriation
 2 for disaster assistance under this heading in this Act or
 3 previous appropriations Acts may be used as non-Federal
 4 matching funds for the purpose of hazard mitigation
 5 grants provided pursuant to section 404 of the Robert T.
 6 Stafford Disaster Relief and Emergency Assistance Act
 7 (42 U.S.C. 5170c).

8 COMPACT OF FREE ASSOCIATION

9 For grants and necessary expenses, \$6,125,000, as
 10 provided for in sections 221(a)(2), 221(b), and 233 of the
 11 Compact of Free Association for the Republic of Palau,
 12 section 103(h)(2) of the Compact of Free Association Act
 13 of 1985, and section 221(a)(2) of the Amended Compacts
 14 of Free Association for the Federated States of Micronesia
 15 and the Republic of the Marshall Islands, to remain avail-
 16 able until expended.

17 For grants and necessary expenses as provided for
 18 in sections 211, 212, 213, and 218 of the Amended Com-
 19 pact of Free Association for the Republic of the Marshall
 20 Islands and as provided for in sections 211, 212, and 217
 21 of the Amended Compact of Free Association for the Fed-
 22 erated States of Micronesia, all sums that are or may be
 23 required in this and subsequent years are appropriated,
 24 to remain available until expended, and shall be drawn
 25 from the Treasury, to become available for obligation only

1 upon enactment of proposed legislation to approve the
2 amended Compacts of Free Association as identified in the
3 President's fiscal year 2004 budget.

4 For grants and necessary expenses, \$15,000,000, for
5 impact of the Compacts on certain U.S. areas in this and
6 subsequent years are appropriated, to remain available
7 until expended, and shall be drawn from the Treasury, to
8 become available for obligation only upon enactment of
9 proposed legislation to approve the amended Compacts of
10 Free Association as identified in the President's fiscal year
11 2004 budget: *Provided*, That for purposes of assistance
12 as provided pursuant to this appropriation, the effective
13 dates of the amended Compacts of Free Association shall
14 be October 1, 2003.

15 DEPARTMENTAL MANAGEMENT

16 SALARIES AND EXPENSES

17 For necessary expenses for management of the De-
18 partment of the Interior, \$78,433,000, of which not to ex-
19 ceed \$8,500 may be for official reception and representa-
20 tion expenses, and of which up to \$1,000,000 shall be
21 available for workers compensation payments and unem-
22 ployment compensation payments associated with the or-
23 derly closure of the United States Bureau of Mines.

24 WORKING CAPITAL FUND

25 For the acquisition of a departmental financial and
26 business management system, \$11,700,000, to remain

1 available until expended: *Provided*, That from unobligated
 2 balances under this heading, \$11,700,000 are hereby can-
 3 celed.

4 PAYMENTS IN LIEU OF TAXES

5 For expenses necessary to implement the Act of Octo-
 6 ber 20, 1976, as amended (31 U.S.C. 6901–6907),
 7 \$230,000,000, of which not to exceed \$400,000 shall be
 8 available for administrative expenses: *Provided*, That no
 9 payment shall be made to otherwise eligible units of local
 10 government if the computed amount of the payment is less
 11 than \$100.

12 OFFICE OF THE SOLICITOR

13 SALARIES AND EXPENSES

14 For necessary expenses of the Office of the Solicitor,
 15 \$50,179,000.

16 OFFICE OF INSPECTOR GENERAL

17 SALARIES AND EXPENSES

18 For necessary expenses of the Office of Inspector
 19 General, \$37,474,000, of which \$3,812,000 shall be for
 20 procurement by contract of independent auditing services
 21 to audit the consolidated Department of the Interior an-
 22 nual financial statement and the annual financial state-
 23 ment of the Department of the Interior bureaus and of-
 24 fices funded in this Act.

1 OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS
2 FEDERAL TRUST PROGRAMS

3 For operation of trust programs for Indians by direct
4 expenditure, contracts, cooperative agreements, compacts,
5 and grants, \$219,641,000, of which \$75,000,000 shall be
6 available for historical accounting, to remain available
7 until expended: *Provided*, That funds for trust manage-
8 ment improvements and litigation support may, as needed,
9 be transferred to or merged with the Bureau of Indian
10 Affairs, "Operation of Indian Programs" account; the Of-
11 fice of the Solicitor, "Salaries and Expenses" account; and
12 the Departmental Management, "Salaries and Expenses"
13 account: *Provided further*, That funds made available to
14 Tribes and Tribal organizations through contracts or
15 grants obligated during fiscal year 2004, as authorized by
16 the Indian Self-Determination Act of 1975 (25 U.S.C. 450
17 et seq.), shall remain available until expended by the con-
18 tractor or grantee: *Provided further*, That notwithstanding
19 any other provision of law, the statute of limitations shall
20 not commence to run on any claim, including any claim
21 in litigation pending on the date of the enactment of this
22 Act, concerning losses to or mismanagement of trust
23 funds, until the affected tribe or individual Indian has
24 been furnished with an accounting of such funds from
25 which the beneficiary can determine whether there has

1 been a loss: *Provided further*, That notwithstanding any
 2 other provision of law, the Secretary shall not be required
 3 to provide a quarterly statement of performance for any
 4 Indian trust account that has not had activity for at least
 5 18 months and has a balance of \$1.00 or less: *Provided*
 6 *further*, That the Secretary shall issue an annual account
 7 statement and maintain a record of any such accounts and
 8 shall permit the balance in each such account to be with-
 9 drawn upon the express written request of the account
 10 holder: *Provided further*, That not to exceed \$50,000 is
 11 available for the Secretary to make payments to correct
 12 administrative errors of either disbursements from or de-
 13 posits to Individual Indian Money or Tribal accounts after
 14 September 30, 2002: *Provided further*, That erroneous
 15 payments that are recovered shall be credited to and re-
 16 main available in this account for this purpose.

17 INDIAN LAND CONSOLIDATION

18 For consolidation of fractional interests in Indian
 19 lands and expenses associated with redetermining and re-
 20 distributing escheated interests in allotted lands, and for
 21 necessary expenses to carry out the Indian Land Consoli-
 22 dation Act of 1983, as amended, by direct expenditure or
 23 cooperative agreement, \$22,980,000, to remain available
 24 until expended.

4 To conduct natural resource damage assessment and
5 restoration activities by the Department of the Interior
6 necessary to carry out the provisions of the Comprehensive
7 Environmental Response, Compensation, and Liability
8 Act, as amended (42 U.S.C. 9601 et seq.), Federal Water
9 Pollution Control Act, as amended (33 U.S.C. 1251 et
10 seq.), the Oil Pollution Act of 1990 (Public Law 101-380)
11 (33 U.S.C. 2701 et seq.), and Public Law 101-337, as
12 amended (16 U.S.C. 19jj et seq.), \$5,633,000, to remain
13 available until expended.

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the “Departmental Management”, “Office of the Solicitor”, and “Office of In-

1 spector General” may be augmented through the Working
2 Capital Fund.

3 GENERAL PROVISIONS, DEPARTMENT OF THE
4 INTERIOR

5 SEC. 101. Appropriations made in this title shall be
6 available for expenditure or transfer (within each bureau
7 or office), with the approval of the Secretary, for the emer-
8 gency reconstruction, replacement, or repair of aircraft,
9 buildings, utilities, or other facilities or equipment dam-
10 aged or destroyed by fire, flood, storm, or other unavoid-
11 able causes: *Provided*, That no funds shall be made avail-
12 able under this authority until funds specifically made
13 available to the Department of the Interior for emer-
14 gencies shall have been exhausted: *Provided further*, That
15 all funds used pursuant to this section are hereby des-
16 ignated by Congress to be “emergency requirements” pur-
17 suant to section 502 of H. Con. Res. 95, the concurrent
18 resolution on the budget for fiscal year 2004, and must
19 be replenished by a supplemental appropriation which
20 must be requested as promptly as possible.

21 SEC. 102. The Secretary may authorize the expendi-
22 ture or transfer of any no year appropriation in this title,
23 in addition to the amounts included in the budget pro-
24 grams of the several agencies, for the suppression or emer-
25 gency prevention of wildland fires on or threatening lands

1 under the jurisdiction of the Department of the Interior;
2 for the emergency rehabilitation of burned-over lands
3 under its jurisdiction; for emergency actions related to po-
4 tential or actual earthquakes, floods, volcanoes, storms, or
5 other unavoidable causes; for contingency planning subse-
6 quent to actual oil spills; for response and natural resource
7 damage assessment activities related to actual oil spills;
8 for the prevention, suppression, and control of actual or
9 potential grasshopper and Mormon cricket outbreaks on
10 lands under the jurisdiction of the Secretary, pursuant to
11 the authority in section 1773(b) of Public Law 99–198
12 (99 Stat. 1658); for emergency reclamation projects under
13 section 410 of Public Law 95–87; and shall transfer, from
14 any no year funds available to the Office of Surface Min-
15 ing Reclamation and Enforcement, such funds as may be
16 necessary to permit assumption of regulatory authority in
17 the event a primacy State is not carrying out the regu-
18 latory provisions of the Surface Mining Act: *Provided*,
19 That appropriations made in this title for wildland fire
20 operations shall be available for the payment of obligations
21 incurred during the preceding fiscal year, and for reim-
22 bursement to other Federal agencies for destruction of ve-
23 hicles, aircraft, or other equipment in connection with
24 their use for wildland fire operations, such reimbursement
25 to be credited to appropriations currently available at the

1 time of receipt thereof: *Provided further*, That for wildland
2 fire operations, no funds shall be made available under
3 this authority until the Secretary determines that funds
4 appropriated for “wildland fire operations” shall be ex-
5 hausted within 30 days: *Provided further*, That all funds
6 used pursuant to this section are hereby designated by
7 Congress to be “emergency requirements” pursuant to
8 section 502 of H. Con. Res. 95, the concurrent resolution
9 on the budget for fiscal year 2004, and must be replen-
10 ished by a supplemental appropriation which must be re-
11 quested as promptly as possible: *Provided further*, That
12 such replenishment funds shall be used to reimburse, on
13 a pro rata basis, accounts from which emergency funds
14 were transferred.

15 SEC. 103. Appropriations made in this title shall be
16 available for operation of warehouses, garages, shops, and
17 similar facilities, wherever consolidation of activities will
18 contribute to efficiency or economy, and said appropria-
19 tions shall be reimbursed for services rendered to any
20 other activity in the same manner as authorized by sec-
21 tions 1535 and 1536 of title 31, United States Code: *Pro-*
22 *vided*, That reimbursements for costs and supplies, mate-
23 rials, equipment, and for services rendered may be cred-
24 ited to the appropriation current at the time such reim-
25 bursements are received.

1 SEC. 104. Appropriations made to the Department
2 of the Interior in this title shall be available for services
3 as authorized by 5 U.S.C. 3109, when authorized by the
4 Secretary, in total amount not to exceed \$500,000; hire,
5 maintenance, and operation of aircraft; hire of passenger
6 motor vehicles; purchase of reprints; payment for tele-
7 phone service in private residences in the field, when au-
8 thorized under regulations approved by the Secretary; and
9 the payment of dues, when authorized by the Secretary,
10 for library membership in societies or associations which
11 issue publications to members only or at a price to mem-
12 bers lower than to subscribers who are not members.

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

17 SEC. 106. Annual appropriations made in this title
18 shall be available for obligation in connection with con-
19 tracts issued for services or rentals for periods not in ex-
20 cess of 12 months beginning at any time during the fiscal
21 year.

22 SEC. 107. No funds provided in this title may be ex-
23 pended by the Department of the Interior for the conduct
24 of offshore preleasing, leasing and related activities placed
25 under restriction in the President’s moratorium statement

1 of June 12, 1998, in the areas of northern, central, and
2 southern California; the North Atlantic; Washington and
3 Oregon; and the eastern Gulf of Mexico south of 26 de-
4 grees north latitude and east of 86 degrees west longitude.

5 SEC. 108. No funds provided in this title may be ex-
6 pended by the Department of the Interior to conduct off-
7 shore oil and natural gas preleasing, leasing and related
8 activities in the eastern Gulf of Mexico planning area for
9 any lands located outside Sale 181, as identified in the
10 final Outer Continental Shelf 5-Year Oil and Gas Leasing
11 Program, 1997–2002.

12 SEC. 109. No funds provided in this title may be ex-
13 pended by the Department of the Interior to conduct oil
14 and natural gas preleasing, leasing and related activities
15 in the Mid-Atlantic and South Atlantic planning areas.

16 SEC. 110. Notwithstanding any other provisions of
17 law, the National Park Service shall not develop or imple-
18 ment a reduced entrance fee program to accommodate
19 non-local travel through a unit. The Secretary may provide
20 for and regulate local non-recreational passage through
21 units of the National Park System, allowing each unit to
22 develop guidelines and permits for such activity appro-
23 priate to that unit.

24 SEC. 111. Advance payments made under this title
25 to Indian tribes, tribal organizations, and tribal consortia

1 pursuant to the Indian Self-Determination and Education
2 Assistance Act (25 U.S.C. 450 et seq.) or the Tribally
3 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.)
4 may be invested by the Indian tribe, tribal organization,
5 or consortium before such funds are expended for the pur-
6 poses of the grant, compact, or annual funding agreement
7 so long as such funds are—

8 (1) invested by the Indian tribe, tribal or-
9 ganization, or consortium only in obligations of the
10 United States, or in obligations or securities that are
11 guaranteed or insured by the United States, or mu-
12 tual (or other) funds registered with the Securities
13 and Exchange Commission and which only invest in
14 obligations of the United States or securities that
15 are guaranteed or insured by the United States; or
16 (2) deposited only into accounts that are
17 insured by an agency or instrumentality of the
18 United States, or are fully collateralized to ensure
19 protection of the funds, even in the event of a bank
20 failure.

21 SEC. 112. Appropriations made in this Act under the
22 headings Bureau of Indian Affairs and Office of Special
23 Trustee for American Indians and any available unobli-
24 gated balances from prior appropriations Acts made under
25 the same headings, shall be available for expenditure or

1 transfer for Indian trust management and reform activi-
2 ties.

3 SEC. 113. Notwithstanding any other provision of
4 law, for the purpose of reducing the backlog of Indian pro-
5 bate cases in the Department of the Interior, the hearing
6 requirements of chapter 10 of title 25, United States
7 Code, are deemed satisfied by a proceeding conducted by
8 an Indian probate judge, appointed by the Secretary with-
9 out regard to the provisions of title 5, United States Code,
10 governing the appointments in the competitive service, for
11 such period of time as the Secretary determines necessary:
12 *Provided*, That the basic pay of an Indian probate judge
13 so appointed may be fixed by the Secretary without regard
14 to the provisions of chapter 51, and subchapter III of
15 chapter 53 of title 5, United States Code, governing the
16 classification and pay of General Schedule employees, ex-
17 cept that no such Indian probate judge may be paid at
18 a level which exceeds the maximum rate payable for the
19 highest grade of the General Schedule, including locality
20 pay.

21 SEC. 114. Notwithstanding any other provision of
22 law, the Secretary of the Interior is authorized to redis-
23 tribute any Tribal Priority Allocation funds, including
24 tribal base funds, to alleviate tribal funding inequities by
25 transferring funds to address identified, unmet needs,

1 dual enrollment, overlapping service areas or inaccurate
2 distribution methodologies. No tribe shall receive a reduc-
3 tion in Tribal Priority Allocation funds of more than 10
4 percent in fiscal year 2004. Under circumstances of dual
5 enrollment, overlapping service areas or inaccurate dis-
6 tribution methodologies, the 10 percent limitation does not
7 apply.

8 SEC. 115. Funds appropriated for the Bureau of In-
9 dian Affairs for postsecondary schools for fiscal year 2004
10 shall be allocated among the schools proportionate to the
11 unmet need of the schools as determined by the Postsec-
12 ondary Funding Formula adopted by the Office of Indian
13 Education Programs.

14 SEC. 116. (a) The Secretary of the Interior shall
15 hereafter take such action as may be necessary to ensure
16 that the lands comprising the Huron Cemetery in Kansas
17 City, Kansas (as described in section 123 of Public Law
18 106–291) are used only in accordance with this section.

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

23 SEC. 117. Notwithstanding any other provision of
24 law, in conveying the Twin Cities Research Center under
25 the authority provided by Public Law 104–134, as amend-

1 ed by Public Law 104–208, the Secretary may accept and
2 retain land and other forms of reimbursement: *Provided*,
3 That the Secretary may retain and use any such reim-
4 bursement until expended and without further appropria-
5 tion: (1) for the benefit of the National Wildlife Refuge
6 System within the State of Minnesota; and (2) for all ac-
7 tivities authorized by Public Law 100–696; 16 U.S.C.
8 460zz.

9 SEC. 118. Notwithstanding other provisions of law,
10 the National Park Service may authorize, through cooper-
11 ative agreement, the Golden Gate National Parks Associa-
12 tion to provide fee-based education, interpretive and vis-
13 itor service functions within the Crissy Field and Fort
14 Point areas of the Presidio.

15 SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums
16 received by the Bureau of Land Management for the sale
17 of seeds or seedlings including those collected in fiscal year
18 2003, may be credited to the appropriation from which
19 funds were expended to acquire or grow the seeds or seed-
20 lings and are available without fiscal year limitation.

21 SEC. 120. Subject to the terms and conditions of sec-
22 tion 126 of the Department of the Interior and Related
23 Agencies Act, 2002, the Administrator of General Services
24 shall sell all right, title, and interest of the United States

1 in and to the improvements and equipment of the White
2 River Oil Shale Mine.

3 SEC. 121. The Secretary of the Interior may use or
4 contract for the use of helicopters or motor vehicles on
5 the Sheldon and Hart National Wildlife Refuges for the
6 purpose of capturing and transporting horses and burros.
7 The provisions of subsection (a) of the Act of September
8 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such
9 use. Such use shall be in accordance with humane proce-
10 dures prescribed by the Secretary.

11 SEC. 122. Of the funds made available under the
12 heading “Bureau of Land Management, Land Acquisi-
13 tion” in title I of the Department of the Interior and Re-
14 lated Agencies Appropriation Act, 2002 (115 Stat. 420),
15 the Secretary of the Interior shall grant \$500,000 to the
16 City of St. George, Utah, for the purchase of the land
17 as provided in the Virgin River Dinosaur Footprint Pre-
18 serve Act (116 Stat. 2896), with any surplus funds avail-
19 able after the purchase to be available for the purpose of
20 the preservation of the land and the paleontological re-
21 sources on the land.

22 SEC. 123. Funds provided in this Act for Federal
23 land acquisition by the National Park Service for the Ice
24 Age National Scenic Trail may be used for a grant to a
25 State, a local government, or any other governmental land

1 management entity for the acquisition of lands without re-
2 gard to any restriction on the use of Federal land acquisi-
3 tion funds provided through the Land and Water Con-
4 servation Fund Act of 1965 as amended.

5 SEC. 124. None of the funds made available by this
6 Act may be obligated or expended by the National Park
7 Service to enter into or implement a concession contract
8 which permits or requires the removal of the underground
9 lunchroom at the Carlsbad Caverns National Park.

10 SEC. 125. The Secretary of the Interior may use dis-
11 cretionary funds to pay private attorneys fees and costs
12 for employees and former employees of the Department
13 of the Interior reasonably incurred in connection with
14 *Cobell v. Norton* to the extent that such fees and costs
15 are not paid by the Department of Justice or by private
16 insurance. In no case shall the Secretary make payments
17 under this section that would result in payment of hourly
18 fees in excess of the highest hourly rate approved by the
19 District Court for the District of Columbia for counsel in
20 *Cobell v. Norton*.

21 SEC. 126. The United States Fish and Wildlife Serv-
22 ice shall, in carrying out its responsibilities to protect
23 threatened and endangered species of salmon, implement
24 a system of mass marking of salmonid stocks, intended
25 for harvest, that are released from Federally operated or

1 Federally financed hatcheries including but not limited to
2 fish releases of coho, chinook, and steelhead species.
3 Marked fish must have a visible mark that can be readily
4 identified by commercial and recreational fishers.

5 SEC. 127. Section 134 of Public Law 107–63 (115
6 Stat. 442–443) is amended by striking the proviso thereto
7 and inserting the following: “*Provided*, That nothing in
8 this section affects the decision of the United States Court
9 of Appeals for the 10th Circuit in *Sac and Fox Nation*
10 *v. Norton*, 240 F.3d 1250 (2001): *Provided further*, That
11 nothing in this section permits the conduct of gaming
12 under the Indian Gaming Regulatory Act (25 U.S.C. 2701
13 et seq.) on land described in section 123 of Public Law
14 106–291 (114 Stat. 944–945), or land that is contiguous
15 to that land, regardless of whether the land or contiguous
16 land has been taken into trust by the Secretary of the
17 Interior.”.

18 SEC. 128. No funds appropriated for the Department
19 of the Interior by this Act or any other Act shall be used
20 to study or implement any plan to drain Lake Powell or
21 to reduce the water level of the lake below the range of
22 water levels required for the operation of the Glen Canyon
23 Dam.

24 SEC. 129. Notwithstanding the limitation in subpara-
25 graph (2)(B) of section 18(a) of the Indian Gaming Regu-

1 latory Act (25 U.S.C. 2717(a)), the total amount of all
2 fees imposed by the National Indian Gaming Commission
3 for fiscal year 2005 shall not exceed \$12,000,000.

4 SEC. 130. None of the funds in this Act may be used
5 to fund Cooperative Ecosystem Studies Units in the State
6 of Alaska.

7 SEC. 131. The State of Utah's contribution require-
8 ment pursuant to Public Law 105-363 shall be deemed
9 to have been satisfied and within thirty days of enactment
10 of this Act, the Secretary of the Interior shall transfer
11 to the State of Utah all right, title, and interest of the
12 United States in and to the Wilcox Ranch lands acquired
13 under section 2(b) of Public Law 105-363, for manage-
14 ment by the Utah Division of Wildlife Resources for wild-
15 life habitat and public access.

16 SEC. 132. Upon enactment of this Act, the Congaree
17 Swamp National Monument shall be designated the Con-
18 garee National Park.

19 SEC. 133. The Secretary shall have no more than one
20 hundred and eighty days from October 1, 2003, to prepare
21 and submit to the Congress, in a manner otherwise con-
22 sistent with the Indian Tribal Judgment Funds Use or
23 Distribution Act (25 U.S.C. 1401 et seq.), plans for the
24 use and distribution of the Mescalero Apache Tribe's
25 Judgment Funds from Docket 92-403L, the Pueblo of

1 Isleta's Judgment Funds from Docket 98-166L, and the
2 Assiniboine and Sioux Tribes of the Fort Peck Reserva-
3 tion's Judgment Funds in Docket No. 773-87-L of the
4 United States Court of Federal Claims; each plan shall
5 become effective upon the expiration of a sixty day period
6 beginning on the day each plan is submitted to the Con-
7 gress.

8 SEC. 134. Notwithstanding any implementation of
9 the Department of the Interior's trust reorganization plan
10 within fiscal years 2003 or 2004, funds appropriated for
11 fiscal year 2004 shall be available to the tribes within the
12 California Tribal Trust Reform Consortium and to the
13 Salt River Pima Maricopa Indian Community, the Confed-
14 erated Salish-Kootenai Tribes of the Flathead Reservation
15 and the Chippewa Cree Tribe of the Rocky Boys Reserva-
16 tion and the Bureau of Indian Affairs Regional offices
17 that serve them, on the same basis as funds were distrib-
18 uted in fiscal year 2003. The Demonstration Project shall
19 operate separate and apart from the Department of the
20 Interior's trust reform reorganization, and the Depart-
21 ment shall not impose its trust management infrastructure
22 upon or alter the existing trust resource management sys-
23 tems of the California Trust Reform Consortium and any
24 other participating tribe having a self-governance compact
25 and operating in accordance with the Tribal Self-Govern-

1 ance Program set forth in 25 U.S.C. Sections 458aa–
2 458hh.

3 TITLE II—RELATED AGENCIES
4 DEPARTMENT OF AGRICULTURE
5 FOREST SERVICE

6 FOREST AND RANGELAND RESEARCH

7 For necessary expenses of forest and rangeland re-
8 search as authorized by law, \$266,180,000, to remain
9 available until expended.

10 STATE AND PRIVATE FORESTRY

11 For necessary expenses of cooperating with and pro-
12 viding technical and financial assistance to States, terri-
13 tories, possessions, and others, and for forest health man-
14 agement, including treatments of pests, pathogens, and
15 invasive or noxious plants, and for restoring and rehabili-
16 tating forests damaged by pests or invasive plants, cooper-
17 ative forestry, and education and land conservation activi-
18 ties and conducting an international program as author-
19 ized, \$295,349,000, to remain available until expended, of
20 which \$84,716,000 is to be derived from the Land and
21 Water Conservation Fund: *Provided*, That each forest leg-
22 acy grant shall be for a specific project or set of specific
23 tasks: *Provided further*, That grants for acquisition of
24 lands or conservation easements shall require that the
25 State demonstrates that 25 percent of the total value of

1 the project is comprised of a non-Federal cost share: *Pro-*
 2 *vided further*, That up to \$2,000,000 may be used by the
 3 Secretary solely for: (1) rapid response to new introduc-
 4 tions of non-native or invasive pests or pathogens in which
 5 no previous federal funding has been identified to address,
 6 or (2) for a limited number of instances in which any pest
 7 populations increase at over 150 percent of levels mon-
 8 itored for that species in the immediately preceding fiscal
 9 year and failure to suppress those popultions would lead
 10 to a 10-percent increase of annual forest or stand mor-
 11 tality over ambient mortality levels.

12 NATIONAL FOREST SYSTEM

13 For necessary expenses of the Forest Service, not
 14 otherwise provided for, for management, protection, im-
 15 provement, and utilization of the National Forest System,
 16 \$1,370,731,000, to remain available until expended, which
 17 shall include 50 percent of all moneys received during
 18 prior fiscal years as fees collected under the Land and
 19 Water Conservation Fund Act of 1965, as amended, in
 20 accordance with section 4 of the Act (16 U.S.C. 460l–
 21 6a(i)): *Provided*, That unobligated balances available at
 22 the start of fiscal year 2004 shall be displayed by budget
 23 line item in the fiscal year 2005 budget justification: *Pro-*
 24 *vided further*, That the Secretary may authorize the ex-
 25 penditure or transfer of such sums as necessary to the

1 Department of the Interior, Bureau of Land Management,
2 for removal, preparation, and adoption of excess wild
3 horses and burros, and for the performance of cadastral
4 surveys to designate the boundaries of such lands from
5 National Forest System lands: *Provided further*, That of
6 the funds provided under this heading for Forest Prod-
7 ucts, \$5,000,000 shall be allocated to the Alaska Region,
8 in addition to its normal allocation for the purposes of
9 preparing additional timber for sale, to establish a 3-year
10 timber supply and such funds may be transferred to other
11 appropriations accounts as necessary to maximize accom-
12 plishment: *Provided further*, That of the funds provided
13 under this heading, \$3,150,000 is for expenses required
14 to implement title I of Public Law 106–248, to be seg-
15 regated in a separate fund established by the Secretary
16 of Agriculture: *Provided further*, That within funds avail-
17 able for the purpose of implementing the Valles Caldera
18 Preservation Act, notwithstanding the limitations of sec-
19 tion 107(e)(2) of the Valles Caldera Preservation Act
20 (Public Law 106–248), for fiscal year 2004, the Chair of
21 the Board of Trustees of the Valles Caldera Trust may
22 receive, upon request, compensation for each day (includ-
23 ing travel time) that the Chair is engaged in the perform-
24 ance of the functions of the Board, except that compensa-
25 tion shall not exceed the daily equivalent of the annual

1 rate in effect for members of the Senior Executive Service
2 at the ES-1 level, and shall be in addition to any reim-
3 bursement for travel, subsistence and other necessary ex-
4 penses incurred by the Chair in the performance of the
5 Chair's duties.

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

9 WILDLAND FIRE MANAGEMENT

10 For necessary expenses for forest fire presuppression
11 activities on National Forest System lands, for emergency
12 fire suppression on or adjacent to such lands or other
13 lands under fire protection agreement, hazardous fuels re-
14 duction on or adjacent to such lands, and for emergency
15 rehabilitation of burned-over National Forest System
16 lands and water, \$1,543,072,000, to remain available until
17 expended: *Provided*, That such funds including unobli-
18 gated balances under this head, are available for repay-
19 ment of advances from other appropriations accounts pre-
20 viously transferred for such purposes: *Provided further*,
21 That not less than 50 percent of any unobligated balances
22 remaining (exclusive of amounts for hazardous fuels re-
23 duction) at the end of fiscal year 2003 shall be trans-
24 ferred, as repayment for past advances that have not been
25 repaid, to the fund established pursuant to section 3 of

1 Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided fur-*
2 *ther*, That notwithstanding any other provision of law,
3 \$8,000,000 of funds appropriated under this appropria-
4 tion shall be used for Fire Science Research in support
5 of the Joint Fire Science Program: *Provided further*, That
6 all authorities for the use of funds, including the use of
7 contracts, grants, and cooperative agreements, available to
8 execute the Forest and Rangeland Research appropria-
9 tion, are also available in the utilization of these funds
10 for Fire Science Research: *Provided further*, That funds
11 provided shall be available for emergency rehabilitation
12 and restoration, hazardous fuels reduction activities in the
13 urban-wildland interface, support to Federal emergency
14 response, and wildfire suppression activities of the Forest
15 Service: *Provided further*, That of the funds provided,
16 \$231,392,000 is for hazardous fuels reduction activities,
17 \$21,427,000 is for research activities and to make com-
18 petitive research grants pursuant to the Forest and
19 Rangeland Renewable Resources Research Act, as amend-
20 ed (16 U.S.C. 1641 et seq.), \$47,752,000 is for State fire
21 assistance, \$8,240,000 is for volunteer fire assistance, and
22 \$11,934,000 is for forest health activities on State, pri-
23 vate, and Federal lands: *Provided further*, That amounts
24 in this paragraph may be transferred to the “State and
25 Private Forestry”, “National Forest System”, and “For-

1 est and Rangeland Research” accounts to fund State fire
 2 assistance, volunteer fire assistance, forest health manage-
 3 ment, forest and rangeland research, vegetation and wa-
 4 tershed management, heritage site rehabilitation, wildlife
 5 and fish habitat management, and restoration: *Provided*
 6 *further*, That transfers of any amounts in excess of those
 7 authorized in this paragraph shall require approval of the
 8 House and Senate Committees on Appropriations in com-
 9 pliance with reprogramming procedures contained in
 10 House Report No. 105–163: *Provided further*, That the
 11 costs of implementing any cooperative agreement between
 12 the Federal Government and any non-Federal entity may
 13 be shared, as mutually agreed on by the affected parties:
 14 *Provided further*, That in addition to funds provided for
 15 State Fire Assistance programs, and subject to all au-
 16 thorities available to the Forest Service under the State
 17 and Private Forestry Appropriations, up to \$15,000,000
 18 may be used on adjacent non-Federal lands for the pur-
 19 pose of protecting communities when hazard reduction ac-
 20 tivities are planned on national forest lands that have the
 21 potential to place such communities at risk: *Provided fur-*
 22 *ther*, That included in funding for hazardous fuel reduc-
 23 tion is \$5,000,000 for implementing the Community For-
 24 est Restoration Act, Public Law 106–393, title VI, and
 25 any portion of such funds shall be available for use on

1 non-Federal lands in accordance with authorities available
2 to the Forest Service under the State and Private Forestry
3 Appropriation: *Provided further*, That in using the funds
4 provided in this Act for hazardous fuels reduction activi-
5 ties, the Secretary of Agriculture may conduct fuel reduc-
6 tion treatments on Federal lands using all contracting and
7 hiring authorities available to the Secretary applicable to
8 hazardous fuel reduction activities under the wildland fire
9 management accounts: *Provided further*, That notwith-
10 standing Federal Government procurement and con-
11 tracting laws, the Secretaries may conduct fuel reduction
12 treatments, rehabilitation and restoration, and other ac-
13 tivities authorized under this heading on and adjacent to
14 Federal lands using grants and cooperative agreements:
15 *Provided further*, That notwithstanding Federal Govern-
16 ment procurement and contracting laws, in order to pro-
17 vide employment and training opportunities to people in
18 rural communities, the Secretaries may award contracts,
19 including contracts for monitoring activities, to local pri-
20 vate, non-profit, or cooperative entities; Youth Conserva-
21 tion Corps crews or related partnerships, with State, local
22 and non-profit youth groups; small or micro-businesses; or
23 other entities that will hire or train a significant percent-
24 age of local people to complete such contracts: *Provided*
25 *further*, That the authorities described above relating to

1 contracts, grants, and cooperative agreements are avail-
2 able until all funds provided in this title for hazardous
3 fuels reduction activities in the urban wildland interface
4 are obligated: *Provided further*, That the Secretary of the
5 Interior and the Secretary of Agriculture may authorize
6 the transfer of funds appropriated for wildland fire man-
7 agement, in an aggregate amount not to exceed
8 \$12,000,000, between the Departments when such trans-
9 fers would facilitate and expedite jointly funded wildland
10 fire management programs and projects.

11 CAPITAL IMPROVEMENT AND MAINTENANCE

12 For necessary expenses of the Forest Service, not
13 otherwise provided for, \$532,406,000, to remain available
14 until expended for construction, reconstruction, mainte-
15 nance and acquisition of buildings and other facilities, and
16 for construction, reconstruction, repair and maintenance
17 of forest roads and trails by the Forest Service as author-
18 ized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205:
19 *Provided*, That up to \$15,000,000 of the funds provided
20 herein for road maintenance shall be available for the de-
21 commissioning of roads, including unauthorized roads not
22 part of the transportation system, which are no longer
23 needed: *Provided further*, That no funds shall be expended
24 to decommission any system road until notice and an op-

1 opportunity for public comment has been provided on each
2 decommissioning project.

3 LAND ACQUISITION

4 For expenses necessary to carry out the provisions
5 of the Land and Water Conservation Fund Act of 1965,
6 as amended (16 U.S.C. 460l-4 through 11), including ad-
7 ministrative expenses, and for acquisition of land or wa-
8 ters, or interest therein, in accordance with statutory au-
9 thority applicable to the Forest Service, \$77,040,000, to
10 be derived from the Land and Water Conservation Fund
11 and to remain available until expended: *Provided*, That
12 notwithstanding any limitations of the Land and Water
13 Conservation Fund Act (16 U.S.C. 460l-9), the Secretary
14 of Agriculture is henceforth authorized to utilize any funds
15 appropriated from the Land and Water Conservation
16 Fund to acquire Mental Health Trust lands in Alaska and,
17 upon Federal acquisition, the boundaries of the Tongass
18 National Forest shall be deemed modified to include such
19 lands.

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.

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, of which not to exceed \$100,000 per
13 annum may be used to reimburse the Office of General
14 Counsel, Department of Agriculture, for salaries and re-
15 lated expenses incurred in providing legal services in rela-
16 tion to subsistence management.

17 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

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

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

21 Any appropriations or funds available to the Forest
22 Service may be transferred to the Wildland Fire Manage-
23 ment appropriation for forest firefighting, emergency re-
24 habilitation of burned-over or damaged lands or waters
25 under its jurisdiction, and fire preparedness due to severe

1 burning conditions if and only if all previously appro-
2 priated emergency contingent funds under the heading
3 “Wildland Fire Management” have been released by the
4 President and apportioned and all wildfire suppression
5 funds under the heading “Wildland Fire Management”
6 are obligated.

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

17 None of the funds made available to the Forest Serv-
18 ice under this Act shall be subject to transfer under the
19 provisions of section 702(b) of the Department of Agri-
20 culture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C.
21 147b unless the proposed transfer is approved in advance
22 by the House and Senate Committees on Appropriations
23 in compliance with the reprogramming procedures con-
24 tained in House Report No. 105–163.

1 None of the funds available to the Forest Service may
2 be reprogrammed without the advance approval of the
3 House and Senate Committees on Appropriations in ac-
4 cordance with the procedures contained in House Report
5 No. 105–163.

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

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

17 Of the funds available to the Forest Service, \$2,500
18 is available to the Chief of the Forest Service for official
19 reception and representation expenses.

20 Pursuant to sections 405(b) and 410(b) of Public
21 Law 101–593, of the funds available to the Forest Service,
22 up to \$3,000,000 may be advanced in a lump sum as Fed-
23 eral financial assistance to the National Forest Founda-
24 tion, without regard to when the Foundation incurs ex-
25 penses, for administrative expenses or projects on or bene-

1 fitting National Forest System lands or related to Forest
2 Service programs: *Provided*, That of the Federal funds
3 made available to the Foundation, no more than \$400,000
4 shall be available for administrative expenses: *Provided*
5 *further*, That the Foundation shall obtain, by the end of
6 the period of Federal financial assistance, private con-
7 tributions to match on at least one-for-one basis funds
8 made available by the Forest Service: *Provided further*,
9 That the Foundation may transfer Federal funds to a
10 non-Federal recipient for a project at the same rate that
11 the recipient has obtained the non-Federal matching
12 funds: *Provided further*, That authorized investments of
13 Federal funds held by the Foundation may be made only
14 in interest-bearing obligations of the United States or in
15 obligations guaranteed as to both principal and interest
16 by the United States.

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

1 for-one basis funds advanced by the Forest Service: *Pro-*
2 *vided further*, That the Foundation may transfer Federal
3 funds to a Federal or non-Federal recipient for a project
4 at the same rate that the recipient has obtained the non-
5 Federal matching funds.

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

10 Notwithstanding any other provision of law, 80 per-
11 cent of the funds appropriated to the Forest Service in
12 the “National Forest System” and “Capital Improvement
13 and Maintenance” accounts and planned to be allocated
14 to activities under the “Jobs in the Woods” program for
15 projects on National Forest land in the State of Wash-
16 ington may be granted directly to the Washington State
17 Department of Fish and Wildlife for accomplishment of
18 planned projects. Twenty percent of said funds shall be
19 retained by the Forest Service for planning and admin-
20 istering projects. Project selection and prioritization shall
21 be accomplished by the Forest Service with such consulta-
22 tion with the State of Washington as the Forest Service
23 deems appropriate.

24 Funds appropriated to the Forest Service shall be
25 available for payments to counties within the Columbia

1 River Gorge National Scenic Area, pursuant to sections
2 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–
3 663.

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

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

21 From funds available to the Forest Service in this
22 Act for payment of costs in accordance with subsection
23 413(d) of Title IV, Public Law 108–7, \$3,000,000 shall
24 be transferred by the Secretary of Agriculture to the Sec-

1 retary of the Treasury to make reimbursement payments
2 as provided in such subsection.

3 The Secretary of Agriculture may authorize the sale
4 of excess buildings, facilities, and other properties owned
5 by the Forest Service and located on the Green Mountain
6 National Forest, the revenues of which shall be retained
7 by the Forest Service and available to the Secretary with-
8 out further appropriation and until expended for mainte-
9 nance and rehabilitation activities on the Green Mountain
10 National Forest.

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

22 Beginning on June 30, 2001 and concluding on De-
23 cember 31, 2004, an eligible individual who is employed
24 in any project funded under Title V of the Older American
25 Act of 1965 (42 U.S.C. 3056 et seq.) and administered

1 by the Forest Service shall be considered to be a Federal
 2 employee for purposes of chapter 171 of title 28, United
 3 States Code.

4 Any funds appropriated to the Forest Service may
 5 be used to meet the non-Federal share requirement in sec-
 6 tion 502(c) of the Older American Act of 1965 (42 U.S.C.
 7 3056(c)(2)).

8 None of the funds made available in this or any other
 9 Act may be used by the Forest Service to initiate or con-
 10 tinue competitive sourcing studies until such time as the
 11 House and Senate Committees on Appropriations have
 12 been given a detailed competitive sourcing proposal (in-
 13 cluding the number of positions to be studied, the amount
 14 of funding needed, and the accounts and activities from
 15 which the funding will be reprogrammed), and have ap-
 16 proved in writing such proposal.

17 DEPARTMENT OF ENERGY

18 CLEAN COAL TECHNOLOGY

19 (DEFERRAL)

20 Of the funds made available under this heading for
 21 obligation in prior years, \$97,000,000 shall not be avail-
 22 able until October 1, 2004: *Provided*, That funds made
 23 available in previous appropriations Acts shall be available
 24 for any ongoing project regardless of the separate request
 25 for proposal under which the project was selected: *Pro-*

1 *vided further*, That within 30 days of enactment of this
2 Act, the Secretary is directed to provide the House Com-
3 mittee on Appropriations and the Senate Committee on
4 Appropriations with a plan detailing the proposed expendi-
5 ture of un-obligated or de-obligated funds from terminated
6 Clean Coal Technology projects in support of the
7 FutureGen project.

8 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

9 For necessary expenses in carrying out fossil energy
10 research and development activities, under the authority
11 of the Department of Energy Organization Act (Public
12 Law 95–91), including the acquisition of interest, includ-
13 ing defeasible and equitable interests in any real property
14 or any facility or for plant or facility acquisition or expan-
15 sion, and for conducting inquiries, technological investiga-
16 tions and research concerning the extraction, processing,
17 use, and disposal of mineral substances without objection-
18 able social and environmental costs (30 U.S.C. 3, 1602,
19 and 1603), \$593,514,000, to remain available until ex-
20 pended, of which \$4,000,000 is to continue a multi-year
21 project for construction, renovation, furnishing, and demo-
22 lition or removal of buildings at National Energy Tech-
23 nology Laboratory facilities in Morgantown, West Virginia
24 and Pittsburgh, Pennsylvania; of which not to exceed
25 \$536,000 may be utilized for travel and travel-related ex-

1 penses incurred by the headquarters staff of the Office
2 of Fossil Energy; and of which \$130,000,000 are to be
3 made available, after coordination with the private sector,
4 for a request for proposals for a Clean Coal Power Initia-
5 tive providing for competitively-awarded research, develop-
6 ment, and demonstration projects to reduce the barriers
7 to continued and expanded coal use: *Provided*, That no
8 project may be selected for which sufficient funding is not
9 available to provide for the total project: *Provided further*,
10 That funds shall be expended in accordance with the provi-
11 sions governing the use of funds contained under the head-
12 ing “Clean Coal Technology” in 42 U.S.C. 5903d: *Pro-*
13 *vided further*, That the Department may include provisions
14 for repayment of Government contributions to individual
15 projects in an amount up to the Government contribution
16 to the project on terms and conditions that are acceptable
17 to the Department including repayments from sale and li-
18 censing of technologies from both domestic and foreign
19 transactions: *Provided further*, That such repayments shall
20 be retained by the Department for future coal-related re-
21 search, development and demonstration projects: *Provided*
22 *further*, That any technology selected under this program
23 shall be considered a Clean Coal Technology, and any
24 project selected under this program shall be considered a
25 Clean Coal Technology Project, for the purposes of 42

1 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40
2 of the Code of Federal Regulations: *Provided further*, That
3 no part of the sum herein made available shall be used
4 for the field testing of nuclear explosives in the recovery
5 of oil and gas: *Provided further*, That up to 4 percent of
6 program direction funds available to the National Energy
7 Technology Laboratory may be used to support Depart-
8 ment of Energy activities not included in this account.

9 NAVAL PETROLEUM AND OIL SHALE RESERVES

10 For expenses necessary to carry out naval petroleum
11 and oil shale reserve activities, \$17,947,000, to remain
12 available until expended: *Provided*, That, notwithstanding
13 any other provision of law, unobligated funds remaining
14 from prior years shall be available for all naval petroleum
15 and oil shale reserve activities.

16 ELK HILLS SCHOOL LANDS FUND

17 For necessary expenses in fulfilling installment pay-
18 ments under the Settlement Agreement entered into by
19 the United States and the State of California on October
20 11, 1996, as authorized by section 3415 of Public Law
21 104–106, \$36,000,000, to become available on October 1,
22 2004 for payment to the State of California for the State
23 Teachers’ Retirement Fund from the Elk Hills School
24 Lands Fund.

1 ENERGY CONSERVATION

2 For necessary expenses in carrying out energy con-
3 servation activities, \$861,645,000, to remain available
4 until expended: *Provided*, That \$274,000,000 shall be for
5 use in energy conservation grant programs as defined in
6 section 3008(3) of Public Law 99–509 (15 U.S.C. 4507):
7 *Provided further*, That notwithstanding section 3003(d)(2)
8 of Public Law 99–509, such sums shall be allocated to
9 the eligible programs as follows: \$230,000,000 for weath-
10 erization assistance grants and \$44,000,000 for State en-
11 ergy program grants.

12 ECONOMIC REGULATION

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

16 STRATEGIC PETROLEUM RESERVE

17 For necessary expenses for Strategic Petroleum Re-
18 serve facility development and operations and program
19 management activities pursuant to the Energy Policy and
20 Conservation Act of 1975, as amended (42 U.S.C. 6201
21 et seq.), \$173,081,000, to remain available until expended.

22 NORTHEAST HOME HEATING OIL RESERVE

23 For necessary expenses for Northeast Home Heating
24 Oil Reserve storage, operations, and management activi-

1 ties pursuant to the Energy Policy and Conservation Act
2 of 2000, \$5,000,000, to remain available until expended.

3 ENERGY INFORMATION ADMINISTRATION

4 For necessary expenses in carrying out the activities
5 of the Energy Information Administration, \$80,111,000,
6 to remain available until expended.

7 ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

8 Appropriations under this Act for the current fiscal
9 year shall be available for hire of passenger motor vehicles;
10 hire, maintenance, and operation of aircraft; purchase, re-
11 pair, and cleaning of uniforms; and reimbursement to the
12 General Services Administration for security guard serv-
13 ices.

14 From appropriations under this Act, transfers of
15 sums may be made to other agencies of the Government
16 for the performance of work for which the appropriation
17 is made.

18 None of the funds made available to the Department
19 of Energy under this Act shall be used to implement or
20 finance authorized price support or loan guarantee pro-
21 grams unless specific provision is made for such programs
22 in an appropriations Act.

23 The Secretary is authorized to accept lands, build-
24 ings, equipment, and other contributions from public and
25 private sources and to prosecute projects in cooperation

1 with other agencies, Federal, State, private or foreign:
2 *Provided*, That revenues and other moneys received by or
3 for the account of the Department of Energy or otherwise
4 generated by sale of products in connection with projects
5 of the Department appropriated under this Act may be
6 retained by the Secretary of Energy, to be available until
7 expended, and used only for plant construction, operation,
8 costs, and payments to cost-sharing entities as provided
9 in appropriate cost-sharing contracts or agreements: *Pro-*
10 *vided further*, That the remainder of revenues after the
11 making of such payments shall be covered into the Treas-
12 ury as miscellaneous receipts: *Provided further*, That any
13 contract, agreement, or provision thereof entered into by
14 the Secretary pursuant to this authority shall not be exe-
15 cuted prior to the expiration of 30 calendar days (not in-
16 cluding any day in which either House of Congress is not
17 in session because of adjournment of more than 3 calendar
18 days to a day certain) from the receipt by the Speaker
19 of the House of Representatives and the President of the
20 Senate of a full comprehensive report on such project, in-
21 cluding the facts and circumstances relied upon in support
22 of the proposed project.

23 No funds provided in this Act may be expended by
24 the Department of Energy to prepare, issue, or process

1 procurement documents for programs or projects for
 2 which appropriations have not been made.

3 In addition to other authorities set forth in this Act,
 4 the Secretary may accept fees and contributions from pub-
 5 lic and private sources, to be deposited in a contributed
 6 funds account, and prosecute projects using such fees and
 7 contributions in cooperation with other Federal, State or
 8 private agencies or concerns.

9 DEPARTMENT OF HEALTH AND HUMAN
 10 SERVICES

11 INDIAN HEALTH SERVICE

12 INDIAN HEALTH SERVICES

13 For expenses necessary to carry out the Act of Au-
 14 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
 15 tion Act, the Indian Health Care Improvement Act, and
 16 titles II and III of the Public Health Service Act with re-
 17 spect to the Indian Health Service, \$2,546,524,000, to-
 18 gether with payments received during the fiscal year pur-
 19 suant to 42 U.S.C. 238(b) for services furnished by the
 20 Indian Health Service: *Provided*, That funds made avail-
 21 able to tribes and tribal organizations through contracts,
 22 grant agreements, or any other agreements or compacts
 23 authorized by the Indian Self-Determination and Edu-
 24 cation Assistance Act of 1975 (25 U.S.C. 450), shall be
 25 deemed to be obligated at the time of the grant or contract

1 award and thereafter shall remain available to the tribe
2 or tribal organization without fiscal year limitation: *Pro-*
3 *vided further*, That up to \$18,000,000 shall remain avail-
4 able until expended, for the Indian Catastrophic Health
5 Emergency Fund: *Provided further*, That \$472,022,000
6 for contract medical care shall remain available for obliga-
7 tion until September 30, 2005: *Provided further*, That of
8 the funds provided, up to \$27,000,000 to remain available
9 until expended, shall be used to carry out the loan repay-
10 ment program under section 108 of the Indian Health
11 Care Improvement Act: *Provided further*, That funds pro-
12 vided in this Act may be used for one-year contracts and
13 grants which are to be performed in two fiscal years, so
14 long as the total obligation is recorded in the year for
15 which the funds are appropriated: *Provided further*, That
16 the amounts collected by the Secretary of Health and
17 Human Services under the authority of title IV of the In-
18 dian Health Care Improvement Act shall remain available
19 until expended for the purpose of achieving compliance
20 with the applicable conditions and requirements of titles
21 XVIII and XIX of the Social Security Act (exclusive of
22 planning, design, or construction of new facilities): *Pro-*
23 *vided further*, That funding contained herein, and in any
24 earlier appropriations Acts for scholarship programs
25 under the Indian Health Care Improvement Act (25

1 U.S.C. 1613) shall remain available until expended: *Pro-*
2 *vided further*, That amounts received by tribes and tribal
3 organizations under title IV of the Indian Health Care Im-
4 provement Act shall be reported and accounted for and
5 available to the receiving tribes and tribal organizations
6 until expended: *Provided further*, That, notwithstanding
7 any other provision of law, of the amounts provided herein,
8 not to exceed \$268,974,000 shall be for payments to tribes
9 and tribal organizations for contract or grant support
10 costs associated with contracts, grants, self-governance
11 compacts or annual funding agreements between the In-
12 dian Health Service and a tribe or tribal organization pur-
13 suant to the Indian Self-Determination Act of 1975, as
14 amended, prior to or during fiscal year 2004, of which
15 not to exceed \$2,500,000 may be used for contract sup-
16 port costs associated with new or expanded self-determina-
17 tion contracts, grants, self-governance compacts or annual
18 funding agreements: *Provided further*, That funds avail-
19 able for the Indian Health Care Improvement Fund may
20 be used, as needed, to carry out activities typically funded
21 under the Indian Health Facilities account: *Provided fur-*
22 *ther*, That of the amounts provided to the Indian Health
23 Service, \$15,000,000 is provided for alcohol control, en-
24 forcement, prevention, treatment, sobriety and wellness,
25 and education in Alaska to be distributed as direct lump

1 sum payments as follows: (a) \$2,000,000 to the State of
2 Alaska for regional distribution to hire and equip addi-
3 tional Village Public Safety Officers to engage primarily
4 in bootlegging prevention and enforcement activities; (b)
5 \$10,000,000 to the Alaska Native Tribal Health Consor-
6 tium, which shall be allocated for (1) substance abuse
7 treatment including residential treatment, (2) substance
8 abuse and behavioral health counselors through the Coun-
9 selor in Every Village program, and (3) comprehensive
10 substance abuse training programs for counselors and oth-
11 ers delivering substance abuse services; (c) \$1,000,000 to
12 the State of Alaska for a school peer counseling and edu-
13 cation program; and (d) \$2,000,000 for the Alaska Fed-
14 eration of Natives sobriety and wellness program for com-
15 petitive merit-based grants: *Provided further*, That none
16 of the funds may be used for tribal courts or tribal ordi-
17 nance programs or any program that is not directly re-
18 lated to alcohol control, enforcement, prevention, treat-
19 ment, or sobriety: *Provided further*, That no more than
20 10 percent may be used by any entity receiving funding
21 for administrative overhead including indirect costs: *Pro-*
22 *vided further*, That the State of Alaska, Alaska Native
23 non-profit corporations, and the Alaska Native Tribal
24 Health Consortium must each maintain its existing level
25 of effort and must use these funds to enhance or expand

1 existing efforts or initiate new projects or programs and
 2 may not use such funds to supplant existing programs.

3 INDIAN HEALTH FACILITIES

4 For construction, repair, maintenance, improvement,
 5 and equipment of health and related auxiliary facilities,
 6 including quarters for personnel; preparation of plans,
 7 specifications, and drawings; acquisition of sites, purchase
 8 and erection of modular buildings, and purchases of trail-
 9 ers; and for provision of domestic and community sanita-
 10 tion facilities for Indians, as authorized by section 7 of
 11 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
 12 Self-Determination Act, and the Indian Health Care Im-
 13 provement Act, and for expenses necessary to carry out
 14 such Acts and titles II and III of the Public Health Serv-
 15 ice Act with respect to environmental health and facilities
 16 support activities of the Indian Health Service,
 17 \$391,188,000, to remain available until expended: *Pro-*
 18 *vided*, That notwithstanding any other provision of law,
 19 funds appropriated for the planning, design, construction
 20 or renovation of health facilities for the benefit of an In-
 21 dian tribe or tribes may be used to purchase land for sites
 22 to construct, improve, or enlarge health or related facili-
 23 ties: *Provided further*, That from the funds appropriated
 24 herein, \$5,043,000 shall be designated by the Indian
 25 Health Service as a contribution to the Yukon-Kuskokwim

1 Health Corporation (YKHC) to complete a priority project
2 for the acquisition of land, planning, design and construc-
3 tion of 79 staff quarters in the Bethel service area, pursu-
4 ant to the negotiated project agreement between the
5 YKHC and the Indian Health Service: *Provided further*,
6 That this project shall not be subject to the construction
7 provisions of the Indian Self-Determination and Edu-
8 cation Assistance Act and shall be removed from the In-
9 dian Health Service priority list upon completion: *Provided*
10 *further*, That the Federal Government shall not be liable
11 for any property damages or other construction claims
12 that may arise from YKHC undertaking this project: *Pro-*
13 *vided further*, That the land shall be owned or leased by
14 the YKHC and title to quarters shall remain vested with
15 the YKHC: *Provided further*, That not to exceed \$500,000
16 shall be used by the Indian Health Service to purchase
17 TRANSAM equipment from the Department of Defense
18 for distribution to the Indian Health Service and tribal
19 facilities: *Provided further*, That none of the funds appro-
20 priated to the Indian Health Service may be used for sani-
21 tation facilities construction for new homes funded with
22 grants by the housing programs of the United States De-
23 partment of Housing and Urban Development: *Provided*
24 *further*, That not to exceed \$1,000,000 from this account
25 and the “Indian Health Services” account shall be used

1 by the Indian Health Service to obtain ambulances for the
 2 Indian Health Service and tribal facilities in conjunction
 3 with an existing interagency agreement between the In-
 4 dian Health Service and the General Services Administra-
 5 tion: *Provided further*, That not to exceed \$500,000 shall
 6 be placed in a Demolition Fund and remain available until
 7 expended, to be used by the Indian Health Service for
 8 demolition of Federal buildings.

9 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

10 Appropriations in this Act to the Indian Health Serv-
 11 ice shall be available for services as authorized by 5 U.S.C.
 12 3109 but at rates not to exceed the per diem rate equiva-
 13 lent to the maximum rate payable for senior-level positions
 14 under 5 U.S.C. 5376; hire of passenger motor vehicles and
 15 aircraft; purchase of medical equipment; purchase of re-
 16 prints; purchase, renovation and erection of modular
 17 buildings and renovation of existing facilities; payments
 18 for telephone service in private residences in the field,
 19 when authorized under regulations approved by the Sec-
 20 retary; and for uniforms or allowances therefor as author-
 21 ized by 5 U.S.C. 5901–5902; and for expenses of attend-
 22 ance at meetings which are concerned with the functions
 23 or activities for which the appropriation is made or which
 24 will contribute to improved conduct, supervision, or man-
 25 agement of those functions or activities.

1 In accordance with the provisions of the Indian
2 Health Care Improvement Act, non-Indian patients may
3 be extended health care at all tribally administered or In-
4 dian Health Service facilities, subject to charges, and the
5 proceeds along with funds recovered under the Federal
6 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
7 be credited to the account of the facility providing the
8 service and shall be available without fiscal year limitation.
9 Notwithstanding any other law or regulation, funds trans-
10 ferred from the Department of Housing and Urban Devel-
11 opment to the Indian Health Service shall be administered
12 under Public Law 86–121 (the Indian Sanitation Facili-
13 ties Act) and Public Law 93–638, as amended.

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

18 Notwithstanding any other provision of law, funds
19 previously or herein made available to a tribe or tribal or-
20 ganization through a contract, grant, or agreement au-
21 thorized by title I or title III of the Indian Self-Determina-
22 tion and Education Assistance Act of 1975 (25 U.S.C.
23 450), may be deobligated and reobligated to a self-deter-
24 mination contract under title I, or a self-governance agree-
25 ment under title III of such Act and thereafter shall re-

1 main available to the tribe or tribal organization without
2 fiscal year limitation.

3 None of the funds made available to the Indian
4 Health Service in this Act shall be used to implement the
5 final rule published in the Federal Register on September
6 16, 1987, by the Department of Health and Human Serv-
7 ices, relating to the eligibility for the health care services
8 of the Indian Health Service until the Indian Health Serv-
9 ice has submitted a budget request reflecting the increased
10 costs associated with the proposed final rule, and such re-
11 quest has been included in an appropriations Act and en-
12 acted into law.

13 With respect to functions transferred by the Indian
14 Health Service to tribes or tribal organizations, the Indian
15 Health Service is authorized to provide goods and services
16 to those entities, on a reimbursable basis, including pay-
17 ment in advance with subsequent adjustment. The reim-
18 bursements received therefrom, along with the funds re-
19 ceived from those entities pursuant to the Indian Self-De-
20 termination Act, may be credited to the same or subse-
21 quent appropriation account which provided the funding.
22 Such amounts shall remain available until expended.

23 Reimbursements for training, technical assistance, or
24 services provided by the Indian Health Service will contain
25 total costs, including direct, administrative, and overhead

1 associated with the provision of goods, services, or tech-
 2 nical assistance.

3 The appropriation structure for the Indian Health
 4 Service may not be altered without the advance approval
 5 of the House and Senate Committees on Appropriations.

6 OTHER RELATED AGENCIES

7 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

8 SALARIES AND EXPENSES

9 For necessary expenses of the Office of Navajo and
 10 Hopi Indian Relocation as authorized by Public Law 93–
 11 531, \$13,532,000, to remain available until expended:
 12 *Provided*, That funds provided in this or any other appro-
 13 priations Act are to be used to relocate eligible individuals
 14 and groups including evictees from District 6, Hopi-parti-
 15 tioned lands residents, those in significantly substandard
 16 housing, and all others certified as eligible and not in-
 17 cluded in the preceding categories: *Provided further*, That
 18 none of the funds contained in this or any other Act may
 19 be used by the Office of Navajo and Hopi Indian Reloca-
 20 tion to evict any single Navajo or Navajo family who, as
 21 of November 30, 1985, was physically domiciled on the
 22 lands partitioned to the Hopi Tribe unless a new or re-
 23 placement home is provided for such household: *Provided*
 24 *further*, That no relocatee will be provided with more than
 25 one new or replacement home: *Provided further*, That the

1 Office shall relocate any certified eligible relocatees who
 2 have selected and received an approved homesite on the
 3 Navajo reservation or selected a replacement residence off
 4 the Navajo reservation or on the land acquired pursuant
 5 to 25 U.S.C. 640d–10.

6 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
 7 CULTURE AND ARTS DEVELOPMENT

8 PAYMENT TO THE INSTITUTE

9 For payment to the Institute of American Indian and
 10 Alaska Native Culture and Arts Development, as author-
 11 ized by title XV of Public Law 99–498, as amended (20
 12 U.S.C. 56 part A), \$6,250,000, of which \$1,000,000 shall
 13 remain available until expended to assist with the Insti-
 14 tute’s efforts to develop a Continuing Education Lifelong
 15 Learning Center.

16 SMITHSONIAN INSTITUTION

17 SALARIES AND EXPENSES

18 For necessary expenses of the Smithsonian Institu-
 19 tion, as authorized by law, including research in the fields
 20 of art, science, and history; development, preservation, and
 21 documentation of the National Collections; presentation of
 22 public exhibits and performances; collection, preparation,
 23 dissemination, and exchange of information and publica-
 24 tions; conduct of education, training, and museum assist-
 25 ance programs; maintenance, alteration, operation, lease

1 (for terms not to exceed 30 years), and protection of build-
2 ings, facilities, and approaches; not to exceed \$100,000
3 for services as authorized by 5 U.S.C. 3109; up to five
4 replacement passenger vehicles; purchase, rental, repair,
5 and cleaning of uniforms for employees, \$487,989,000, of
6 which not to exceed \$46,903,000 for the instrumentation
7 program, collections acquisition, exhibition reinstallation,
8 the National Museum of the American Indian, and the re-
9 patriation of skeletal remains program shall remain avail-
10 able until expended; and of which \$828,000 for fellowships
11 and scholarly awards shall remain available until Sep-
12 tember 30, 2005; and including such funds as may be nec-
13 essary to support American overseas research centers and
14 a total of \$125,000 for the Council of American Overseas
15 Research Centers: *Provided*, That funds appropriated
16 herein are available for advance payments to independent
17 contractors performing research services or participating
18 in official Smithsonian presentations: *Provided further*,
19 That the Smithsonian Institution may expend Federal ap-
20 propriations designated in this Act for lease or rent pay-
21 ments for long term and swing space, as rent payable to
22 the Smithsonian Institution, and such rent payments may
23 be deposited into the general trust funds of the Institution
24 to the extent that federally supported activities are housed
25 in the 900 H Street, N.W. building in the District of Co-

1 lumbia: *Provided further*, That this use of Federal appro-
 2 priations shall not be construed as debt service, a Federal
 3 guarantee of, a transfer of risk to, or an obligation of,
 4 the Federal Government: *Provided further*, That no appro-
 5 priated funds may be used to service debt which is in-
 6 curred to finance the costs of acquiring the 900 H Street
 7 building or of planning, designing, and constructing im-
 8 provements to such building.

9 FACILITIES CAPITAL

10 For necessary expenses of maintenance, repair, revi-
 11 talization, and alteration of facilities owned or occupied
 12 by the Smithsonian Institution, by contract or otherwise,
 13 as authorized by section 2 of the Act of August 22, 1949
 14 (63 Stat. 623), and for construction, including necessary
 15 personnel, \$89,970,000, to remain available until ex-
 16 pended, of which not to exceed \$10,000 is for services as
 17 authorized by 5 U.S.C. 3109: *Provided*, That contracts
 18 awarded for environmental systems, protection systems,
 19 and repair or restoration of facilities of the Smithsonian
 20 Institution may be negotiated with selected contractors
 21 and awarded on the basis of contractor qualifications as
 22 well as price: *Provided further*, That balances from
 23 amounts previously appropriated under the headings “Re-
 24 pair, Restoration and Alteration of Facilities” and “Con-

1 struction” shall be transferred to and merged with this
2 appropriation and shall remain available until expended.

3 ADMINISTRATIVE PROVISIONS, SMITHSONIAN

4 INSTITUTION

5 None of the funds in this or any other Act may be
6 used to make any changes to the existing Smithsonian
7 science programs including closure of facilities, relocation
8 of staff or redirection of functions and programs without
9 approval from the Board of Regents of recommendations
10 received from the Science Commission.

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

15 None of the funds in this or any other Act may be
16 used for the Holt House located at the National Zoological
17 Park in Washington, D.C., unless identified as repairs to
18 minimize water damage, monitor structure movement, or
19 provide interim structural support.

20 None of the funds available to the Smithsonian may
21 be reprogrammed without the advance written approval of
22 the House and Senate Committees on Appropriations in
23 accordance with the procedures contained in House Report
24 No. 105–163.

1 NATIONAL GALLERY OF ART

2 SALARIES AND EXPENSES

3 For the upkeep and operations of the National Gal-
4 lery of Art, the protection and care of the works of art
5 therein, and administrative expenses incident thereto, as
6 authorized by the Act of March 24, 1937 (50 Stat. 51),
7 as amended by the public resolution of April 13, 1939
8 (Public Resolution 9, Seventy-sixth Congress), including
9 services as authorized by 5 U.S.C. 3109; payment in ad-
10 vance when authorized by the treasurer of the Gallery for
11 membership in library, museum, and art associations or
12 societies whose publications or services are available to
13 members only, or to members at a price lower than to the
14 general public; purchase, repair, and cleaning of uniforms
15 for guards, and uniforms, or allowances therefor, for other
16 employees as authorized by law (5 U.S.C. 5901–5902);
17 purchase or rental of devices and services for protecting
18 buildings and contents thereof, and maintenance, alter-
19 ation, improvement, and repair of buildings, approaches,
20 and grounds; and purchase of services for restoration and
21 repair of works of art for the National Gallery of Art by
22 contracts made, without advertising, with individuals,
23 firms, or organizations at such rates or prices and under
24 such terms and conditions as the Gallery may deem prop-
25 er, \$85,650,000, of which not to exceed \$3,026,000 for

1 the special exhibition program shall remain available until
2 expended.

3 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

4 For necessary expenses of repair, restoration and
5 renovation of buildings, grounds and facilities owned or
6 occupied by the National Gallery of Art, by contract or
7 otherwise, as authorized, \$11,600,000, to remain available
8 until expended: *Provided*, That contracts awarded for envi-
9 ronmental systems, protection systems, and exterior repair
10 or renovation of buildings of the National Gallery of Art
11 may be negotiated with selected contractors and awarded
12 on the basis of contractor qualifications as well as price.

13 JOHN F. KENNEDY CENTER FOR THE PERFORMING 14 ARTS

15 OPERATIONS AND MAINTENANCE

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

19 CONSTRUCTION

20 For necessary expenses for capital repair and restora-
21 tion of the existing features of the building and site of
22 the John F. Kennedy Center for the Performing Arts,
23 \$16,000,000, to remain available until expended.

1 WOODROW WILSON INTERNATIONAL CENTER FOR
2 SCHOLARS
3 SALARIES AND EXPENSES

4 For expenses necessary in carrying out the provisions
5 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
6 1356) including hire of passenger vehicles and services as
7 authorized by 5 U.S.C. 3109, \$8,604,000.

8 NATIONAL FOUNDATION ON THE ARTS AND THE
9 HUMANITIES
10 NATIONAL ENDOWMENT FOR THE ARTS
11 GRANTS AND ADMINISTRATION

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

1 NATIONAL ENDOWMENT FOR THE HUMANITIES

2 GRANTS AND ADMINISTRATION

3 For necessary expenses to carry out the National
4 Foundation on the Arts and the Humanities Act of 1965,
5 as amended, \$125,878,000, shall be available to the Na-
6 tional Endowment for the Humanities for support of ac-
7 tivities in the humanities, pursuant to section 7(c) of the
8 Act, and for administering the functions of the Act, to
9 remain available until expended.

10 MATCHING GRANTS

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

1 ADMINISTRATIVE PROVISIONS

2 None of the funds appropriated to the National
3 Foundation on the Arts and the Humanities may be used
4 to process any grant or contract documents which do not
5 include the text of 18 U.S.C. 1913: *Provided*, That none
6 of the funds appropriated to the National Foundation on
7 the Arts and the Humanities may be used for official re-
8 ception and representation expenses: *Provided further*,
9 That funds from nonappropriated sources may be used as
10 necessary for official reception and representation ex-
11 penses: *Provided further*, That the Chairperson of the Na-
12 tional Endowment for the Arts may approve grants up to
13 \$10,000, if in the aggregate this amount does not exceed
14 5 percent of the sums appropriated for grant-making pur-
15 poses per year: *Provided further*, That such small grant
16 actions are taken pursuant to the terms of an expressed
17 and direct delegation of authority from the National Coun-
18 cil on the Arts to the Chairperson.

19 COMMISSION OF FINE ARTS

20 SALARIES AND EXPENSES

21 For expenses made necessary by the Act establishing
22 a Commission of Fine Arts (40 U.S.C. 104), \$1,422,000:
23 *Provided*, That the Commission is authorized to charge
24 fees to cover the full costs of its publications, and such
25 fees shall be credited to this account as an offsetting col-

1 lection, to remain available until expended without further
 2 appropriation.

3 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

4 For necessary expenses as authorized by Public Law
 5 99–190 (20 U.S.C. 956(a)), as amended, \$6,000,000.

6 ADVISORY COUNCIL ON HISTORIC PRESERVATION

7 SALARIES AND EXPENSES

8 For necessary expenses of the Advisory Council on
 9 Historic Preservation (Public Law 89–665, as amended),
 10 \$4,000,000: *Provided*, That none of these funds shall be
 11 available for compensation of level V of the Executive
 12 Schedule or higher positions.

13 NATIONAL CAPITAL PLANNING COMMISSION

14 SALARIES AND EXPENSES

15 For necessary expenses, as authorized by the Na-
 16 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
 17 including services as authorized by 5 U.S.C. 3109,
 18 \$8,030,000: *Provided*, That for fiscal year 2004 and there-
 19 after, all appointed members of the Commission will be
 20 compensated at a rate not to exceed the daily equivalent
 21 of the annual rate of pay for positions at level IV of the
 22 Executive Schedule for each day such member is engaged
 23 in the actual performance of duties.

1 UNITED STATES HOLOCAUST MEMORIAL MUSEUM
2 HOLOCAUST MEMORIAL MUSEUM

3 For expenses of the Holocaust Memorial Museum, as
4 authorized by Public Law 106–292 (36 U.S.C. 2301–
5 2310), \$39,997,000, of which \$1,900,000 for the muse-
6 um’s repair and rehabilitation program and \$1,264,000
7 for the museum’s exhibitions program shall remain avail-
8 able until expended.

9 PRESIDIO TRUST
10 PRESIDIO TRUST FUND

11 For necessary expenses to carry out title I of the Om-
12 nibus Parks and Public Lands Management Act of 1996,
13 \$20,700,000 shall be available to the Presidio Trust, to
14 remain available until expended.

15 TITLE III—GENERAL PROVISIONS

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

23 SEC. 302. No part of any appropriation contained in
24 this Act shall be available for any activity or the publica-
25 tion or distribution of literature that in any way tends to

1 promote public support or opposition to any legislative
2 proposal on which congressional action is not complete.

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

6 SEC. 304. None of the funds provided in this Act to
7 any department or agency shall be obligated or expended
8 to provide a personal cook, chauffeur, or other personal
9 servants to any officer or employee of such department
10 or agency except as otherwise provided by law.

11 SEC. 305. No assessments may be levied against any
12 program, budget activity, subactivity, or project funded by
13 this Act unless notice of such assessments and the basis
14 therefor are presented to the Committees on Appropria-
15 tions and are approved by such committees.

16 SEC. 306. None of the funds in this Act may be used
17 to plan, prepare, or offer for sale timber from trees classi-
18 fied as giant sequoia (*Sequoiadendron giganteum*) which
19 are located on National Forest System or Bureau of Land
20 Management lands in a manner different than such sales
21 were conducted in fiscal year 2003.

22 SEC. 307. (a) LIMITATION OF FUNDS.—None of the
23 funds appropriated or otherwise made available pursuant
24 to this Act shall be obligated or expended to accept or

1 process applications for a patent for any mining or mill
2 site claim located under the general mining laws.

3 (b) EXCEPTIONS.—The provisions of subsection (a)
4 shall not apply if the Secretary of the Interior determines
5 that, for the claim concerned: (1) a patent application was
6 filed with the Secretary on or before September 30, 1994;
7 and (2) all requirements established under sections 2325
8 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)
9 for vein or lode claims and sections 2329, 2330, 2331,
10 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and
11 37) for placer claims, and section 2337 of the Revised
12 Statutes (30 U.S.C. 42) for mill site claims, as the case
13 may be, were fully complied with by the applicant by that
14 date.

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

24 (d) MINERAL EXAMINATIONS.—In order to process
25 patent applications in a timely and responsible manner,

1 upon the request of a patent applicant, the Secretary of
2 the Interior shall allow the applicant to fund a qualified
3 third-party contractor to be selected by the Bureau of
4 Land Management to conduct a mineral examination of
5 the mining claims or mill sites contained in a patent appli-
6 cation as set forth in subsection (b). The Bureau of Land
7 Management shall have the sole responsibility to choose
8 and pay the third-party contractor in accordance with the
9 standard procedures employed by the Bureau of Land
10 Management in the retention of third-party contractors.

11 SEC. 308. Notwithstanding any other provision of
12 law, amounts appropriated to or earmarked in committee
13 reports for the Bureau of Indian Affairs and the Indian
14 Health Service by Public Laws 103–138, 103–332, 104–
15 134, 104–208, 105–83, 105–277, 106–113, 106–291, and
16 107–63, for payments to tribes and tribal organizations
17 for contract support costs associated with self-determina-
18 tion or self-governance contracts, grants, compacts, or an-
19 nual funding agreements with the Bureau of Indian Af-
20 fairs or the Indian Health Service as funded by such Acts,
21 are the total amounts available for fiscal years 1994
22 through 2003 for such purposes, except that, for the Bu-
23 reau of Indian Affairs, tribes and tribal organizations may
24 use their tribal priority allocations for unmet indirect costs

1 of ongoing contracts, grants, self-governance compacts or
2 annual funding agreements.

3 SEC. 309. Of the funds provided to the National En-
4 dowment for the Arts—

5 (1) The Chairperson shall only award a
6 grant to an individual if such grant is awarded to
7 such individual for a literature fellowship, National
8 Heritage Fellowship, or American Jazz Masters Fel-
9 lowship.

10 (2) The Chairperson shall establish proce-
11 dures to ensure that no funding provided through a
12 grant, except a grant made to a State or local arts
13 agency, or regional group, may be used to make a
14 grant to any other organization or individual to con-
15 duct activity independent of the direct grant recipi-
16 ent. Nothing in this subsection shall prohibit pay-
17 ments made in exchange for goods and services.

18 (3) No grant shall be used for seasonal
19 support to a group, unless the application is specific
20 to the contents of the season, including identified
21 programs and/or projects.

22 SEC. 310. The National Endowment for the Arts and
23 the National Endowment for the Humanities are author-
24 ized to solicit, accept, receive, and invest in the name of
25 the United States, gifts, bequests, or devises of money and

1 other property or services and to use such in furtherance
2 of the functions of the National Endowment for the Arts
3 and the National Endowment for the Humanities. Any
4 proceeds from such gifts, bequests, or devises, after ac-
5 ceptance by the National Endowment for the Arts or the
6 National Endowment for the Humanities, shall be paid by
7 the donor or the representative of the donor to the Chair-
8 man. The Chairman shall enter the proceeds in a special
9 interest-bearing account to the credit of the appropriate
10 endowment for the purposes specified in each case.

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

19 (b) In this section:

20 (1) The term “underserved population”
21 means a population of individuals, including urban
22 minorities, who have historically been outside the
23 purview of arts and humanities programs due to fac-
24 tors such as a high incidence of income below the
25 poverty line or to geographic isolation.

1 (2) The term “poverty line” means the
2 poverty line (as defined by the Office of Manage-
3 ment and Budget, and revised annually in accord-
4 ance with section 673(2) of the Community Services
5 Block Grant Act (42 U.S.C. 9902(2)) (applicable to
6 a family of the size involved.

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

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

19 (1) the Chairperson shall establish a grant
20 category for projects, productions, workshops, or
21 programs that are of national impact or availability
22 or are able to tour several States;

23 (2) the Chairperson shall not make grants
24 exceeding 15 percent, in the aggregate, of such

1 funds to any single State, excluding grants made
2 under the authority of paragraph (1);

3 (3) the Chairperson shall report to the
4 Congress annually and by State, on grants awarded
5 by the Chairperson in each grant category under
6 section 5 of such Act; and

7 (4) the Chairperson shall encourage the
8 use of grants to improve and support community-
9 based music performance and education.

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

14 SEC. 313. None of the funds in this Act may be used
15 to support Government-wide administrative functions un-
16 less such functions are justified in the budget process and
17 funding is approved by the House and Senate Committees
18 on Appropriations.

19 SEC. 314. Notwithstanding any other provision of
20 law, none of the funds in this Act may be used for GSA
21 Telecommunication Centers.

22 SEC. 315. Notwithstanding any other provision of
23 law, for fiscal year 2004 the Secretaries of Agriculture and
24 the Interior are authorized to limit competition for water-
25 shed restoration project contracts as part of the “Jobs in

1 the Woods” Program established in Region 10 of the For-
2 est Service to individuals and entities in historically tim-
3 ber-dependent areas in the States of Washington, Oregon,
4 northern California, Idaho, Montana, and Alaska that
5 have been affected by reduced timber harvesting on Fed-
6 eral lands. The Secretaries shall consider the benefits to
7 the local economy in evaluating bids and designing pro-
8 curements which create economic opportunities for local
9 contractors.

10 SEC. 316. Amounts deposited during fiscal year 2003
11 in the roads and trails fund provided for in the 14th para-
12 graph under the heading “FOREST SERVICE” of the
13 Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall
14 be used by the Secretary of Agriculture, without regard
15 to the State in which the amounts were derived, to repair
16 or reconstruct roads, bridges, and trails on National For-
17 est System lands or to carry out and administer projects
18 to improve forest health conditions, which may include the
19 repair or reconstruction of roads, bridges, and trails on
20 National Forest System lands in the wildland-community
21 interface where there is an abnormally high risk of fire.
22 The projects shall emphasize reducing risks to human
23 safety and public health and property and enhancing eco-
24 logical functions, long-term forest productivity, and bio-
25 logical integrity. The projects may be completed in a sub-

1 sequent fiscal year. Funds shall not be expended under
2 this section to replace funds which would otherwise appro-
3 priately be expended from the timber salvage sale fund.
4 Nothing in this section shall be construed to exempt any
5 project from any environmental law.

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

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

1 gion 10 sell, in fiscal year 2003, less than the annual aver-
2 age portion of the decadal allowable sale quantity called
3 for in the Tongass Land Management Plan in sales which
4 are not deficit when appraised using a residual value ap-
5 proach that assigns domestic Alaska values for western
6 redcedar, the volume of western redcedar timber available
7 to domestic processors at prevailing domestic prices in the
8 contiguous 48 United States shall be that volume: (i)
9 which is surplus to the needs of domestic processors in
10 Alaska, and (ii) is that percent of the surplus western
11 redcedar volume determined by calculating the ratio of the
12 total timber volume which has been sold on the Tongass
13 to the annual average portion of the decadal allowable sale
14 quantity called for in the current Tongass Land Manage-
15 ment Plan. The percentage shall be calculated by Region
16 10 on a rolling basis as each sale is sold (for purposes
17 of this amendment, a “rolling basis” shall mean that the
18 determination of how much western redcedar is eligible for
19 sale to various markets shall be made at the time each
20 sale is awarded). Western redcedar shall be deemed “sur-
21 plus to the needs of domestic processors in Alaska” when
22 the timber sale holder has presented to the Forest Service
23 documentation of the inability to sell western redcedar logs
24 from a given sale to domestic Alaska processors at a price
25 equal to or greater than the log selling value stated in

1 the contract. All additional western redcedar volume not
2 sold to Alaska or contiguous 48 United States domestic
3 processors may be exported to foreign markets at the elec-
4 tion of the timber sale holder. All Alaska yellow cedar may
5 be sold at prevailing export prices at the election of the
6 timber sale holder.

7 SEC. 319. A project undertaken by the Forest Service
8 under the Recreation Fee Demonstration Program as au-
9 thorized by section 315 of the Department of the Interior
10 and Related Agencies Appropriations Act for Fiscal Year
11 1996, as amended, shall not result in—

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

21 (2) the return of a commercial recreation
22 service to the Secretary for operation when such
23 services have been provided in the past by a private
24 sector provider, except when—

- 1 (A) the private sector provider fails to
2 bid on such opportunities;
- 3 (B) the private sector provider termi-
4 nates its relationship with the agency; or
- 5 (C) the agency revokes the permit for
6 non-compliance with the terms and conditions
7 of the authorization.

8 In such cases, the agency may use the Recreation Fee
9 Demonstration Program to provide for operations until a
10 subsequent operator can be found through the offering of
11 a new prospectus.

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

1 spect to such plan and a court of proper jurisdiction may
2 order completion of the plan on an accelerated basis.

3 SEC. 321. No funds provided in this Act may be ex-
4 pended to conduct preleasing, leasing and related activities
5 under either the Mineral Leasing Act (30 U.S.C. 181 et
6 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
7 1331 et seq.) within the boundaries of a National Monu-
8 ment established pursuant to the Act of June 8, 1906 (16
9 U.S.C. 431 et seq.) as such boundary existed on January
10 20, 2001, except where such activities are allowed under
11 the Presidential proclamation establishing such monu-
12 ment.

13 SEC. 322. Employees of the foundations established
14 by Acts of Congress to solicit private sector funds on be-
15 half of Federal land management agencies shall, in fiscal
16 year 2005, qualify for General Service Administration con-
17 tract airfares.

18 SEC. 323. In entering into agreements with foreign
19 countries pursuant to the Wildfire Suppression Assistance
20 Act (42 U.S.C. 1856m) the Secretary of Agriculture and
21 the Secretary of the Interior are authorized to enter into
22 reciprocal agreements in which the individuals furnished
23 under said agreements to provide wildfire services are con-
24 sidered, for purposes of tort liability, employees of the
25 country receiving said services when the individuals are

1 engaged in fire suppression: *Provided*, That the Secretary
2 of Agriculture or the Secretary of the Interior shall not
3 enter into any agreement under this provision unless the
4 foreign country (either directly or through its fire organi-
5 zation) agrees to assume any and all liability for the acts
6 or omissions of American firefighters engaged in fire-
7 fighting in a foreign country: *Provided further*, That when
8 an agreement is reached for furnishing fire fighting serv-
9 ices, the only remedies for acts or omissions committed
10 while fighting fires shall be those provided under the laws
11 of the host country, and those remedies shall be the exclu-
12 sive remedies for any claim arising out of fighting fires
13 in a foreign country: *Provided further*, That neither the
14 sending country nor any legal organization associated with
15 the firefighter shall be subject to any legal action whatso-
16 ever pertaining to or arising out of the firefighter's role
17 in fire suppression.

18 SEC. 324. A grazing permit or lease issued by the
19 Secretary of the Interior or a grazing permit issued by
20 the Secretary of Agriculture where National Forest Sys-
21 tem lands are involved that expires, is transferred, or
22 waived during fiscal year 2004 shall be renewed under sec-
23 tion 402 of the Federal Land Policy and Management Act
24 of 1976, as amended (43 U.S.C. 1752), section 19 of the
25 Granger-Thye Act, as amended (16 U.S.C. 580l), title III

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

1 laws and regulations. Nothing in this section shall be
2 deemed to alter the Secretary of Agriculture's statutory
3 authority.

4 SEC. 325. Notwithstanding any other provision of law
5 or regulation, to promote the more efficient use of the
6 health care funding allocation for fiscal year 2004, the
7 Eagle Butte Service Unit of the Indian Health Service,
8 at the request of the Cheyenne River Sioux Tribe, may
9 pay base salary rates to health professionals up to the
10 highest grade and step available to a physician, phar-
11 macist, or other health professional and may pay a recruit-
12 ment or retention bonus of up to 25 percent above the
13 base pay rate.

14 SEC. 326. None of the funds made available in this
15 Act may be transferred to any department, agency, or in-
16 strumentality of the United States Government except
17 pursuant to a transfer made by, or transfer authority pro-
18 vided in, this Act or any other appropriations Act.

19 SEC. 327. None of the funds made available in this
20 Act may be used for the planning, design, or construction
21 of improvements to Pennsylvania Avenue in front of the
22 White House without the advance approval of the Commit-
23 tees on Appropriations.

24 SEC. 328. In awarding a Federal Contract with funds
25 made available by this Act, the Secretary of Agriculture

1 and the Secretary of the Interior (the “Secretaries”) may,
2 in evaluating bids and proposals, give consideration to
3 local contractors who are from, and who provide employ-
4 ment and training for, dislocated and displaced workers
5 in an economically disadvantaged rural community, in-
6 cluding those historically timber-dependent areas that
7 have been affected by reduced timber harvesting on Fed-
8 eral lands and other forest-dependent rural communities
9 isolated from significant alternative employment opportu-
10 nities: *Provided*, That the Secretaries may award grants
11 or cooperative agreements to local non-profit entities,
12 Youth Conservation Corps or related partnerships with
13 State, local or non-profit youth groups, or small or dis-
14 advantaged business: *Provided further*, That the contract,
15 grant, or cooperative agreement is for forest hazardous
16 fuels reduction, watershed or water quality monitoring or
17 restoration, wildlife or fish population monitoring, or habi-
18 tat restoration or management: *Provided further*, That the
19 terms “rural community” and “economically disadvan-
20 tagged” shall have the same meanings as in section 2374
21 of Public Law 101–624: *Provided further*, That the Secre-
22 taries shall develop guidance to implement this section:
23 *Provided further*, That nothing in this section shall be con-
24 strued as relieving the Secretaries of any duty under appli-
25 cable procurement laws, except as provided in this section.

1 SEC. 329. LOCAL EXEMPTIONS FROM FOREST SERV-
2 ICE DEMONSTRATION PROGRAM FEES. Section 6906 of
3 Title 31, United States Code, is amended—

4 (1) by inserting “(a) IN GENERAL.—” before
5 “Necessary”; and

6 (2) by adding at the end the following:

7 “(b) LOCAL EXEMPTIONS FROM DEMONSTRATION
8 PROGRAM FEES.—

9 “(1) IN GENERAL.—Each unit of general local
10 government that lies in whole or in part within the
11 White Mountain National Forest and persons resid-
12 ing within the boundaries of that unit of general
13 local government shall be exempt during that fiscal
14 year from any requirement to pay a Demonstration
15 Program Fee (parking permit or passport) imposed
16 by the Secretary of Agriculture for access to the
17 Forest.

18 “(2) ADMINISTRATION.—The Secretary of Agri-
19 culture shall establish a method of identifying per-
20 sons who are exempt from paying user fees under
21 paragraph (1). This method may include valid form
22 of identification including a drivers license.”.

23 SEC. 330. IMPLEMENTATION OF GALLATIN LAND
24 CONSOLIDATION ACT OF 1998. (a) DEFINITIONS.—For
25 purposes of this section:

1 (1) “Gallatin Land Consolidation Act of 1998”
2 means Public Law 105–267 (112 Stat. 2371).

3 (2) “Option Agreement” has the same meaning
4 as defined in section 3(6) of the Gallatin Land Con-
5 solidation Act of 1998.

6 (3) “Secretary” means the Secretary of Agri-
7 culture.

8 (4) “Excess receipts” means National Forest
9 Fund receipts from the National Forests in Mon-
10 tana, which are identified and adjusted by the For-
11 est Service within the fiscal year, and which are in
12 excess of funds retained for: the Salvage Sale Fund;
13 the Knutson-Vandenberg Fund; the Purchaser Road/
14 Specified Road Credits; the Twenty-Five Percent
15 Fund, as amended; the Ten Percent Road and Trail
16 Fund; the Timber Sale Pipeline Restoration Fund;
17 the Fifty Percent Grazing Class A Receipts Fund;
18 and the Land and Water Conservation Fund Recre-
19 ation User Fees Receipts—Class A Fund.

20 (5) “Special Account” means the special ac-
21 count referenced in section 4(c)(2) of the Gallatin
22 Land Consolidation Act of 1998.

23 (6) “Eastside National Forests” has the same
24 meaning as in section 3(4) of the Gallatin Land
25 Consolidation Act of 1998.

1 (b) SPECIAL ACCOUNT.—

2 (1) The Secretary is authorized and directed,
3 without further appropriation or reprogramming of
4 funds, to transfer to the Special Account these enu-
5 merated funds and receipts in the following order:

6 (A) timber sale receipts from the Gallatin
7 National Forest and other Eastside National
8 Forests, as such receipts are referenced in sec-
9 tion 4(a)(2)(C) of the Gallatin Land Consolida-
10 tion Act of 1998;

11 (B) any available funds heretofore appro-
12 priated for the acquisition of lands for National
13 Forest purposes in the State of Montana
14 through fiscal year 2003;

15 (C) net receipts from the conveyance of
16 lands on the Gallatin National Forest as au-
17 thorized by subsection (c); and,

18 (D) excess receipts for fiscal years 2003
19 through 2008.

20 (2) All funds in the Special Account shall be
21 available to the Secretary until expended, without
22 further appropriation, and will be expended prior to
23 the end of fiscal year 2008 for the following pur-
24 poses:

1 (A) the completion of the land acquisitions
2 authorized by the Gallatin Land Consolidation
3 Act of 1998 and fulfillment of the Option
4 Agreement, as may be amended from time to
5 time; and,

6 (B) the acquisition of lands for which ac-
7 quisition funds were transferred to the Special
8 Account pursuant to subsection (b)(1)(B).

9 (3) The Special Account shall be closed at the
10 end of fiscal year 2008 and any monies remaining
11 in the Special Account shall be transferred to the
12 fund established under Public Law 90–171 (com-
13 monly known as the “Sisk Act”, 16 U.S.C. § 484a)
14 to remain available, until expended, for the acquisi-
15 tion of lands for National Forest purposes in the
16 State of Montana.

17 (4) Funds deposited in the Special Account or
18 eligible for deposit shall not be subject to transfer or
19 reprogramming for wildland fire management or any
20 other emergency purposes.

21 (c) LAND CONVEYANCES WITHIN THE GALLATIN
22 NATIONAL FOREST.—

23 (1) CONVEYANCE AUTHORITY.—The Secretary
24 is authorized, under such terms and conditions as
25 the Secretary may prescribe and without require-

1 ments for further administrative or environmental
2 analyses or examination, to sell or exchange any or
3 all rights, title, and interests of the United States in
4 the following lands within the Gallatin National For-
5 est in the State of Montana:

6 (A) SMC East Boulder Mine Portal Tract:

7 Principal Meridian, T.3S., R.11E., Section 4,
8 lots 3 to 4 inclusive, $W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, con-
9 taining 76.27 acres more or less.

10 (B) Forest Service West Yellowstone Ad-

11 ministrative Site: U.S. Forest Service Adminis-
12 trative Site located within the $NE\frac{1}{4}$ of Block
13 17 of the Townsite of West Yellowstone which
14 is situated in the $N\frac{1}{2}$ of Section 34, T.13S.,
15 R.5E., Principal Meridian, Gallatin County,
16 Montana, containing 1.04 acres more or less.

17 (C) Mill Fork Mission Creek Tract: Prin-

18 cipal Meridian, T.13S., R.5E., Section 34,
19 $NW\frac{1}{4}SW\frac{1}{4}$, containing 40 acres more or less.

20 (D) West Yellowstone Town Expansion

21 Tract #1: Principal Meridian, T.13S., R.5E.,
22 Section 33, $E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$, containing 40 acres
23 more or less.

24 (E) West Yellowstone Town Expansion

25 Tract #2: Principal Meridian, T.13S., R.5E.,

1 Section 33, NE¹/₄SE¹/₄, containing 40 acres
2 more or less.

3 (2) DESCRIPTIONS.—The Secretary may modify
4 the descriptions in subsection (c)(1) to correct errors
5 or to reconfigure the properties in order to facilitate
6 a conveyance.

7 (3) CONSIDERATION.—Consideration for a sale
8 or exchange of land under this subsection may in-
9 clude cash, land, or a combination of both.

10 (4) VALUATION.—Any appraisals of land
11 deemed necessary or desirable by the Secretary to
12 carry out the purposes of this section shall conform
13 to the Uniform Appraisal Standards for Federal
14 Land Acquisitions.

15 (5) CASH EQUALIZATION.—Notwithstanding
16 any other provision of law, the Secretary may accept
17 a cash equalization payment in excess of 25 percent
18 of the value of any land exchanged under this sub-
19 section.

20 (6) SOLICITATIONS OF OFFERS.—The Secretary
21 may:

22 (A) solicit offers for sale or exchange of
23 land under this subsection on such terms and
24 conditions as the Secretary may prescribe, or

1 (B) reject any offer made under this sub-
2 section if the Secretary determines that the
3 offer is not adequate or not in the public inter-
4 est.

5 (7) METHODS OF SALE.—The Secretary may
6 sell land at public or private sale, including competi-
7 tive sale by auction, bid, or otherwise, in accordance
8 with such terms, conditions, and procedures as the
9 Secretary determines will be in the best interests of
10 the United States.

11 (8) BROKERS.—The Secretary may utilize bro-
12 kers or other third parties in the disposition of the
13 land authorized by this subsection and, from the
14 proceeds of the sale, may pay reasonable commis-
15 sions or fees on the sale or sales.

16 (9) RECEIPTS FROM SALE OR EXCHANGE.—The
17 Secretary shall deposit the net receipts of a sale or
18 exchange under this subsection in the Special Ac-
19 count.

20 (d) MISCELLANEOUS PROVISIONS.—

21 (1) Receipts from any sale or exchange pursu-
22 ant to subsection (c) of this section:

23 (A) shall not be deemed excess receipts for
24 purposes of this section;

1 (B) shall not be paid or distributed to the
2 State or counties under any provision of law, or
3 otherwise deemed as moneys received from the
4 National Forest for purposes of the Act of May
5 23, 1908 or the Act of March 1, 1911 (16
6 U.S.C. § 500, as amended), or the Act of March
7 4, 1913 (16 U.S.C. § 501, as amended).

8 (2) As of the date of enactment of this section,
9 any public land order withdrawing land described in
10 subsection (c)(1) from all forms of appropriation
11 under the public land laws is revoked with respect
12 to any portion of the land conveyed by the Secretary
13 under this section.

14 (3) Subject to valid existing rights, all lands de-
15 scribed in section (c)(1) are withdrawn from loca-
16 tion, entry, and patent under the mining laws of the
17 United States.

18 (4) The Agriculture Property Management Reg-
19 ulations shall not apply to any action taken pursu-
20 ant to this section.

21 (e) OPTION AGREEMENT AMENDMENT.—The
22 Amendment No. 1 to the Option Agreement is hereby rati-
23 fied as a matter of Federal law and the parties to it are
24 authorized to effect the terms and conditions thereof.

1 SEC. 331. TRANSFER OF FOREST LEGACY PROGRAM
 2 LAND. Section 7(*l*) of the Cooperative Forestry Assistance
 3 Act of 1978 (16 U.S.C. 2103c(*l*)) is amended by inserting
 4 after paragraph (2) the following:

5 “(3) TRANSFER OF FOREST LEGACY PROGRAM
 6 LAND.—

7 “(A) IN GENERAL.—Subject to any terms
 8 and conditions that the Secretary may require
 9 (including the requirements described in sub-
 10 paragraph (B)), the Secretary may, at the re-
 11 quest of a participating State, convey to the
 12 State, by quitclaim deed, without consideration,
 13 any land or interest in land acquired in the
 14 State under the Forest Legacy Program.

15 “(B) REQUIREMENTS.—In conveying land
 16 or an interest in land under subparagraph (A),
 17 the Secretary may require that—

18 “(i) the deed conveying the land or in-
 19 terest in land include requirements for the
 20 management of the land in a manner
 21 that—

22 “(I) conserves the land or inter-
 23 est in land; and

24 “(II) is consistent with any other
 25 Forest Legacy Program purposes for

1 which the land or interest in land was
2 acquired;

3 “(ii) if the land or interest in land is
4 subsequently sold, exchanged, or otherwise
5 disposed of by the State, the State shall—

6 “(I) reimburse the Secretary in
7 an amount that is based on the cur-
8 rent market value of the land or inter-
9 est in land in proportion to the
10 amount of consideration paid by the
11 United States for the land or interest
12 in land; or

13 “(II) convey to the Secretary
14 land or an interest in land that is
15 equal in value to the land or interest
16 in land conveyed.

17 “(C) DISPOSITION OF FUNDS.—Amounts
18 received by the Secretary under subparagraph
19 (B)(ii) shall be credited to the Forest Legacy
20 Program account, to remain available until ex-
21 pended.”.

22 SEC. 332. Notwithstanding section 9(b) of Public
23 Law 106–506, funds hereinafter appropriated under Pub-
24 lic Law 106–506 shall require matching funds from non-
25 Federal sources on the basis of aggregate contribution to

1 the Environmental Improvement Program, as defined in
2 Public Law 106–506, rather than on a project-by-project
3 basis, except for those activities provided under section
4 9(c) of that Act, to which this amendment shall not apply.

5 SEC. 333. Any application for judicial review of a
6 Record of Decision for any timber sale in Region 10 of
7 the Forest Service that had a Notice of Intent prepared
8 on or before January 1, 2003 shall—

9 (1) be filed in the Alaska District of the Fed-
10 eral District Court within 30 days after exhaustion
11 of the Forest Service administrative appeals process
12 (36 C.F.R. 215) or within 30 days of enactment of
13 this Act if the administrative appeals process has
14 been exhausted prior to enactment of this Act, and
15 the Forest Service shall strictly comply with the
16 schedule for completion of administrative action;

17 (2) be completed and a decision rendered by the
18 court not later than 180 days from the date such re-
19 quest for review is filed; if a decision is not rendered
20 by the court within 180 days as required by this
21 subsection, the Secretary of Agriculture shall peti-
22 tion the court to proceed with the action.

23 SEC. 334. (a) IN GENERAL.—Notwithstanding any
24 other provision of law, the Secretary of Agriculture may

1 cancel, with the consent of the timber purchaser, any con-
2 tract for the sale of timber in Alaska if—

3 (1) the Secretary determines, in the Secretary's
4 sole discretion, that the sale is uneconomical to per-
5 form; and

6 (2) the timber purchaser agrees to—

7 (A) terminate its rights under the contract;
8 and

9 (B) release the United States from all li-
10 ability, including further consideration or com-
11 pensation resulting from such cancellation.

12 (b) EFFECT OF CANCELLATION.—

13 (1) IN GENERAL.—The United States shall not
14 surrender any claim against a timber purchaser that
15 arose under a contract before cancellation under this
16 section not in connection with the cancellation.

17 (2) LIMITATION.—Cancellation of a contract
18 under this section shall release the timber purchaser
19 from liability for any damages resulting from can-
20 cellation of such contract.

21 (c) TIMBER AVAILABLE FOR RESALE.—Timber in-
22 cluded in a contract cancelled under this section shall be
23 available for resale by the Secretary of Agriculture.

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

Calendar No. 196

108TH CONGRESS
1ST Session

S. 1391

[Report No. 108-89]

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

Read twice and placed on the calendar