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108TH CONGRESS
2D SESSION

S. 2804

[Report No. 108–341]

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2004

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, 2005, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of the Interior and related agencies for the
6 fiscal year ending September 30, 2005, 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)), \$855,689,000, 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; \$4,000,000 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 2005 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 Adminis-
4 tration 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 \$855,689,000; 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, \$743,099,000,
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
26 such purposes: *Provided further*, That persons hired pur-

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

1 or related partnerships with state, local, or non-profit
2 youth groups; (C) small or micro-businesses; or (D) other
3 entities that will hire or train locally a significant percent-
4 age, defined as 50 percent or more, of the project work-
5 force to complete such contracts: *Provided further*, That
6 in implementing this section, the Secretary shall develop
7 written guidance to field units to ensure accountability
8 and consistent application of the authorities provided here-
9 in: *Provided further*, That funds appropriated under this
10 head may be used to reimburse the United States Fish
11 and Wildlife Service and the National Marine Fisheries
12 Service for the costs of carrying out their responsibilities
13 under the Endangered Species Act of 1973 (16 U.S.C.
14 1531 et seq.) to consult and conference, as required by
15 section 7 of such Act, in connection with wildland fire
16 management activities: *Provided further*, That the Sec-
17 retary of the Interior may use wildland fire appropriations
18 to enter into non-competitive sole source leases of real
19 property with local governments, at or below fair market
20 value, to construct capitalized improvements for fire facili-
21 ties on such leased properties, including but not limited
22 to fire guard stations, retardant stations, and other initial
23 attack and fire support facilities, and to make advance
24 payments for any such lease or for construction activity
25 associated with the lease: *Provided further*, That the Sec-

1 retary of the Interior and the Secretary of Agriculture
2 may authorize the transfer of funds appropriated for
3 wildland fire management, in an aggregate amount not to
4 exceed \$12,000,000, between the Departments when such
5 transfers would facilitate and expedite jointly funded
6 wildland fire management programs and projects: *Pro-*
7 *vided further*, That funds provided for wildfire suppression
8 shall be available for support of Federal emergency re-
9 sponse actions.

10 CENTRAL HAZARDOUS MATERIALS FUND

11 For necessary expenses of the Department of the In-
12 terior and any of its component offices and bureaus for
13 the remedial action, including associated activities, of haz-
14 ardous waste substances, pollutants, or contaminants pur-
15 suant to the Comprehensive Environmental Response,
16 Compensation, and Liability Act, as amended (42 U.S.C.
17 9601 et seq.), \$9,855,000, to remain available until ex-
18 pended: *Provided*, That notwithstanding 31 U.S.C. 3302,
19 sums recovered from or paid by a party in advance of or
20 as reimbursement for remedial action or response activi-
21 ties conducted by the Department pursuant to section 107
22 or 113(f) of such Act, shall be credited to this account,
23 to be available until expended without further appropria-
24 tion: *Provided further*, That such sums recovered from or
25 paid by any party are not limited to monetary payments
26 and may include stocks, bonds or other personal or real

1 property, which may be retained, liquidated, or otherwise
2 disposed of by the Secretary and which shall be credited
3 to this account.

4 CONSTRUCTION

5 For construction of buildings, recreation facilities,
6 roads, trails, and appurtenant facilities, \$8,976,000, to re-
7 main available until expended.

8 LAND ACQUISITION

9 For expenses necessary to carry out sections 205,
10 206, and 318(d) of Public Law 94–579, including admin-
11 istrative expenses and acquisition of lands or waters, or
12 interests therein, \$22,850,000, to be derived from the
13 Land and Water Conservation Fund and to remain avail-
14 able until expended.

15 OREGON AND CALIFORNIA GRANT LANDS

16 For expenses necessary for management, protection,
17 and development of resources and for construction, oper-
18 ation, and maintenance of access roads, reforestation, and
19 other improvements on the revested Oregon and California
20 Railroad grant lands, on other Federal lands in the Or-
21 egon and California land-grant counties of Oregon, and
22 on adjacent rights-of-way; and acquisition of lands or in-
23 terests therein, including existing connecting roads on or
24 adjacent to such grant lands; \$113,558,000, to remain
25 available until expended: *Provided*, That 25 percent of the
26 aggregate of all receipts during the current fiscal year

1 from the revested Oregon and California Railroad grant
 2 lands is hereby made a charge against the Oregon and
 3 California land-grant fund and shall be transferred to the
 4 General Fund in the Treasury in accordance with the sec-
 5 ond paragraph of subsection (b) of title II of the Act of
 6 August 28, 1937 (50 Stat. 876).

7 FOREST ECOSYSTEM HEALTH AND RECOVERY FUND
 8 (REVOLVING FUND, SPECIAL ACCOUNT)

9 In addition to the purposes authorized in Public Law
 10 102–381, funds made available in the Forest Ecosystem
 11 Health and Recovery Fund can be used for the purpose
 12 of planning, preparing, implementing and monitoring sal-
 13 vage timber sales and forest ecosystem health and recovery
 14 activities, such as release from competing vegetation and
 15 density control treatments. The Federal share of receipts
 16 (defined as the portion of salvage timber receipts not paid
 17 to the counties under 43 U.S.C. 1181f and 43 U.S.C.
 18 1181f–1 et seq., and Public Law 106–393) derived from
 19 treatments funded by this account shall be deposited into
 20 the Forest Ecosystem Health and Recovery Fund.

21 RANGE IMPROVEMENTS

22 For rehabilitation, protection, and acquisition of
 23 lands and interests therein, and improvement of Federal
 24 rangelands pursuant to section 401 of the Federal Land
 25 Policy and Management Act of 1976 (43 U.S.C. 1701),
 26 notwithstanding any other Act, sums equal to 50 percent

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

10 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

11 For administrative expenses and other costs related
12 to processing application documents and other authoriza-
13 tions for use and disposal of public lands and resources,
14 for costs of providing copies of official public land docu-
15 ments, for monitoring construction, operation, and termi-
16 nation of facilities in conjunction with use authorizations,
17 and for rehabilitation of damaged property, such amounts
18 as may be collected under Public Law 94–579, as amend-
19 ed, and Public Law 93–153, to remain available until ex-
20 pended: *Provided*, That notwithstanding any provision to
21 the contrary of section 305(a) of Public Law 94–579 (43
22 U.S.C. 1735(a)), any moneys that have been or will be
23 received pursuant to that section, whether as a result of
24 forfeiture, compromise, or settlement, if not appropriate
25 for refund pursuant to section 305(c) of that Act (43
26 U.S.C. 1735(c)), shall be available and may be expended

1 under the authority of this Act by the Secretary to im-
2 prove, protect, or rehabilitate any public lands adminis-
3 tered through the Bureau of Land Management which
4 have been damaged by the action of a resource developer,
5 purchaser, permittee, or any unauthorized person, without
6 regard to whether all moneys collected from each such ac-
7 tion are used on the exact lands damaged which led to
8 the action: *Provided further*, That any such moneys that
9 are in excess of amounts needed to repair damage to the
10 exact land for which funds were collected may be used to
11 repair other damaged public lands.

12 MISCELLANEOUS TRUST FUNDS

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

21 ADMINISTRATIVE PROVISIONS

22 Appropriations for the Bureau of Land Management
23 shall be available for purchase, erection, and dismantling
24 of temporary structures, and alteration and maintenance
25 of necessary buildings and appurtenant facilities to
26 which the United States has title; up to \$100,000 for pay-

1 ments, at the discretion of the Secretary, for information
 2 or evidence concerning violations of laws administered by
 3 the Bureau; miscellaneous and emergency expenses of en-
 4 forcement activities authorized or approved by the Sec-
 5 retary and to be accounted for solely on her certificate,
 6 not to exceed \$10,000: *Provided*, That notwithstanding 44
 7 U.S.C. 501, the Bureau may, under cooperative cost-shar-
 8 ing and partnership arrangements authorized by law, pro-
 9 cure printing services from cooperators in connection with
 10 jointly produced publications for which the cooperators
 11 share the cost of printing either in cash or in services,
 12 and the Bureau determines the cooperator is capable of
 13 meeting accepted quality standards.

14 UNITED STATES FISH AND WILDLIFE SERVICE

15 RESOURCE MANAGEMENT

16 For necessary expenses of the United States Fish and
 17 Wildlife Service, as authorized by law, and for scientific
 18 and economic studies, maintenance of the herd of long-
 19 horned cattle on the Wichita Mountains Wildlife Refuge,
 20 general administration, and for the performance of other
 21 authorized functions related to such resources by direct
 22 expenditure, contracts, grants, cooperative agreements
 23 and reimbursable agreements with public and private enti-
 24 ties, \$966,265,000, to remain available until September
 25 30, 2006, except as otherwise provided herein: *Provided*,

1 That \$2,000,000 is for high priority projects, which shall
2 be carried out by the Youth Conservation Corps: *Provided*
3 *further*, That not to exceed \$15,500,000 shall be used for
4 implementing subsections (a), (b), (c), and (e) of section
5 4 of the Endangered Species Act, as amended, for species
6 that are indigenous to the United States (except for proc-
7 essing petitions, developing and issuing proposed and final
8 regulations, and taking any other steps to implement ac-
9 tions described in subsection (c)(2)(A), (c)(2)(B)(i), or
10 (c)(2)(B)(ii)), of which not to exceed \$11,400,000 shall
11 be used for any activity regarding the designation of crit-
12 ical habitat, pursuant to subsection (a)(3), excluding liti-
13 gation support, for species listed pursuant to subsection
14 (a)(1) prior to October 1, 2004: *Provided further*, That
15 of the amount available for law enforcement, up to
16 \$400,000, to remain available until expended, may at the
17 discretion of the Secretary be used for payment for infor-
18 mation, rewards, or evidence concerning violations of laws
19 administered by the Service, and miscellaneous and emer-
20 gency expenses of enforcement activity, authorized or ap-
21 proved by the Secretary and to be accounted for solely on
22 her certificate: *Provided further*, That of the amount pro-
23 vided for environmental contaminants, up to \$1,000,000
24 may remain available until expended for contaminant sam-
25 ple 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; \$37,136,000, 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 \$49,864,000, to be derived from the Land and Water Con-
16 servation Fund and to remain available until expended,
17 of which \$750,000 is for acquisition of lands for waterfowl
18 habitat in the Yukon Flats National Wildlife Refuge, and
19 the related conveyance of federal lands and interests in
20 lands to Doyon, Limited, an Alaska Native Corporation
21 organized pursuant to the Alaska Native Claims Settle-
22 ment Act: *Provided*, That the Secretary shall execute all
23 necessary acquisition and exchange agreement documents
24 in furtherance of this acquisition and exchange no later
25 than December 31, 2004: *Provided further*, That the Sec-
26 retary is authorized to utilize without further appropria-

tion any revenues, fees and royalties received by the federal government from resource production, if any, on lands conveyed to Doyon pursuant to the exchange for land acquisition within units of the National Wildlife Refuge System located within the State of Alaska and for an Alaska Native refuge management and conservation recruitment, education, and training program: *Provided further*, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs: *Provided further*, That none of the funds in this or any other Act may be used for the acquisition of land for inclusion in the Deep Fork National Wildlife Refuge.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, \$29,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, federally recognized Indian tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Is-

1 lands, and American Samoa, to establish or supplement
 2 existing landowner incentive programs that provide tech-
 3 nical and financial assistance, including habitat protection
 4 and restoration, to private landowners for the protection
 5 and management of habitat to benefit federally listed, pro-
 6 posed, candidate, or other at-risk species on private lands.

7 PRIVATE STEWARDSHIP GRANTS

8 For expenses necessary to carry out the Land and
 9 Water Conservation Fund Act of 1965, as amended (16
 10 U.S.C. 460l–4 through 11), including administrative ex-
 11 penses, and for private conservation efforts to be carried
 12 out on private lands, \$7,500,000, to be derived from the
 13 Land and Water Conservation Fund, and to remain avail-
 14 able until expended: *Provided*, That the amount provided
 15 herein is for a Stewardship Grants Program established
 16 by the Secretary to provide grants and other assistance
 17 to individuals and groups engaged in private conservation
 18 efforts that benefit federally listed, proposed, candidate,
 19 or other at-risk species.

20 COOPERATIVE ENDANGERED SPECIES CONSERVATION

21 FUND

22 For expenses necessary to carry out section 6 of the
 23 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
 24 as amended, \$82,600,000, of which \$32,600,000 is to be
 25 derived from the Cooperative Endangered Species Con-
 26 servation Fund and \$50,000,000 is to be derived from the

1 Land and Water Conservation Fund and to remain avail-
 2 able until expended.

3 NATIONAL WILDLIFE REFUGE FUND

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

6 NORTH AMERICAN WETLANDS CONSERVATION FUND

7 For expenses necessary to carry out the provisions
 8 of the North American Wetlands Conservation Act, Public
 9 Law 101–233, as amended, \$38,000,000, to remain avail-
 10 able until expended.

11 NEOTROPICAL MIGRATORY BIRD CONSERVATION

12 For financial assistance for projects to promote the
 13 conservation of neotropical migratory birds in accordance
 14 with the Neotropical Migratory Bird Conservation Act,
 15 Public Law 106–247 (16 U.S.C. 6101–6109), \$4,000,000,
 16 to remain available until expended.

17 MULTINATIONAL SPECIES CONSERVATION FUND

18 For expenses necessary to carry out the African Ele-
 19 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
 20 4213, 4221–4225, 4241–4245, and 1538), the Asian Ele-
 21 phant Conservation Act of 1997 (Public Law 105–96; 16
 22 U.S.C. 4261–4266), the Rhinoceros and Tiger Conserva-
 23 tion Act of 1994 (16 U.S.C. 5301–5306), and the Great
 24 Ape Conservation Act of 2000 (16 U.S.C. 6301),
 25 \$5,700,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$75,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That of the amount provided herein, \$6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said \$6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following

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

1 ation the relative level of funding available for the con-
2 servation of those species: *Provided further*, That any
3 amount apportioned in 2005 to any State, territory, or
4 other jurisdiction that remains unobligated as of Sep-
5 tember 30, 2006, shall be reapportioned, together with
6 funds appropriated in 2007, in the manner provided here-
7 in.

8 ADMINISTRATIVE PROVISIONS

9 Appropriations and funds available to the United
10 States Fish and Wildlife Service shall be available for pur-
11 chase of not to exceed 179 passenger motor vehicles, of
12 which 161 are for replacement only (including 44 for po-
13 lice-type use); repair of damage to public roads within and
14 adjacent to reservation areas caused by operations of the
15 Service; options for the purchase of land at not to exceed
16 \$1 for each option; facilities incident to such public rec-
17 reational uses on conservation areas as are consistent with
18 their primary purpose; and the maintenance and improve-
19 ment of aquaria, buildings, and other facilities under the
20 jurisdiction of the Service and to which the United States
21 has title, and which are used pursuant to law in connection
22 with management, and investigation of fish and wildlife
23 resources: *Provided*, That notwithstanding 44 U.S.C. 501,
24 the Service may, under cooperative cost sharing and part-
25 nership arrangements authorized by law, procure printing
26 services from cooperators in connection with jointly pro-

1 duced publications for which the cooperators share at least
 2 one-half the cost of printing either in cash or services and
 3 the Service determines the cooperator is capable of meet-
 4 ing accepted quality standards: *Provided further*, That not-
 5 withstanding any other provision of law, the Service may
 6 use up to \$2,000,000 from funds provided for contracts
 7 for employment-related legal services: *Provided further*,
 8 That the Service may accept donated aircraft as replace-
 9 ments for existing aircraft: *Provided further*, That not-
 10 withstanding any other provision of law, the Secretary of
 11 the Interior may not spend any of the funds appropriated
 12 in this Act for the purchase of lands or interests in lands
 13 to be used in the establishment of any new unit of the
 14 National Wildlife Refuge System unless the purchase is
 15 approved in advance by the House and Senate Committees
 16 on Appropriations in compliance with the reprogramming
 17 procedures contained in House Report 108–330.

18 NATIONAL PARK SERVICE

19 OPERATION OF THE NATIONAL PARK SYSTEM

20 For expenses necessary for the management, oper-
 21 ation, and maintenance of areas and facilities adminis-
 22 tered by the National Park Service (including special road
 23 maintenance service to trucking permittees on a reimburs-
 24 able basis), and for the general administration of the Na-
 25 tional Park Service, \$1,688,915,000, of which

1 \$10,708,000 is for planning and interagency coordination
2 in support of Everglades restoration and shall remain
3 available until expended; of which \$100,605,000, to re-
4 main available until September 30, 2006, is for mainte-
5 nance, repair or rehabilitation projects for constructed as-
6 sets, operation of the National Park Service automated fa-
7 cility management software system, and comprehensive fa-
8 cility condition assessments; and of which \$1,965,000 is
9 for the Youth Conservation Corps for high priority
10 projects: *Provided*, That the only funds in this account
11 which may be made available to support United States
12 Park Police are those funds approved for emergency law
13 and order incidents pursuant to established National Park
14 Service procedures, those funds needed to maintain and
15 repair United States Park Police administrative facilities,
16 and those funds necessary to reimburse the United States
17 Park Police account for the unbudgeted overtime and trav-
18 el costs associated with special events for an amount not
19 to exceed \$10,000 per event subject to the review and con-
20 currence of the Washington headquarters office.

21 UNITED STATES PARK POLICE

22 For expenses necessary to carry out the programs of
23 the United States Park Police, \$81,204,000.

24 NATIONAL RECREATION AND PRESERVATION

25 For expenses necessary to carry out recreation pro-
26 grams, natural programs, cultural programs, heritage

1 partnership programs, environmental compliance and re-
 2 view, international park affairs, statutory or contractual
 3 aid for other activities, and grant administration, not oth-
 4 erwise provided for, \$63,023,000: *Provided*, That none of
 5 the funds in this Act for the River, Trails and Conserva-
 6 tion Assistance program may be used for cash agreements,
 7 or for cooperative agreements that are inconsistent with
 8 the program's final strategic plan.

9 HISTORIC PRESERVATION FUND

10 For expenses necessary in carrying out the Historic
 11 Preservation Act of 1966, as amended (16 U.S.C. 470),
 12 and the Omnibus Parks and Public Lands Management
 13 Act of 1996 (Public Law 104–333), \$71,250,000, to be
 14 derived from the Historic Preservation Fund, to remain
 15 available until September 30, 2006, of which \$30,000,000
 16 shall be for Save America's Treasures for priority preser-
 17 vation projects, of nationally significant sites, structures,
 18 and artifacts: *Provided*, That not to exceed \$2,000,000 of
 19 the amount provided for Save America's Treasures may
 20 be for Preserve America grants to States, Tribes, and local
 21 communities for projects that preserve important historic
 22 resources through the promotion of heritage tourism: *Pro-*
 23 *vided further*, That any individual Save America's Treas-
 24 ures or Preserve America grant shall be matched by non-
 25 Federal funds: *Provided further*, That individual projects
 26 shall only be eligible for one grant: *Provided further*, That

1 all projects to be funded shall be approved by the Sec-
 2 retary of the Interior in consultation with the House and
 3 Senate Committees on Appropriations, and in consultation
 4 with the President's Committee on the Arts and Human-
 5 ities prior to the commitment of Save America's Treasures
 6 grant funds and with the Advisory Council on Historic
 7 Preservation prior to the commitment of Preserve America
 8 grant funds: *Provided further*, That Save America's Treas-
 9 ures funds allocated for Federal projects, following ap-
 10 proval, shall be available by transfer to appropriate ac-
 11 counts of individual agencies: *Provided further*, That none
 12 of the funds provided for Save America's Treasures may
 13 be used for administrative expenses.

14 CONSTRUCTION

15 For construction, improvements, repair or replace-
 16 ment of physical facilities, including the modifications au-
 17 thorized by section 104 of the Everglades National Park
 18 Protection and Expansion Act of 1989, \$330,019,000, to
 19 remain available until expended, of which \$500,000 for the
 20 L.Q.C. Lamar House National Historic Landmark shall
 21 be derived from the Historic Preservation Fund pursuant
 22 to 16 U.S.C. 470a: *Provided*, That none of the funds pro-
 23 vided in this or any other Act may be used for planning,
 24 design, or construction of any underground security
 25 screening or visitor contact facility at the Washington
 26 Monument until such facility has been approved in writing

1 by the House and Senate Committees on Appropriations:
 2 *Provided further*, That funds provided under this heading
 3 for implementation of modified water deliveries to Ever-
 4 glades National Park shall be expended consistent with the
 5 requirements of the fifth proviso under this heading in
 6 Public Law 108–108: *Provided further*, That the National
 7 Park Service may use funds provided herein to construct
 8 a parking lot and connecting trail on leased, non-Federal
 9 land in order to accommodate visitor use of the Old Rag
 10 Mountain Trail at Shenandoah National Park, and may
 11 for the duration of such lease use any funds available to
 12 the Service for the maintenance of the parking lot and
 13 connecting trail.

14 LAND AND WATER CONSERVATION FUND

15 (RESCISSION)

16 The contract authority provided for fiscal year 2005
 17 by 16 U.S.C. 460l–10a are rescinded.

18 LAND ACQUISITION AND STATE ASSISTANCE

19 (INCLUDING TRANSFER)

20 For expenses necessary to carry out the Land and
 21 Water Conservation Act of 1965, as amended (16 U.S.C.
 22 460l–4 through 11), including administrative expenses,
 23 and for acquisition of lands or waters, or interest therein,
 24 in accordance with the statutory authority applicable to
 25 the National Park Service, \$155,831,000, to be derived
 26 from the Land and Water Conservation Fund and to re-

1 main available until expended, of which \$94,000,000 is for
2 the State assistance program including \$2,469,000 to ad-
3 minister this program: *Provided*, That none of the funds
4 provided for the State assistance program may be used
5 to establish a contingency fund: *Provided further*, That in
6 lieu of State assistance program indirect costs (as de-
7 scribed in OMB Circular A-87), not to exceed 5 percent
8 of apportionments under the State assistance program
9 may be used by States, the District of Columbia, and insu-
10 lar areas to support program administrative costs: *Pro-*
11 *vided further*, That \$250,000 of the amount provided
12 under this heading for civil war battlefield protection shall
13 be available for transfer to the “National Recreation and
14 Preservation” account.

15 ADMINISTRATIVE PROVISIONS

16 Appropriations for the National Park Service shall be
17 available for the purchase of not to exceed 249 passenger
18 motor vehicles, of which 202 shall be for replacement only,
19 including not to exceed 193 for police-type use, 10 buses,
20 and 8 ambulances: *Provided*, That none of the funds ap-
21 propriated to the National Park Service may be used to
22 process any grant or contract documents which do not in-
23 clude the text of 18 U.S.C. 1913: *Provided further*, That
24 none of the funds appropriated to the National Park Serv-
25 ice may be used to implement an agreement for the rede-
26 velopment of the southern end of Ellis Island until such

1 agreement has been submitted to the Congress and shall
2 not be implemented prior to the expiration of 30 calendar
3 days (not including any day in which either House of Con-
4 gress is not in session because of adjournment of more
5 than 3 calendar days to a day certain) from the receipt
6 by the Speaker of the House of Representatives and the
7 President of the Senate of a full and comprehensive report
8 on the development of the southern end of Ellis Island,
9 including the facts and circumstances relied upon in sup-
10 port of the proposed project: *Provided further*, That appro-
11 priations available to the National Park Service may be
12 used to maintain the following areas in Washington, Dis-
13 trict of Columbia: Jackson Place, Madison Place, and
14 Pennsylvania Avenue between 15th and 17th Streets,
15 Northwest.

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

19 The National Park Service may distribute to oper-
20 ating units based on the safety record of each unit the
21 costs of programs designed to improve workplace and em-
22 ployee safety, and to encourage employees receiving work-
23 ers' compensation benefits pursuant to chapter 81 of title
24 5, United States Code, to return to appropriate positions
25 for which they are medically able.

1 Notwithstanding any other provision of law, in fiscal
 2 year 2005, with respect to the administration of the Na-
 3 tional Park Service park pass program by the National
 4 Park Foundation, the Secretary may pay to the Founda-
 5 tion administrative funds expected to be received in that
 6 fiscal year before the revenues are collected, so long as
 7 total payments in the administrative account do not exceed
 8 total revenue collected and deposited in that account by
 9 the end of the fiscal year.

10 UNITED STATES GEOLOGICAL SURVEY

11 SURVEYS, INVESTIGATIONS, AND RESEARCH

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

1 as authorized by law and to publish and disseminate data;
 2 \$939,486,000, of which \$63,378,000 shall be available
 3 only for cooperation with States or municipalities for
 4 water resources investigations; and of which \$16,185,000
 5 shall remain available until expended for conducting in-
 6 quires into the economic conditions affecting mining and
 7 materials processing industries; and of which \$7,901,000
 8 shall remain available until expended for satellite oper-
 9 ations; and of which \$23,044,000 shall be available until
 10 September 30, 2006, for the operation and maintenance
 11 of facilities and deferred maintenance; and of which
 12 \$172,821,000 shall be available until September 30, 2006,
 13 for the biological research activity and the operation of
 14 the Cooperative Research Units: *Provided*, That none of
 15 the funds provided for the biological research activity shall
 16 be used to conduct new surveys on private property, unless
 17 specifically authorized in writing by the property owner:
 18 *Provided further*, That no part of this appropriation shall
 19 be used to pay more than one-half the cost of topographic
 20 mapping or water resources data collection and investiga-
 21 tions carried on in cooperation with States and municipali-
 22 ties.

23 ADMINISTRATIVE PROVISIONS

24 The amount appropriated for the United States Geo-
 25 logical Survey shall be available for the purchase of not
 26 to exceed 53 passenger motor vehicles, of which 48 are

1 for replacement only; reimbursement to the General Serv-
2 ices Administration for security guard services; con-
3 tracting for the furnishing of topographic maps and for
4 the making of geophysical or other specialized surveys
5 when it is administratively determined that such proce-
6 dures are in the public interest; construction and mainte-
7 nance of necessary buildings and appurtenant facilities;
8 acquisition of lands for gauging stations and observation
9 wells; expenses of the United States National Committee
10 on Geology; and payment of compensation and expenses
11 of persons on the rolls of the Survey duly appointed to
12 represent the United States in the negotiation and admin-
13 istration of interstate compacts: *Provided*, That activities
14 funded by appropriations herein made may be accom-
15 plished through the use of contracts, grants, or coopera-
16 tive agreements as defined in 31 U.S.C. 6302 et seq.

17 MINERALS MANAGEMENT SERVICE

18 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

19 For expenses necessary for minerals leasing and envi-
20 ronmental studies, regulation of industry operations, and
21 collection of royalties, as authorized by law; for enforcing
22 laws and regulations applicable to oil, gas, and other min-
23 erals leases, permits, licenses and operating contracts; and
24 for matching grants or cooperative agreements; including
25 the purchase of not to exceed eight passenger motor vehi-

cles for replacement only, \$171,175,000, of which
\$81,906,000 shall be available for royalty management ac-
tivities; and an amount not to exceed \$103,730,000, to
be credited to this appropriation and to remain available
until expended, from additions to receipts resulting from
increases to rates in effect on August 5, 1993, from rate
increases to fee collections for Outer Continental Shelf ad-
ministrative activities performed by the Minerals Manage-
ment Service (MMS) over and above the rates in effect
on September 30, 1993, and from additional fees for
Outer Continental Shelf administrative activities estab-
lished after September 30, 1993: *Provided*, That to the
extent \$103,730,000 in additions to receipts are not real-
ized from the sources of receipts stated above, the amount
needed to reach \$103,730,000 shall be credited to this ap-
propriation from receipts resulting from rental rates for
Outer Continental Shelf leases in effect before August 5,
1993: *Provided further*, That \$3,000,000 for computer ac-
quisitions shall remain available until September 30,
2006: *Provided further*, That funds appropriated under
this Act shall be available for the payment of interest in
accordance with 30 U.S.C. 1721(b) and (d): *Provided fur-*
ther, That not to exceed \$3,000 shall be available for rea-
sonable expenses related to promoting volunteer beach and
marine cleanup activities: *Provided further*, That notwith-

1 standing any other provision of law, \$15,000 under this
2 heading shall be available for refunds of overpayments in
3 connection with certain Indian leases in which the Direc-
4 tor of MMS concurred with the claimed refund due, to
5 pay amounts owed to Indian allottees or tribes, or to cor-
6 rect prior unrecoverable erroneous payments: *Provided*
7 *further*, That MMS may under the royalty-in-kind pro-
8 gram, or under its authority to transfer oil to the Strategic
9 Petroleum Reserve, use a portion of the revenues from
10 royalty-in-kind sales, without regard to fiscal year limita-
11 tion, to pay for transportation to wholesale market centers
12 or upstream pooling points, to process or otherwise dispose
13 of royalty production taken in kind, and to recover MMS
14 transportation costs, salaries, and other administrative
15 costs directly related to the royalty-in-kind program: *Pro-*
16 *vided further*, That MMS shall analyze and document the
17 expected return in advance of any royalty-in-kind sales to
18 assure to the maximum extent practicable that royalty in-
19 come under the pilot program is equal to or greater than
20 royalty income recognized under a comparable royalty-in-
21 value program: *Provided further*, That in fiscal year 2005
22 and thereafter, notwithstanding 30 U.S.C. 191(a) and 43
23 U.S.C. 1338, the Secretary shall pay amounts owed to
24 States under the provision of 30 U.S.C. 1721(b) from
25 amounts received as current receipts from bonuses, royal-

ties, interest collected from lessees and designees, and rentals of the public lands and the outer continental shelf under provisions of the Mineral Leasing Act (30 U.S.C. 181 et seq.), and the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), which are not payable to a State or the Reclamation Fund.

OIL SPILL RESEARCH

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

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; \$109,905,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2005 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to

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

7 ABANDONED MINE RECLAMATION FUND

8 For necessary expenses to carry out title IV of the
 9 Surface Mining Control and Reclamation Act of 1977,
 10 Public Law 95–87, as amended, including the purchase
 11 of not more than 10 passenger motor vehicles for replace-
 12 ment only, \$190,863,000, to be derived from receipts of
 13 the Abandoned Mine Reclamation Fund and to remain
 14 available until expended; of which up to \$10,000,000, to
 15 be derived from the Federal Expenses Share of the Fund,
 16 shall be for supplemental grants to States for the reclama-
 17 tion of abandoned sites with acid mine rock drainage from
 18 coal mines, and for associated activities, through the Ap-
 19 palachian Clean Streams Initiative: *Provided*, That grants
 20 to minimum program States will be \$1,500,000 per State
 21 in fiscal year 2004: *Provided further*, That pursuant to
 22 Public Law 97–365, the Department of the Interior is au-
 23 thorized to use up to 20 percent from the recovery of the
 24 delinquent debt owed to the United States Government to
 25 pay for contracts to collect these debts: *Provided further*,
 26 That funds made available under title IV of Public Law

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

1 tending Office of Surface Mining Reclamation and En-
2 forcement sponsored training.

3 BUREAU OF INDIAN AFFAIRS

4 OPERATION OF INDIAN PROGRAMS

5 For expenses necessary for the operation of Indian
6 programs, as authorized by law, including the Snyder Act
7 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
8 termination and Education Assistance Act of 1975 (25
9 U.S.C. 450 et seq.), as amended, the Education Amend-
10 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
11 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
12 as amended, \$1,951,798,000, to remain available until
13 September 30, 2006 except as otherwise provided herein,
14 of which not to exceed \$87,638,000 shall be for welfare
15 assistance payments and notwithstanding any other provi-
16 sion of law, including but not limited to the Indian Self-
17 Determination Act of 1975, as amended, not to exceed
18 \$136,314,000 shall be available for payments to tribes and
19 tribal organizations for contract support costs associated
20 with ongoing contracts, grants, compacts, or annual fund-
21 ing agreements entered into with the Bureau prior to or
22 during fiscal year 2005, as authorized by such Act, except
23 that tribes and tribal organizations may use their tribal
24 priority allocations for unmet indirect costs of ongoing
25 contracts, grants, or compacts, or annual funding agree-

1 ments and for unmet welfare assistance costs; and of
2 which not to exceed \$453,115,000 for school operations
3 costs of Bureau-funded schools and other education pro-
4 grams shall become available on July 1, 2005, and shall
5 remain available until September 30, 2006; and of which
6 not to exceed \$61,801,000 shall remain available until ex-
7 pended for housing improvement, road maintenance, at-
8 torney fees, litigation support, the Indian Self-Determina-
9 tion Fund, land records improvement, and the Navajo-
10 Hopi Settlement Program: *Provided*, That notwith-
11 standing any other provision of law, including but not lim-
12 ited to the Indian Self-Determination Act of 1975, as
13 amended, and 25 U.S.C. 2008, not to exceed \$45,348,000
14 within and only from such amounts made available for
15 school operations shall be available to tribes and tribal or-
16 ganizations for administrative cost grants associated with
17 ongoing grants entered into with the Bureau prior to or
18 during fiscal year 2004 for the operation of Bureau-fund-
19 ed schools: *Provided further*, That any forestry funds allo-
20 cated to a tribe which remain unobligated as of September
21 30, 2006, may be transferred during fiscal year 2007 to
22 an Indian forest land assistance account established for
23 the benefit of such tribe within the tribe's trust fund ac-
24 count: *Provided further*, That any such unobligated bal-

ances not so transferred shall expire on September 30, 2007.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, \$283,126,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2005, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to tribally controlled grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost

1 Principles for Assistance Programs contained in 43 CFR
2 part 12 as the regulatory requirements: *Provided further*,
3 That such grants shall not be subject to section 12.61 of
4 43 CFR; the Secretary and the grantee shall negotiate and
5 determine a schedule of payments for the work to be per-
6 formed: *Provided further*, That in considering applications,
7 the Secretary shall consider whether the Indian tribe or
8 tribal organization would be deficient in assuring that the
9 construction projects conform to applicable building stand-
10 ards and codes and Federal, tribal, or State health and
11 safety standards as required by 25 U.S.C. 2005(b), with
12 respect to organizational and financial management capa-
13 bilities: *Provided further*, That if the Secretary declines an
14 application, the Secretary shall follow the requirements
15 contained in 25 U.S.C. 2504(f): *Provided further*, That
16 any disputes between the Secretary and any grantee con-
17 cerning a grant shall be subject to the disputes provision
18 in 25 U.S.C. 2507(e): *Provided further*, That in order to
19 ensure timely completion of replacement school construc-
20 tion projects, the Secretary may assume control of a
21 project and all funds related to the project, if, within
22 eighteen months of the date of enactment of this Act, any
23 tribe or tribal organization receiving funds appropriated
24 in this Act or in any prior Act, has not completed the

1 planning and design phase of the project and commenced
 2 construction of the replacement school.

3 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
 4 MISCELLANEOUS PAYMENTS TO INDIANS

5 For miscellaneous payments to Indian tribes and in-
 6 dividuals and for necessary administrative expenses,
 7 \$34,771,000, to remain available until expended, for im-
 8 plementation of Indian land and water claim settlements
 9 pursuant to Public Laws 99-264, 100-580, 101-618,
 10 106-554, 107-331 and 108-34, and for implementation
 11 of other land and water rights settlements.

12 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

13 For the cost of guaranteed and insured loans,
 14 \$5,726,000, as authorized by the Indian Financing Act
 15 of 1974, as amended: *Provided*, That such costs, including
 16 the cost of modifying such loans, shall be as defined in
 17 section 502 of the Congressional Budget Act of 1974: *Pro-*
 18 *vided further*, That these funds are available to subsidize
 19 total loan principal, any part of which is to be guaranteed,
 20 not to exceed \$84,699,000.

21 In addition, for administrative expenses to carry out
 22 the guaranteed and insured loan programs, \$695,000.

23 ADMINISTRATIVE PROVISIONS

24 The Bureau of Indian Affairs may carry out the oper-
 25 ation of Indian programs by direct expenditure, contracts,
 26 cooperative agreements, compacts and grants, either di-

1 rectly or in cooperation with States and other organiza-
2 tions.

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

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

14 Notwithstanding any other provision of law, no funds
15 available to the Bureau of Indian Affairs for central office
16 operations or pooled overhead general administration (ex-
17 cept facilities operations and maintenance) shall be avail-
18 able for tribal contracts, grants, compacts, or cooperative
19 agreements with the Bureau of Indian Affairs under the
20 provisions of the Indian Self-Determination Act or the
21 Tribal Self-Governance Act of 1994 (Public Law 103–
22 413).

23 In the event any tribe returns appropriations made
24 available by this Act to the Bureau of Indian Affairs for
25 distribution to other tribes, this action shall not diminish

1 the Federal Government's trust responsibility to that
2 tribe, or the government-to-government relationship be-
3 tween the United States and that tribe, or that tribe's abil-
4 ity to access future appropriations.

5 Notwithstanding any other provision of law, no funds
6 available to the Bureau, other than the amounts provided
7 herein for assistance to public schools under 25 U.S.C.
8 452 et seq., shall be available to support the operation of
9 any elementary or secondary school in the State of Alaska.

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

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

13 DEPARTMENTAL OFFICES

14 INSULAR AFFAIRS

15 ASSISTANCE TO TERRITORIES

16 For expenses necessary for assistance to territories
 17 under the jurisdiction of the Department of the Interior,
 18 \$74,255,000, of which: (1) \$67,692,000 shall be available
 19 until expended for technical assistance, including mainte-
 20 nance assistance, disaster assistance, insular management
 21 controls, coral reef initiative activities, and brown tree
 22 snake control and research; grants to the judiciary in
 23 American Samoa for compensation and expenses, as au-
 24 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
 25 ment of American Samoa, in addition to current local rev-

1 enues, for construction and support of governmental func-
 2 tions; grants to the Government of the Virgin Islands as
 3 authorized by law; grants to the Government of Guam,
 4 as authorized by law; and grants to the Government of
 5 the Northern Mariana Islands as authorized by law (Pub-
 6 lic Law 94–241; 90 Stat. 272); and (2) \$6,563,000 shall
 7 be available for salaries and expenses of the Office of Insu-
 8 lar Affairs: *Provided*, That all financial transactions of the
 9 territorial and local governments herein provided for, in-
 10 cluding such transactions of all agencies or instrumental-
 11 ities established or used by such governments, may be au-
 12 dited by the Government Accountability Office, at its dis-
 13 cretion, in accordance with chapter 35 of title 31, United
 14 States Code: *Provided further*, That Northern Mariana Is-
 15 lands Covenant grant funding shall be provided according
 16 to those terms of the Agreement of the Special Represent-
 17 atives on Future United States Financial Assistance for
 18 the Northern Mariana Islands approved by Public Law
 19 104–134: *Provided further*, That of the amounts provided
 20 for technical assistance, sufficient funds shall be made
 21 available for a grant to the Pacific Basin Development
 22 Council: *Provided further*, That of the amounts provided
 23 for technical assistance, \$750,000 shall be made available
 24 for a grant to the Close Up Foundation: *Provided further*,
 25 That the funds for the program of operations and mainte-

1 nance improvement are appropriated to institutionalize
 2 routine operations and maintenance improvement of cap-
 3 ital infrastructure with territorial participation and cost
 4 sharing to be determined by the Secretary based on the
 5 grantee's commitment to timely maintenance of its capital
 6 assets: *Provided further*, That any appropriation for dis-
 7 aster assistance under this heading in this Act or previous
 8 appropriations Acts may be used as non-Federal matching
 9 funds for the purpose of hazard mitigation grants provided
 10 pursuant to section 404 of the Robert T. Stafford Disaster
 11 Relief and Emergency Assistance Act (42 U.S.C. 5170c).

12 COMPACT OF FREE ASSOCIATION

13 For grants and necessary expenses, \$5,400,000, as
 14 provided for in sections 221(a)(2), 221(b), and 233 of the
 15 Compact of Free Association for the Republic of Palau
 16 as authorized by Public Law 99–658; Public Law 108–
 17 188; and section 221(a)(2) of the Compacts of Free Asso-
 18 ciation and their related agreements between the Govern-
 19 ment of the United States and the Government of the Re-
 20 public of the Marshall Islands as amended.

21 DEPARTMENTAL MANAGEMENT

22 SALARIES AND EXPENSES

23 (INCLUDING TRANSFER OF FUNDS)

24 For necessary expenses for management of the De-
 25 partment of the Interior, \$95,108,000, of which not to ex-
 26 ceed \$8,500 may be for official reception and representa-

1 tion expenses, of which up to \$1,000,000 shall be available
 2 for workers compensation payments and unemployment
 3 compensation payments associated with the orderly clo-
 4 sure of the United States Bureau of Mines, and of which
 5 \$15,000,000 shall remain available until expended for a
 6 departmental financial and business management system:
 7 *Provided*, That of the funds provided for a departmental
 8 financial and business management system, \$13,500,000
 9 shall be derived by transfer from unobligated balances in
 10 the “Central Hazardous Materials Fund”: *Provided fur-*
 11 *ther*, That none of the funds in this or previous appropria-
 12 tions Acts may be used to establish any additional reserves
 13 in the Working Capital Fund account other than the two
 14 authorized reserves without prior approval of the House
 15 and Senate Committees on Appropriations.

16 PAYMENTS IN LIEU OF TAXES

17 For expenses necessary to implement the Act of Octo-
 18 ber 20, 1976, as amended (31 U.S.C. 6901–6907),
 19 \$230,000,000, of which not to exceed \$400,000 shall be
 20 available for administrative expenses: *Provided*, That no
 21 payment shall be made to otherwise eligible units of local
 22 government if the computed amount of the payment is less
 23 than \$100.

1 OFFICE OF THE SOLICITOR

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of the Solicitor,
4 \$53,053,000.

5 OFFICE OF INSPECTOR GENERAL

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of Inspector
8 General, \$38,100,000.

9 OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

10 FEDERAL TRUST PROGRAMS

11 For the operation of trust programs for Indians by
12 direct expenditure, contracts, cooperative agreements,
13 compacts, and grants, \$196,267,000, to remain available
14 until expended, of which not to exceed \$58,000,000 shall
15 be available for historical accounting: *Provided*, That
16 funds for trust management improvements and litigation
17 support may, as needed, be transferred to or merged with
18 the Bureau of Indian Affairs, "Operation of Indian Pro-
19 grams" account; the Office of the Solicitor, "Salaries and
20 Expenses" account; and the Departmental Management,
21 "Salaries and Expenses" account: *Provided further*, That
22 funds made available to Tribes and Tribal organizations
23 through contracts or grants obligated during fiscal year
24 2005, as authorized by the Indian Self-Determination Act
25 of 1975 (25 U.S.C. 450 et seq.), shall remain available

1 until expended by the contractor or grantee: *Provided fur-*
2 *ther*, That notwithstanding any other provision of law, the
3 statute of limitations shall not commence to run on any
4 claim, including any claim in litigation pending on the date
5 of the enactment of this Act, concerning losses to or mis-
6 management of trust funds, until the affected tribe or in-
7 dividual Indian has been furnished with an accounting of
8 such funds from which the beneficiary can determine
9 whether there has been a loss: *Provided further*, That not-
10 withstanding any other provision of law, the Secretary
11 shall not be required to provide a quarterly statement of
12 performance for any Indian trust account that has not had
13 activity for at least 18 months and has a balance of \$1.00
14 or less: *Provided further*, That the Secretary shall issue
15 an annual account statement and maintain a record of any
16 such accounts and shall permit the balance in each such
17 account to be withdrawn upon the express written request
18 of the account holder: *Provided further*, That not to exceed
19 \$50,000 is available for the Secretary to make payments
20 to correct administrative errors of either disbursements
21 from or deposits to Individual Indian Money or Tribal ac-
22 counts after September 30, 2002: *Provided further*, That
23 erroneous payments that are recovered shall be credited
24 to and remain available in this account for this purpose.

1 INDIAN LAND CONSOLIDATION

2 For consolidation of fractional interests in Indian
3 lands and expenses associated with redetermining and re-
4 distributing escheated interests in allotted lands, and for
5 necessary expenses to carry out the Indian Land Consoli-
6 dation Act of 1983, as amended, by direct expenditure or
7 cooperative agreement, \$50,000,000, to remain available
8 until expended, and which may be transferred to the Bu-
9 reau of Indian Affairs and Departmental Management ac-
10 counts: *Provided*, That funds provided under this heading
11 may be expended pursuant to the authorities contained in
12 the provisos under the heading “Office of Special Trustee
13 for American Indians, Indian Land Consolidation” of the
14 Interior and Related Agencies Appropriations Act, 2001
15 (Public Law 106–291).

16 NATURAL RESOURCES DAMAGE ASSESSMENT AND
17 RESTORATION

18 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

19 To conduct natural resource damage assessment and
20 restoration activities by the Department of the Interior
21 necessary to carry out the provisions of the Comprehensive
22 Environmental Response, Compensation, and Liability
23 Act, as amended (42 U.S.C. 9601 et seq.), Federal Water
24 Pollution Control Act, as amended (33 U.S.C. 1251 et
25 seq.), the Oil Pollution Act of 1990 (Public Law 101–380)

1 (33 U.S.C. 2701 et seq.), and Public Law 101–337, as
2 amended (16 U.S.C. 19jj et seq.), \$5,818,000, to remain
3 available until expended.

4 ADMINISTRATIVE PROVISIONS

5 There is hereby authorized for acquisition from avail-
6 able resources within the Working Capital Fund, 15 air-
7 craft, 10 of which shall be for replacement and which may
8 be obtained by donation, purchase or through available ex-
9 cess surplus property: *Provided*, That existing aircraft
10 being replaced may be sold, with proceeds derived or
11 trade-in value used to offset the purchase price for the
12 replacement aircraft: *Provided further*, That no programs
13 funded with appropriated funds in the “Departmental
14 Management”, “Office of the Solicitor”, and “Office of In-
15 spector General” may be augmented through the Working
16 Capital Fund: *Provided further*, That the annual budget
17 justification for Departmental Management shall describe
18 estimated Working Capital Fund charges to bureaus and
19 offices, including the methodology on which charges are
20 based: *Provided further*, That departures from the Work-
21 ing Capital Fund estimates contained in the Departmental
22 Management budget justification shall be presented to the
23 Committees on Appropriations for approval: *Provided fur-*
24 *ther*, That the Secretary shall provide a semi-annual re-
25 port to the Committees on Appropriations on reimbursable
26 support agreements between the Office of the Secretary

1 and the National Business Center and the bureaus and
2 offices of the Department, including the amounts billed
3 pursuant to such agreements.

4 GENERAL PROVISIONS, DEPARTMENT OF THE 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. Advance payments made under this title
17 to Indian tribes, tribal organizations, and tribal consortia
18 pursuant to the Indian Self-Determination and Education
19 Assistance Act (25 U.S.C. 450 et seq.) or the Tribally
20 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.)
21 may be invested by the Indian tribe, tribal organization,
22 or consortium before such funds are expended for the pur-
23 poses of the grant, compact, or annual funding agreement
24 so long as such funds are—

1 (1) invested by the Indian tribe, tribal organiza-
2 tion, or consortium only in obligations of the United
3 States, or in obligations or securities that are guar-
4 anteed or insured by the United States, or mutual
5 (or other) funds registered with the Securities and
6 Exchange Commission and which only invest in obli-
7 gations of the United States or securities that are
8 guaranteed or insured by the United States; or

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

13 SEC. 111. Appropriations made in this Act under the
14 headings Bureau of Indian Affairs and Office of Special
15 Trustee for American Indians and any unobligated bal-
16 ances from prior appropriations Acts made under the
17 same headings shall be available for expenditure or trans-
18 fer for Indian trust management and reform activities, ex-
19 cept that total funding for historical accounting activities
20 shall not exceed amounts specifically designated in this
21 Act for such purpose.

22 SEC. 112. Notwithstanding any other provision of
23 law, for the purpose of reducing the backlog of Indian pro-
24 bate cases in the Department of the Interior, the hearing
25 requirements of chapter 10 of title 25, United States

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

15 SEC. 113. Notwithstanding any other provision of
16 law, the Secretary of the Interior is authorized to redis-
17 tribute any Tribal Priority Allocation funds, including
18 tribal base funds, to alleviate tribal funding inequities by
19 transferring funds to address identified, unmet needs,
20 dual enrollment, overlapping service areas or inaccurate
21 distribution methodologies. No tribe shall receive a reduc-
22 tion in Tribal Priority Allocation funds of more than 10
23 percent in fiscal year 2005. Under circumstances of dual
24 enrollment, overlapping service areas or inaccurate dis-

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

3 SEC. 114. Funds appropriated for the Bureau of In-
4 dian Affairs for postsecondary schools for fiscal year 2005
5 shall be allocated among the schools proportionate to the
6 unmet need of the schools as determined by the Postsec-
7 ondary Funding Formula adopted by the Office of Indian
8 Education Programs.

9 SEC. 115. (a) The Secretary of the Interior shall
10 hereafter take such action as may be necessary to ensure
11 that the lands comprising the Huron Cemetery in Kansas
12 City, Kansas (as described in section 123 of Public Law
13 106–291) are used only in accordance with this section.

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

18 SEC. 116. Notwithstanding any other provision of
19 law, in conveying the Twin Cities Research Center under
20 the authority provided by Public Law 104–134, as amend-
21 ed by Public Law 104–208, the Secretary may accept and
22 retain land and other forms of reimbursement: *Provided*,
23 That the Secretary may retain and use any such reim-
24 bursement until expended and without further appropria-
25 tion: (1) for the benefit of the National Wildlife Refuge

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

4 SEC. 117. Notwithstanding 31 U.S.C. 3302(b), sums
5 received by the Bureau of Land Management for the sale
6 of seeds or seedlings may hereafter be credited to the ap-
7 propriation from which funds were expended to acquire
8 or grow the seeds or seedlings and are available without
9 fiscal year limitation.

10 SEC. 118. The Secretary of the Interior may use or
11 contract for the use of helicopters or motor vehicles on
12 the Sheldon and Hart National Wildlife Refuges for the
13 purpose of capturing and transporting horses and burros.
14 The provisions of subsection (a) of the Act of September
15 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such
16 use. Such use shall be in accordance with humane proce-
17 dures prescribed by the Secretary.

18 SEC. 119. (a) LIMITATION ON INCREASES IN CLAIMS
19 MAINTENANCE AND LOCATION FEES.—The fees estab-
20 lished in 30 U.S.C. 28f and 28g shall not be increased
21 pursuant to 30 U.S.C. 28j(c)(1) until the Departments of
22 the Interior and Agriculture have complied with the obli-
23 gations established in subsections (b) and (c).

24 (b) ESTABLISHMENT OF PERMIT TRACKING SYS-
25 TEM.—The Departments of the Interior and Agriculture

1 shall establish a nationwide tracking system to determine
2 and address the length of time from submission of a plan
3 of operations to mine on public lands to final approval of
4 such submission.

5 (c) REPORT.—Within one year of enactment, the De-
6 partments shall file a detailed report with the House and
7 Senate Committees on Appropriations and the Committee
8 on Resources of the House of Representatives and the
9 Committee on Energy and Natural Resources of the Sen-
10 ate providing detailed information on the causes of delays
11 in approval of mining plans of operations and recom-
12 mending steps to reduce such delays.

13 SEC. 120. Funds provided in this Act for Federal
14 land acquisition by the National Park Service for New
15 Jersey Pinelands Reserve and Ice Age National Scenic
16 Trail may be used for a grant to a State, a local govern-
17 ment, or any other land management entity for the acqui-
18 sition of lands without regard to any restriction on the
19 use of Federal land acquisition funds provided through the
20 Land and Water Conservation Fund Act of 1965 as
21 amended.

22 SEC. 121. None of the funds made available by this
23 Act may be obligated or expended by the National Park
24 Service to enter into or implement a concession contract

1 which permits or requires the removal of the underground
2 lunchroom at the Carlsbad Caverns National Park.

3 SEC. 122. None of the funds in this or any other Act
4 can be used to compensate the Special Master and the
5 Special Master-Monitor, and all variations thereto, ap-
6 pointed by the United States District Court for the Dis-
7 trict of Columbia in the Cobell v. Norton litigation at an
8 annual rate that exceeds 200 percent of the highest Senior
9 Executive Service rate of pay for the Washington-Balti-
10 more locality pay area.

11 SEC. 123. The Secretary of the Interior may use dis-
12 cretionary funds to pay private attorneys fees and costs
13 for employees and former employees of the Department
14 of the Interior reasonably incurred in connection with
15 Cobell v. Norton to the extent that such fees and costs
16 are not paid by the Department of Justice or by private
17 insurance. In no case shall the Secretary make payments
18 under this section that would result in payment of hourly
19 fees in excess of the highest hourly rate approved by the
20 District Court for the District of Columbia for counsel in
21 Cobell v. Norton.

22 SEC. 124. (a) IN GENERAL.—Nothing in section 134
23 of the Department of the Interior and Related Agencies
24 Appropriations Act, 2002 (115 Stat. 443) affects the deci-
25 sion of the United States Court of Appeals for the 10th

1 Circuit in *Sac and Fox Nation v. Norton*, 240 F.3d 1250
2 (2001).

3 (b) USE OF CERTAIN INDIAN LAND.—Nothing in this
4 section permits the conduct of gaming under the Indian
5 Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land
6 described in section 123 of the Department of the Interior
7 and Related Agencies Appropriations Act, 2001 (114 Stat.
8 944), or land that is contiguous to that land, regardless
9 of whether the land or contiguous land has been taken
10 into trust by the Secretary of the Interior.

11 SEC. 125. No funds appropriated for the Department
12 of the Interior by this Act or any other Act shall be used
13 to study or implement any plan to drain Lake Powell or
14 to reduce the water level of the lake below the range of
15 water levels required for the operation of the Glen Canyon
16 Dam.

17 SEC. 126. Notwithstanding the limitation in subpara-
18 graph (2)(B) of section 18(a) of the Indian Gaming Regu-
19 latory Act (25 U.S.C. 2717(a)), the total amount of all
20 fees imposed by the National Indian Gaming Commission
21 for fiscal year 2006 shall not exceed \$12,000,000.

22 SEC. 127. Notwithstanding any implementation of
23 the Department of the Interior's trust reorganization or
24 reengineering plans, or the implementation of the "To Be"
25 Model, funds appropriated for fiscal year 2005 shall be

1 available to the tribes within the California Tribal Trust
2 Reform Consortium and to the Salt River Pima-Maricopa
3 Indian Community, the Confederated Salish and Kootenai
4 Tribes of the Flathead Reservation and the Chippewa Cree
5 Tribe of the Rocky Boys Reservation through the same
6 methodology as funds were distributed in fiscal year 2003.
7 This Demonstration Project shall continue to operate sep-
8 arate and apart from the Department of the Interior's
9 trust reform and reorganization and the Department shall
10 not impose its trust management infrastructure upon or
11 alter the existing trust resource management systems of
12 the above referenced tribes having a self-governance com-
13 pact and operating in accordance with the Tribal Self-Gov-
14 ernance Program set forth in 25 U.S.C. Sections 458aa-
15 458hh: *Provided*, That the California Trust Reform Con-
16 sortium and any other participating tribe agree to carry
17 out their responsibilities under the same written and im-
18 plemented fiduciary standards as those being carried by
19 the Secretary of the Interior: *Provided further*, That they
20 demonstrate to the satisfaction of the Secretary that they
21 have the capability to do so: *Provided further*, That the
22 Department shall provide funds to the tribes in an amount
23 equal to that required by 25 U.S.C. Section 458cc(g)(3),
24 including funds specifically or functionally related to the
25 provision of trust services to the tribes or their members.

1 SEC. 128. Nonrenewable grazing permits authorized
2 in the Jarbidge Field Office, Bureau of Land Management
3 within the past eight years shall be renewed under section
4 402 of the Federal Land Policy and Management Act of
5 1976, as amended (43 U.S.C. 1752) and under section
6 3 of the Taylor Grazing Act of 1934, as amended (43
7 U.S.C. 315b). The terms and conditions contained in the
8 most recently expired nonrenewable grazing permit shall
9 continue in effect under the renewed permit. Upon comple-
10 tion of any required analysis or documentation, the permit
11 may be canceled, suspended or modified, in whole or in
12 part, to meet the requirements of applicable laws and reg-
13 ulations. Nothing in this section shall be deemed to extend
14 the nonrenewable permits beyond the standard 1-year
15 term.

16 SEC. 129. Sec. 101(d) of division A of Public Law
17 104–208 (110 Stat. 3009–200) under Title I, General
18 Provisions, Section 113, is amended immediately following
19 the last word in the fourth proviso by adding the phrase,
20 “or to be used by the agency or subagency responsible for
21 administering the franchise fund for the acquisition of
22 capital equipment, and for the improvement and imple-
23 mentation of financial management, ADP, and other sup-
24 port systems”.

1 SEC. 130. Pursuant to section 10101f(d)(3) of the
2 Omnibus Budget Reconciliation Act of 1993 (30 U.S.C.
3 28f(d)(3)), the following claim shall be given notice of de-
4 fect and the opportunity to cure: FF-61472.

5 SEC. 131. Section 702(b)(2) of Public Law 107-282
6 (116 Stat. 2013) is amended by striking “that if the land”
7 and all that follows through “conveyed by the Founda-
8 tion.” and inserting the following: “that provides that (ex-
9 cept in a case in which the proceeds of a lease are provided
10 to the Foundation to carry out the purposes for which the
11 Foundation was established), if the land described in para-
12 graph (3) is sold, leased, or otherwise conveyed by the
13 Foundation—”.

14 SEC. 132. AMENDMENT OF THE SURFACE MINING
15 CONTROL AND RECLAMATION ACT OF 1977. Section
16 402(b) of the Surface Mining Control and Reclamation
17 Act of 1977 (30 U.S.C. 1232(b)) is amended by striking
18 “September 30, 2004” and inserting “June 30, 2005”.

19 SEC. 133. Notwithstanding any other provision of
20 law, the Secretary of the Interior is authorized to acquire
21 lands, waters, or interests therein including the use of all
22 or part of any pier, dock, or landing within the State of
23 New York and the State of New Jersey, for the purpose
24 of operating and maintaining facilities in the support of
25 transportation and accommodation of visitors to Ellis,

1 Governors, and Liberty Islands, and of other program and
 2 administrative activities, by donation or with appropriated
 3 funds, including franchise fees (and other monetary con-
 4 sideration), or by exchange; and the Secretary is author-
 5 ized to negotiate and enter into leases, subleases, conces-
 6 sion contracts or other agreements for the use of such fa-
 7 cilities on such terms and conditions as the Secretary may
 8 determine reasonable.

9 TITLE II—RELATED AGENCIES

10 DEPARTMENT OF AGRICULTURE

11 FOREST SERVICE

12 FOREST AND RANGELAND RESEARCH

13 For necessary expenses of forest and rangeland re-
 14 search as authorized by law, \$279,883,000, to remain
 15 available until expended.

16 STATE AND PRIVATE FORESTRY

17 For necessary expenses of cooperating with and pro-
 18 viding technical and financial assistance to States, terri-
 19 tories, possessions, and others, and for forest health man-
 20 agement, including treatments of pests, pathogens, and
 21 invasive or noxious plants and for restoring and rehabili-
 22 tating forests damaged by pests or invasive plants, cooper-
 23 ative forestry, and education and land conservation activi-
 24 ties and conducting an international program as author-
 25 ized, \$291,169,000, to remain available until expended, as
 26 authorized by law, of which \$76,329,000 is to be derived

1 from the Land and Water Conservation Fund: *Provided*,
 2 That none of the funds provided under this heading for
 3 the acquisition of lands or interests in lands shall be avail-
 4 able until the Forest Service notifies the House Committee
 5 on Appropriations and the Senate Committee on Appro-
 6 priations, in writing, of specific contractual and grant de-
 7 tails including the non-Federal cost share of each project,
 8 related to the acquisition of lands or interests in lands to
 9 be undertaken with such funds: *Provided further*, That
 10 each forest legacy grant shall be for a specific project or
 11 set of specific tasks: *Provided further*, That grants for ac-
 12 quisition of lands or conservation easements shall require
 13 that the State demonstrates that 25 percent of the total
 14 value of the project is comprised of a non-Federal cost
 15 share: *Provided further*, That notwithstanding any other
 16 provision of law, of the funds provided under this heading,
 17 \$1,000,000 shall be made available to Kake Tribal Cor-
 18 poration as an advance direct lump sum payment to imple-
 19 ment the Kake Tribal Corporation Land Transfer Act
 20 (Public Law 106–283).

21 NATIONAL FOREST SYSTEM

22 For necessary expenses of the Forest Service, not
 23 otherwise provided for, for management, protection, im-
 24 provement, and utilization of the National Forest System,
 25 \$1,387,149,000, to remain available until expended, which
 26 shall include 50 percent of all moneys received during

1 prior fiscal years as fees collected under the Land and
2 Water Conservation Fund Act of 1965, as amended, in
3 accordance with section 4 of the Act (16 U.S.C. 460l–
4 6a(i)): *Provided*, That unobligated balances under this
5 heading available at the start of fiscal year 2005 shall be
6 displayed by budget line item in the fiscal year 2006 budg-
7 et justification: *Provided further*, That the Secretary may
8 authorize the expenditure or transfer of such sums as nec-
9 essary to the Department of the Interior, Bureau of Land
10 Management, for removal, preparation, and adoption of
11 excess wild horses and burros from National Forest Sys-
12 tem lands, and for the performance of cadastral surveys
13 to designate the boundaries of such lands: *Provided fur-*
14 *ther*, That of the funds provided under this heading for
15 Forest Products, \$5,000,000 shall be allocated to the
16 Alaska Region, in addition to its normal allocation for the
17 purposes of preparing additional timber for sale, to estab-
18 lish a 3-year timber supply and such funds may be trans-
19 ferred to other appropriations accounts as necessary to
20 maximize accomplishment: *Provided further*, That within
21 funds available for the purpose of implementing the Valles
22 Caldera Preservation Act, notwithstanding the limitations
23 of section 107(e)(2) of the Valles Caldera Preservation Act
24 (Public Law 106–248), for fiscal year 2005, the Chair of
25 the Board of Trustees of the Valles Caldera Trust may

1 receive, upon request, compensation for each day (includ-
 2 ing travel time) that the Chair is engaged in the perform-
 3 ance of the functions of the Board, except that compensa-
 4 tion shall not exceed the daily equivalent of the annual
 5 rate in effect for members of the Senior Executive Service
 6 at the ES-1 level, and shall be in addition to any reim-
 7 bursement for travel, subsistence and other necessary ex-
 8 penses incurred by the Chair in the performance of the
 9 Chair's duties.

10 WILDLAND FIRE MANAGEMENT

11 For necessary expenses for forest fire presuppression
 12 activities on National Forest System lands, for emergency
 13 fire suppression on or adjacent to such lands or other
 14 lands under fire protection agreement, hazardous fuels re-
 15 duction on or adjacent to such lands, and for emergency
 16 rehabilitation of burned-over National Forest System
 17 lands and water, \$1,703,897,000, to remain available until
 18 expended: *Provided*, That such funds including unobli-
 19 gated balances under this head, are available for repay-
 20 ment of advances from other appropriations accounts pre-
 21 viously transferred for such purposes: *Provided further*,
 22 That such funds shall be available to reimburse State and
 23 other cooperating entities for services provided in response
 24 to wildfire and other emergencies or disasters to the extent
 25 such reimbursements by the Forest Service for non-fire
 26 emergencies are fully repaid by the responsible emergency

1 management agency: *Provided further*, That not less than
2 50 percent of any unobligated balances remaining (exclu-
3 sive of amounts for hazardous fuels reduction) at the end
4 of fiscal year 2004 shall be transferred, as repayment for
5 past advances that have not been repaid, to the fund es-
6 tablished pursuant to section 3 of Public Law 71–319 (16
7 U.S.C. 576 et seq.): *Provided further*, That notwith-
8 standing any other provision of law, \$8,000,000 of funds
9 appropriated under this appropriation shall be used for
10 Fire Science Research in support of the Joint Fire Science
11 Program: *Provided further*, That all authorities for the use
12 of funds, including the use of contracts, grants, and coop-
13 erative agreements, available to execute the Forest and
14 Rangeland Research appropriation, are also available in
15 the utilization of these funds for Fire Science Research:
16 *Provided further*, That funds provided shall be available
17 for emergency rehabilitation and restoration, hazardous
18 fuels reduction activities in the urban-wildland interface,
19 support to Federal emergency response, and wildfire sup-
20 pression activities of the Forest Service: *Provided further*,
21 That of the funds provided, \$266,238,000 is for hazardous
22 fuels reduction activities, \$3,000,000 is for rehabilitation
23 and restoration, \$20,861,000 is for research activities and
24 to make competitive research grants pursuant to the For-
25 est and Rangeland Renewable Resources Research Act, as

1 amended (16 U.S.C. 1641 et seq.), \$40,745,000 is for
2 State fire assistance, \$8,000,000 is for volunteer fire as-
3 sistance, \$12,653,000 is for forest health activities on
4 State, private, and Federal lands: *Provided further*, That
5 amounts in this paragraph may be transferred to the
6 “State and Private Forestry”, “National Forest System”,
7 and “Forest and Rangeland Research” accounts to fund
8 State fire assistance, volunteer fire assistance, forest
9 health management, forest and rangeland research, vege-
10 tation and watershed management, heritage site rehabili-
11 tation, and wildlife and fish habitat management and res-
12 toration: *Provided further*, That transfers of any amounts
13 in excess of those authorized in this paragraph, shall re-
14 quire approval of the House and Senate Committees on
15 Appropriations in compliance with reprogramming proce-
16 dures contained in House Report 108–330: *Provided fur-*
17 *ther*, That the costs of implementing any cooperative
18 agreement between the Federal Government and any non-
19 Federal entity may be shared, as mutually agreed on by
20 the affected parties: *Provided further*, That in addition to
21 funds provided for State Fire Assistance programs, and
22 subject to all authorities available to the Forest Service
23 under the State and Private Forestry Appropriations, up
24 to \$15,000,000 may be used on adjacent non-Federal
25 lands for the purpose of protecting communities when haz-

1 and reduction activities are planned on national forest
2 lands that have the potential to place such communities
3 at risk: *Provided further*, That included in funding for haz-
4 ardous fuel reduction is \$5,000,000 for implementing the
5 Community Forest Restoration Act, Public Law 106–393,
6 title VI, and any portion of such funds shall be available
7 for use on non-Federal lands in accordance with authori-
8 ties available to the Forest Service under the State and
9 Private Forestry Appropriation: *Provided further*, That
10 the Secretary of the Interior and the Secretary of Agri-
11 culture may authorize the transfer of funds appropriated
12 for wildland fire management, in an aggregate amount not
13 to exceed \$12,000,000, between the Departments when
14 such transfers would facilitate and expedite jointly funded
15 wildland fire management programs and projects.

16 CAPITAL IMPROVEMENT AND MAINTENANCE

17 For necessary expenses of the Forest Service, not
18 otherwise provided for, \$516,169,000, to remain available
19 until expended for construction, reconstruction, mainte-
20 nance and acquisition of buildings and other facilities, and
21 for construction, reconstruction, repair, decommissioning,
22 and maintenance of forest roads and trails by the Forest
23 Service as authorized by 16 U.S.C. 532–538 and 23
24 U.S.C. 101 and 205: *Provided*, That up to \$15,000,000
25 of the funds provided herein for road maintenance shall
26 be available for the decommissioning of roads, including

1 unauthorized roads not part of the transportation system,
 2 which are no longer needed: *Provided further*, That no
 3 funds shall be expended to decommission any system road
 4 until notice and an opportunity for public comment has
 5 been provided on each decommissioning project.

6 LAND ACQUISITION

7 For expenses necessary to carry out the provisions
 8 of the Land and Water Conservation Fund Act of 1965,
 9 as amended (16 U.S.C. 460l–4 through 11), including ad-
 10 ministrative expenses, and for acquisition of land or wa-
 11 ters, or interest therein, in accordance with statutory au-
 12 thority applicable to the Forest Service, \$82,524,000, to
 13 be derived from the Land and Water Conservation Fund
 14 and to remain available until expended.

15 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL 16 ACTS

17 For acquisition of lands within the exterior bound-
 18 aries of the Cache, Uinta, and Wasatch National Forests,
 19 Utah; the Toiyabe National Forest, Nevada; and the An-
 20 geles, San Bernardino, Sequoia, and Cleveland National
 21 Forests, California, as authorized by law, \$1,069,000, to
 22 be derived from forest receipts.

23 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

24 For acquisition of lands, such sums, to be derived
 25 from funds deposited by State, county, or municipal gov-
 26 ernments, public school districts, or other public school au-

1 thorities, and for authorized expenditures from funds de-
 2 posited by non-Federal parties pursuant to Land Sale and
 3 Exchange Acts, pursuant to the Act of December 4, 1967,
 4 as amended (16 U.S.C. 484a), to remain available until
 5 expended.

6 RANGE BETTERMENT FUND

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

16 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND

17 RANGELAND RESEARCH

18 For expenses authorized by 16 U.S.C. 1643(b),
 19 \$65,000, to remain available until expended, to be derived
 20 from the fund established pursuant to the above Act.

21 MANAGEMENT OF NATIONAL FOREST LANDS FOR

22 SUBSISTENCE USES

23 For necessary expenses of the Forest Service to man-
 24 age Federal lands in Alaska for subsistence uses under
 25 title VIII of the Alaska National Interest Lands Conserva-

tion Act (Public Law 96–487), \$5,962,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 124 passenger motor vehicles of which 21 will be used primarily for law enforcement purposes and of which 124 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; purchase, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

1 None of the funds made available under this Act shall
2 be obligated or expended to abolish any region, to move
3 or close any regional office for National Forest System
4 administration of the Forest Service, Department of Agri-
5 culture without the consent of the House and Senate Com-
6 mittees on Appropriations.

7 Any appropriations or funds available to the Forest
8 Service may be transferred to the Wildland Fire Manage-
9 ment appropriation for forest firefighting, emergency re-
10 habilitation of burned-over or damaged lands or waters
11 under its jurisdiction, and fire preparedness due to severe
12 burning conditions if and only if all previously appro-
13 priated emergency contingent funds under the heading
14 “Wildland Fire Management” have been released by the
15 President and apportioned and all wildfire suppression
16 funds under the heading “Wildland Fire Management”
17 are obligated.

18 Funds appropriated to the Forest Service shall be
19 available for assistance to or through the Agency for Inter-
20 national Development and the Foreign Agricultural Serv-
21 ice in connection with forest and rangeland research, tech-
22 nical information, and assistance in foreign countries, and
23 shall be available to support forestry and related natural
24 resource activities outside the United States and its terri-
25 tories and possessions, including technical assistance, edu-

1 cation and training, and cooperation with United States
2 and international organizations.

3 None of the funds made available to the Forest Serv-
4 ice under this Act shall be subject to transfer under the
5 provisions of section 702(b) of the Department of Agri-
6 culture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C.
7 147b unless the proposed transfer is approved in advance
8 by the House and Senate Committees on Appropriations
9 in compliance with the reprogramming procedures con-
10 tained in House Report 108–330.

11 None of the funds appropriated or otherwise made
12 available by this Act shall be used to pay the salaries and
13 expenses of personnel to carry out section 8002 of the
14 Farm Security and Rural Investment Act of 2002. Not
15 less than \$40,000,000 of funds under such section is here-
16 by canceled.

17 None of the funds available to the Forest Service may
18 be reprogrammed without the advance approval of the
19 House and Senate Committees on Appropriations in ac-
20 cordance with the reprogramming procedures contained in
21 the statement of managers accompanying this Act.

22 Not more than \$72,467,000 of the funds available to
23 the Forest Service shall be transferred to the Working
24 Capital Fund of the Department of Agriculture.

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

6 Of the funds available to the Forest Service, \$2,500
7 is available to the Chief of the Forest Service for official
8 reception and representation expenses.

9 Pursuant to sections 405(b) and 410(b) of Public
10 Law 101-593, of the funds available to the Forest Service,
11 \$3,000,000 may be advanced in a lump sum to the Na-
12 tional Forest Foundation to aid conservation partnership
13 projects in support of the Forest Service mission, without
14 regard to when the Foundation incurs expenses, for ad-
15 ministrative expenses or projects on or benefitting Na-
16 tional Forest System lands or related to Forest Service
17 programs: *Provided*, That of the Federal funds made
18 available to the Foundation, no more than \$350,000 shall
19 be available for administrative expenses: *Provided further*,
20 That the Foundation shall obtain, by the end of the period
21 of Federal financial assistance, private contributions to
22 match on at least one-for-one basis funds made available
23 by the Forest Service: *Provided further*, That the Founda-
24 tion may transfer Federal funds to a non-Federal recipient
25 for a project at the same rate that the recipient has ob-

1 tained the non-Federal matching funds: *Provided further*,
2 That authorized investments of Federal funds held by the
3 Foundation may be made only in interest-bearing obliga-
4 tions of the United States or in obligations guaranteed as
5 to both principal and interest by the United States.

6 Pursuant to section 2(b)(2) of Public Law 98–244,
7 \$2,650,000 of the funds available to the Forest Service
8 shall be available for matching funds to the National Fish
9 and Wildlife Foundation, as authorized by 16 U.S.C.
10 3701–3709, and may be advanced in a lump sum to aid
11 conservation partnership projects in support of the Forest
12 Service mission, without regard to when expenses are in-
13 curred, for projects on or benefitting National Forest Sys-
14 tem lands or related to Forest Service programs: *Provided*,
15 That the Foundation shall obtain, by the end of the period
16 of Federal financial assistance, private contributions to
17 match on at least one-for-one basis funds advanced by the
18 Forest Service: *Provided further*, That the Foundation
19 may transfer Federal funds to a non-Federal recipient for
20 a project at the same rate that the recipient has obtained
21 the non-Federal matching funds.

22 Funds appropriated to the Forest Service shall be
23 available for interactions with and providing technical as-
24 sistance to rural communities for sustainable rural devel-
25 opment purposes.

1 Funds appropriated to the Forest Service shall be
2 available for payments to counties within the Columbia
3 River Gorge National Scenic Area, pursuant to sections
4 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–
5 663.

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

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

23 The Secretary of Agriculture may authorize the sale
24 of excess buildings, facilities, and other properties owned
25 by the Forest Service and located on the Green Mountain

1 National Forest, the revenues of which shall be retained
2 by the Forest Service and available to the Secretary with-
3 out further appropriation and until expended for mainte-
4 nance and rehabilitation activities on the Green Mountain
5 National Forest.

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

17 Beginning on June 30, 2001 and concluding on De-
18 cember 31, 2005, an eligible individual who is employed
19 in any project funded under title V of the Older American
20 Act of 1965 (42 U.S.C. 3056 et seq.) and administered
21 by the Forest Service shall be considered to be a Federal
22 employee for purposes of chapter 171 of title 28, United
23 States Code.

24 Any funds appropriated to the Forest Service may
25 be used to meet the non-Federal share requirement in sec-

1 tion 502(c) of the Older American Act of 1965 (42 U.S.C.
2 3056(c)(2)).

3 Funds available to the Forest Service in this Act may
4 be used for the purpose of expenses associated with pri-
5 mary and secondary schooling for dependents of agency
6 personnel stationed in Puerto Rico prior to the date of
7 enactment of this Act, who are subject to transfer and
8 reassignment to other locations in the United States, at
9 a cost not in excess of those authorized for the Depart-
10 ment of Defense for the same area, when it is determined
11 by the Chief of the Forest Service that public schools
12 available in the locality are unable to provide adequately
13 for the education of such dependents.

14 The Secretary of Agriculture may authorize the sale
15 of excess buildings, facilities, and other properties owned
16 by the Forest Service and located on the Wasatch-Cache
17 National Forest, the revenues of which shall be retained
18 by the Forest Service and available to the Secretary with-
19 out further appropriation and until expended for acquisi-
20 tion and construction of administrative sites on the
21 Wasatch-Cache National Forest.

1 DEPARTMENT OF ENERGY

2 CLEAN COAL TECHNOLOGY

3 (DEFERRAL)

4 Of the funds made available under this heading for
5 obligation in prior years, \$257,000,000 shall not be avail-
6 able until October 1, 2005: *Provided*, That funds made
7 available in previous appropriations Acts shall be available
8 for any ongoing project regardless of the separate request
9 for proposal under which the project was selected.

10 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

11 For necessary expenses in carrying out fossil energy
12 research and development activities, under the authority
13 of the Department of Energy Organization Act (Public
14 Law 95–91), including the acquisition of interest, includ-
15 ing defeasible and equitable interests in any real property
16 or any facility or for plant or facility acquisition or expan-
17 sion, and for conducting inquiries, technological investiga-
18 tions and research concerning the extraction, processing,
19 use, and disposal of mineral substances without objection-
20 able social and environmental costs (30 U.S.C. 3, 1602,
21 and 1603), \$542,529,000, to remain available until ex-
22 pended: *Provided*, That of the amounts provided,
23 \$7,000,000 is to continue a multi-year project for con-
24 struction, renovation, furnishing, and demolition or re-
25 moval of buildings at National Energy Technology Lab-
26 oratory facilities in Morgantown, West Virginia and Pitts-

1 burgh, Pennsylvania: *Provided further*, That of the
2 amounts provided, \$18,000,000 is to continue a multi-year
3 project coordinated with the private sector for FutureGen,
4 without regard to the terms and conditions applicable to
5 clean coal technology projects: *Provided further*, That the
6 initial planning and research stages of the FutureGen
7 project shall include a matching requirement from non-
8 Federal sources of at least 20 percent of the costs: *Pro-*
9 *vided further*, That any demonstration component of such
10 project shall require a matching requirement from non-
11 Federal sources of at least 50 percent of the costs of the
12 component: *Provided further*, That of the amounts pro-
13 vided, \$50,000,000 is available, after coordination with
14 the private sector, for a request for proposals for a Clean
15 Coal Power Initiative providing for competitively-awarded
16 research, development, and demonstration projects to re-
17 duce the barriers to continued and expanded coal use: *Pro-*
18 *vided further*, That no project may be selected for which
19 sufficient funding is not available to provide for the total
20 project: *Provided further*, That funds shall be expended in
21 accordance with the provisions governing the use of funds
22 contained under the heading “Clean Coal Technology” in
23 42 U.S.C. 5903d: *Provided further*, That the Department
24 may include provisions for repayment of Government con-
25 tributions to individual projects in an amount up to the

1 Government contribution to the project on terms and con-
2 ditions that are acceptable to the Department including
3 repayments from sale and licensing of technologies from
4 both domestic and foreign transactions: *Provided further*,
5 That such repayments shall be retained by the Depart-
6 ment for future coal-related research, development and
7 demonstration projects: *Provided further*, That any tech-
8 nology selected under this program shall be considered a
9 Clean Coal Technology, and any project selected under
10 this program shall be considered a Clean Coal Technology
11 Project, for the purposes of 42 U.S.C. 7651n, and Chap-
12 ters 51, 52, and 60 of title 40 of the Code of Federal
13 Regulations: *Provided further*, That no part of the sum
14 herein made available shall be used for the field testing
15 of nuclear explosives in the recovery of oil and gas: *Pro-*
16 *vided further*, That up to 4 percent of program direction
17 funds available to the National Energy Technology Lab-
18 oratory may be used to support Department of Energy
19 activities not included in this account.

20 NAVAL PETROLEUM AND OIL SHALE RESERVES

21 For expenses necessary to carry out naval petroleum
22 and oil shale reserve activities, \$18,000,000, to remain
23 available until expended: *Provided*, That, notwithstanding
24 any other provision of law, unobligated funds remaining
25 from prior years shall be available for all naval petroleum
26 and oil shale reserve activities.

1 ELK HILLS SCHOOL LANDS FUND

2 For payments as authorized by section 3415 of Pub-
 3 lic Law 104–106, \$36,000,000, to become available on Oc-
 4 tober 1, 2005, for payment to the State of California for
 5 the State Teachers’ Retirement Fund from the Elk Hills
 6 School Lands Fund.

7 ENERGY CONSERVATION

8 For necessary expenses in carrying out energy con-
 9 servation activities, \$854,299,000, to remain available
 10 until expended: *Provided*, That \$273,798,000 shall be for
 11 use in energy conservation grant programs as defined in
 12 section 3008(3) of Public Law 99–509 (15 U.S.C. 4507):
 13 *Provided further*, That notwithstanding section 3003(d)(2)
 14 of Public Law 99–509, such sums shall be allocated to
 15 the eligible programs as follows: \$230,000,000 for weath-
 16 erization assistance grants and \$43,798,000 for State en-
 17 ergy program grants.

18 STRATEGIC PETROLEUM RESERVE

19 For necessary expenses for Strategic Petroleum Re-
 20 serve facility development and operations and program
 21 management activities pursuant to the Energy Policy and
 22 Conservation Act of 1975, as amended (42 U.S.C. 6201
 23 et seq.), \$172,100,000, to remain available until expended.

24 NORTHEAST HOME HEATING OIL RESERVE

25 For necessary expenses for Northeast Home Heating
 26 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, \$84,000,000,
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
26 with other agencies, Federal, State, private or foreign:

1 *Provided*, That revenues and other moneys received by or
2 for the account of the Department of Energy or otherwise
3 generated by sale of products in connection with projects
4 of the Department appropriated under this Act may be
5 retained by the Secretary of Energy, to be available until
6 expended, and, subject to appropriation in advance within
7 two years of such receipt, be used only for plant construc-
8 tion, operation, costs, and payments to cost-sharing enti-
9 ties as provided in appropriate cost-sharing contracts or
10 agreements: *Provided further*, That the remainder of reve-
11 nues after the making of such payments shall be covered,
12 amounts in excess of such appropriations shall be covered
13 into the Treasury as miscellaneous receipts: *Provided fur-*
14 *ther*, That any contract, agreement, or provision thereof
15 entered into by the Secretary pursuant to this authority
16 shall not be executed prior to the expiration of 30 calendar
17 days (not including any day in which either House of Con-
18 gress is not in session because of adjournment of more
19 than 3 calendar days to a day certain) from the receipt
20 by the Speaker of the House of Representatives and the
21 President of the Senate of a full comprehensive report on
22 such project, including the facts and circumstances relied
23 upon in support of the proposed project.

24 No funds provided in this Act may be expended by
25 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, \$2,633,624,000, 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 \$491,085,000
6 for contract medical care shall remain available for obliga-
7 tion until September 30, 2006: *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 \$267,398,000 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 2005, 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, \$16,000,000 is provided for alcohol control, en-
24 forcement, prevention, treatment, sobriety and wellness,
25 and education in Alaska: *Provided further*, That none of

1 the funds may be used for tribal courts or tribal ordinance
 2 programs or any program that is not directly related to
 3 alcohol control, enforcement, prevention, treatment, or so-
 4 briety: *Provided further*, That no more than 10 percent
 5 may be used by any entity receiving funding for adminis-
 6 trative overhead including indirect costs.

7 INDIAN HEALTH FACILITIES

8 For construction, repair, maintenance, improvement,
 9 and equipment of health and related auxiliary facilities,
 10 including quarters for personnel; preparation of plans,
 11 specifications, and drawings; acquisition of sites, purchase
 12 and erection of modular buildings, and purchases of trail-
 13 ers; and for provision of domestic and community sanita-
 14 tion facilities for Indians, as authorized by section 7 of
 15 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
 16 Self-Determination Act, and the Indian Health Care Im-
 17 provement Act, and for expenses necessary to carry out
 18 such Acts and titles II and III of the Public Health Serv-
 19 ice Act with respect to environmental health and facilities
 20 support activities of the Indian Health Service,
 21 \$364,148,000, to remain available until expended: *Pro-*
 22 *vided*, That notwithstanding any other provision of law,
 23 funds appropriated for the planning, design, construction
 24 or renovation of health facilities for the benefit of an In-
 25 dian tribe or tribes may be used to purchase land for sites
 26 to construct, improve, or enlarge health or related facili-

1 ties: *Provided further*, That not to exceed \$500,000 shall
2 be used by the Indian Health Service to purchase
3 TRANSAM equipment from the Department of Defense
4 for distribution to the Indian Health Service and tribal
5 facilities: *Provided further*, That none of the funds appro-
6 priated to the Indian Health Service may be used for sani-
7 tation facilities construction for new homes funded with
8 grants by the housing programs of the United States De-
9 partment of Housing and Urban Development: *Provided*
10 *further*, That not to exceed \$1,000,000 from this account
11 and the “Indian Health Services” account shall be used
12 by the Indian Health Service to obtain ambulances for the
13 Indian Health Service and tribal facilities in conjunction
14 with an existing interagency agreement between the In-
15 dian Health Service and the General Services Administra-
16 tion: *Provided further*, That notwithstanding any other
17 provision of law, the Indian Health Service is authorized
18 to construct a replacement health care facility in Nome,
19 Alaska, on land owned by the Norton Sound Regional
20 Health Corporation: *Provided further*, That notwith-
21 standing any other provision of law, funds appropriated
22 for the planning, design, and construction of the replace-
23 ment health care facility in Barrow, Alaska, may be used
24 to purchase land up to approximately 8 hectares for a site
25 upon which to construct the new health care facility: *Pro-*

1 *vided further*, That not to exceed \$500,000 shall be placed
2 in a Demolition Fund, available until expended, to be used
3 by the Indian Health Service for demolition of Federal
4 buildings.

5 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

6 Appropriations in this Act to the Indian Health Serv-
7 ice shall be available for services as authorized by 5 U.S.C.
8 3109 but at rates not to exceed the per diem rate equiva-
9 lent to the maximum rate payable for senior-level positions
10 under 5 U.S.C. 5376; hire of passenger motor vehicles and
11 aircraft; purchase of medical equipment; purchase of re-
12 prints; purchase, renovation and erection of modular
13 buildings and renovation of existing facilities; payments
14 for telephone service in private residences in the field,
15 when authorized under regulations approved by the Sec-
16 retary; and for uniforms or allowances therefor as author-
17 ized by 5 U.S.C. 5901–5902; and for expenses of attend-
18 ance at meetings which are concerned with the functions
19 or activities for which the appropriation is made or which
20 will contribute to improved conduct, supervision, or man-
21 agement of those functions or activities.

22 In accordance with the provisions of the Indian
23 Health Care Improvement Act, non-Indian patients may
24 be extended health care at all tribally administered or In-
25 dian Health Service facilities, subject to charges, and the
26 proceeds along with funds recovered under the Federal

1 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
2 be credited to the account of the facility providing the
3 service and shall be available without fiscal year limitation.
4 Notwithstanding any other law or regulation, funds trans-
5 ferred from the Department of Housing and Urban Devel-
6 opment to the Indian Health Service shall be administered
7 under Public Law 86–121 (the Indian Sanitation Facili-
8 ties Act) and Public Law 93–638, as amended.

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

13 None of the funds made available to the Indian
14 Health Service in this Act shall be used for any assess-
15 ments or charges by the Department of Health and
16 Human Services unless identified in the budget justifica-
17 tion and provided in this Act, or approved by the House
18 and Senate Committees on Appropriations through the re-
19 programming process.

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

1 mination contract under title I, or a self-governance agree-
2 ment under title V of such Act and thereafter shall remain
3 available to the tribe or tribal organization without fiscal
4 year limitation.

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

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

1 Reimbursements for training, technical assistance, or
 2 services provided by the Indian Health Service will contain
 3 total costs, including direct, administrative, and overhead
 4 associated with the provision of goods, services, or tech-
 5 nical assistance.

6 The appropriation structure for the Indian Health
 7 Service may not be altered without advance notice sub-
 8 mitted to the House and Senate Committees on Appro-
 9 priations.

10 OTHER RELATED AGENCIES

11 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

12 SALARIES AND EXPENSES

13 For necessary expenses of the Office of Navajo and
 14 Hopi Indian Relocation as authorized by Public Law 93–
 15 531, \$5,000,000, to remain available until expended: *Pro-*
 16 *vided*, That funds provided in this or any other appropria-
 17 tions Act are to be used to relocate eligible individuals and
 18 groups including evictees from District 6, Hopi-partitioned
 19 lands residents, those in significantly substandard hous-
 20 ing, and all others certified as eligible and not included
 21 in the preceding categories: *Provided further*, That none
 22 of the funds contained in this or any other Act may be
 23 used by the Office of Navajo and Hopi Indian Relocation
 24 to evict any single Navajo or Navajo family who, as of
 25 November 30, 1985, was physically domiciled on the lands

1 partitioned to the Hopi Tribe unless a new or replacement
 2 home is provided for such household: *Provided further*,
 3 That no relocatee will be provided with more than one new
 4 or replacement home: *Provided further*, That the Office
 5 shall relocate any certified eligible relocatees who have se-
 6 lected and received an approved homesite on the Navajo
 7 reservation or selected a replacement residence off the
 8 Navajo reservation or on the land acquired pursuant to
 9 25 U.S.C. 640d–10.

10 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
 11 CULTURE AND ARTS DEVELOPMENT

12 PAYMENT TO THE INSTITUTE

13 For payment to the Institute of American Indian and
 14 Alaska Native Culture and Arts Development, as author-
 15 ized by title XV of Public Law 99–498, as amended (20
 16 U.S.C. 56 part A), \$6,000,000, of which up to \$1,000,000
 17 may remain available until expended to assist with the In-
 18 stitute’s efforts to develop a Continuing Education Life-
 19 long Learning Center.

20 SMITHSONIAN INSTITUTION

21 SALARIES AND EXPENSES

22 For necessary expenses of the Smithsonian Institu-
 23 tion, as authorized by law, including research in the fields
 24 of art, science, and history; development, preservation, and
 25 documentation of the National Collections; presentation of

1 public exhibits and performances; collection, preparation,
2 dissemination, and exchange of information and publica-
3 tions; conduct of education, training, and museum assist-
4 ance programs; maintenance, alteration, operation, lease
5 (for terms not to exceed 30 years), and protection of build-
6 ings, facilities, and approaches; not to exceed \$100,000
7 for services as authorized by 5 U.S.C. 3109; up to five
8 replacement passenger vehicles; purchase, rental, repair,
9 and cleaning of uniforms for employees, \$490,125,000, of
10 which not to exceed \$11,108,000 for the instrumentation
11 program, collections acquisition, exhibition reinstallation,
12 the National Museum of African American History and
13 Culture, and the repatriation of skeletal remains program
14 shall remain available until expended; and of which
15 \$1,620,000 for fellowships and scholarly awards shall re-
16 main available until September 30, 2006; and including
17 such funds as may be necessary to support American over-
18 seas research centers and a total of \$125,000 for the
19 Council of American Overseas Research Centers: *Provided*,
20 That funds appropriated herein are available for advance
21 payments to independent contractors performing research
22 services or participating in official Smithsonian presen-
23 tations: *Provided further*, That the Smithsonian Institu-
24 tion may expend Federal appropriations designated in this
25 Act for lease or rent payments for long term and swing

1 space, as rent payable to the Smithsonian Institution, and
 2 such rent payments may be deposited into the general
 3 trust funds of the Institution to the extent that federally
 4 supported activities are housed in the 900 H Street, N.W.
 5 building in the District of Columbia: *Provided further,*
 6 That this use of Federal appropriations shall not be con-
 7 strued as debt service, a Federal guarantee of, a transfer
 8 of risk to, or an obligation of, the Federal Government:
 9 *Provided further,* That no appropriated funds may be used
 10 to service debt which is incurred to finance the costs of
 11 acquiring the 900 H Street building or of planning, de-
 12 signing, and constructing improvements to such building.

13 FACILITIES CAPITAL

14 For necessary expenses of repair, revitalization, and
 15 alteration of facilities owned or occupied by the Smithso-
 16 nian Institution, by contract or otherwise, as authorized
 17 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
 18 and for construction, including necessary personnel,
 19 \$136,900,000, to remain available until expended, of
 20 which not to exceed \$10,000 is for services as authorized
 21 by 5 U.S.C. 3109: *Provided,* That contracts awarded for
 22 environmental systems, protection systems, and repair or
 23 restoration of facilities of the Smithsonian Institution may
 24 be negotiated with selected contractors and awarded on
 25 the basis of contractor qualifications as well as price.

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, \$92,119,000, 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, \$11,000,000, 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, \$17,152,000.

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 \$16,334,000, 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, \$8,987,000.

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, \$120,972,000, 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 \$21,729,000 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, \$119,386,000, 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, \$15,924,000, to remain available
14 until expended, of which \$10,308,000 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.

24 ADMINISTRATIVE PROVISIONS

25 None of the funds appropriated to the National
26 Foundation on the Arts and the Humanities may be used

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

16 COMMISSION OF FINE ARTS

17 SALARIES AND EXPENSES

18 For expenses made necessary by the Act establishing
 19 a Commission of Fine Arts (40 U.S.C. 104), \$1,793,000:
 20 *Provided*, That the Commission is authorized to charge
 21 fees to cover the full costs of its publications, and such
 22 fees shall be credited to this account as an offsetting col-
 23 lection, to remain available until expended without further
 24 appropriation.

1 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

2 For necessary expenses as authorized by Public Law
3 99–190 (20 U.S.C. 956(a)), as amended, \$6,000,000.

4 ADVISORY COUNCIL ON HISTORIC PRESERVATION

5 SALARIES AND EXPENSES

6 For necessary expenses of the Advisory Council on
7 Historic Preservation (Public Law 89–665, as amended),
8 \$4,600,000: *Provided*, That none of these funds shall be
9 available for compensation of level V of the Executive
10 Schedule or higher positions.

11 NATIONAL CAPITAL PLANNING COMMISSION

12 SALARIES AND EXPENSES

13 For necessary expenses, as authorized by the Na-
14 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
15 including services as authorized by 5 U.S.C. 3109,
16 \$8,000,000: *Provided*, That one-quarter of 1 percent of
17 the funds provided under this heading may be used for
18 official reception and representational expenses to host
19 international visitors engaged in the planning and physical
20 development of world capitals.

21 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

22 HOLOCAUST MEMORIAL MUSEUM

23 For expenses of the Holocaust Memorial Museum, as
24 authorized by Public Law 106–292 (36 U.S.C. 2301–
25 2310), \$41,433,000, of which \$1,900,000 for the muse-

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

4 PRESIDIO TRUST

5 PRESIDIO TRUST FUND

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

10 TITLE III—GENERAL PROVISIONS

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

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

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

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

6 SEC. 305. No assessments may be levied against any
7 program, budget activity, subactivity, or project funded by
8 this Act unless notice of such assessments and the basis
9 therefor are presented to the Committees on Appropria-
10 tions and are approved by such committees.

11 SEC. 306. None of the funds in this Act may be used
12 to plan, prepare, or offer for sale timber from trees classi-
13 fied as giant sequoia (*Sequoiadendron giganteum*) which
14 are located on National Forest System or Bureau of Land
15 Management lands in a manner different than such sales
16 were conducted in fiscal year 2004.

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

22 (b) EXCEPTIONS.—The provisions of subsection (a)
23 shall not apply if the Secretary of the Interior determines
24 that, for the claim concerned: (1) a patent application was
25 filed with the Secretary on or before September 30, 1994;

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

9 (c) REPORT.—On September 30, 2005, the Secretary
10 of the Interior shall file with the House and Senate Com-
11 mittees on Appropriations and the Committee on Re-
12 sources of the House of Representatives and the Com-
13 mittee on Energy and Natural Resources of the Senate
14 a report on actions taken by the Department under the
15 plan submitted pursuant to section 314(c) of the Depart-
16 ment of the Interior and Related Agencies Appropriations
17 Act, 1997 (Public Law 104–208).

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

1 Management shall have the sole responsibility to choose
2 and pay the third-party contractor in accordance with the
3 standard procedures employed by the Bureau of Land
4 Management in the retention of third-party contractors.

5 SEC. 308. Notwithstanding any other provision of
6 law, amounts appropriated to or earmarked in committee
7 reports for the Bureau of Indian Affairs and the Indian
8 Health Service by Public Laws 103–138, 103–332, 104–
9 134, 104–208, 105–83, 105–277, 106–113, 106–291,
10 107–63, 108–7, and 108–108 for payments to tribes and
11 tribal organizations for contract support costs associated
12 with self-determination or self-governance contracts,
13 grants, compacts, or annual funding agreements with the
14 Bureau of Indian Affairs or the Indian Health Service as
15 funded by such Acts, are the total amounts available for
16 fiscal years 1994 through 2004 for such purposes, except
17 that, for the Bureau of Indian Affairs, tribes and tribal
18 organizations may use their tribal priority allocations for
19 unmet indirect costs of ongoing contracts, grants, self-gov-
20 ernance compacts or annual funding agreements.

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

23 (1) The Chairperson shall only award a grant
24 to an individual if such grant is awarded to such in-
25 dividual for a literature fellowship, National Herit-

1 age Fellowship, or American Jazz Masters Fellow-
2 ship.

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

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

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

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

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

12 (b) In this section:

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

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

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

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

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

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

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

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

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

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

13 SEC. 314. Notwithstanding any other provision of
14 law, for fiscal year 2005 the Secretaries of Agriculture and
15 the Interior are authorized to limit competition for water-
16 shed restoration project contracts as part of the “Jobs in
17 the Woods” Program established in Region 10 of the For-
18 est Service to individuals and entities in historically tim-
19 ber-dependent areas in the States of Washington, Oregon,
20 northern California, Idaho, Montana, and Alaska that
21 have been affected by reduced timber harvesting on Fed-
22 eral lands. The Secretaries shall consider the benefits to
23 the local economy in evaluating bids and designing pro-
24 curements which create economic opportunities for local
25 contractors.

1 SEC. 315. Amounts deposited during fiscal year 2004
2 in the roads and trails fund provided for in the 14th para-
3 graph under the heading “FOREST SERVICE” of the
4 Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall
5 be used by the Secretary of Agriculture, without regard
6 to the State in which the amounts were derived, to repair
7 or reconstruct roads, bridges, and trails on National For-
8 est System lands or to carry out and administer projects
9 to improve forest health conditions, which may include the
10 repair or reconstruction of roads, bridges, and trails on
11 National Forest System lands in the wildland-community
12 interface where there is an abnormally high risk of fire.
13 The projects shall emphasize reducing risks to human
14 safety and public health and property and enhancing eco-
15 logical functions, long-term forest productivity, and bio-
16 logical integrity. The projects may be completed in a sub-
17 sequent fiscal year. Funds shall not be expended under
18 this section to replace funds which would otherwise appro-
19 priately be expended from the timber salvage sale fund.
20 Nothing in this section shall be construed to exempt any
21 project from any environmental law.

22 SEC. 316. Other than in emergency situations, none
23 of the funds in this Act may be used to operate telephone
24 answering machines during core business hours unless
25 such answering machines include an option that enables

1 callers to reach promptly an individual on-duty with the
2 agency being contacted.

3 SEC. 317. Hereafter, no timber sale in Region 10
4 shall be advertised if the indicated rate is deficit when ap-
5 praised using a residual value approach that assigns do-
6 mestic Alaska values for western redcedar. Program ac-
7 complishments shall be based on volume sold. Should Re-
8 gion 10 sell, in the current fiscal year, the annual average
9 portion of the decadal allowable sale quantity called for
10 in the current Tongass Land Management Plan in sales
11 which are not deficit when appraised using a residual
12 value approach that assigns domestic Alaska values for
13 western redcedar, all of the western redcedar timber from
14 those sales which is surplus to the needs of domestic proc-
15 essors in Alaska, shall be made available to domestic proc-
16 essors in the contiguous 48 United States at prevailing
17 domestic prices. Should Region 10 sell, in the current fis-
18 cal year, less than the annual average portion of the
19 decadal allowable sale quantity called for in the Tongass
20 Land Management Plan in sales which are not deficit
21 when appraised using a residual value approach that as-
22 signs domestic Alaska values for western redcedar, the vol-
23 ume of western redcedar timber available to domestic
24 processors at prevailing domestic prices in the contiguous
25 48 United States shall be that volume: (i) which is surplus

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

24 SEC. 318. A project undertaken by the Forest Service
25 under the Recreation Fee Demonstration Program as au-

1 thorized by section 315 of the Department of the Interior
2 and Related Agencies Appropriations Act for Fiscal Year
3 1996, as amended, shall not result in—

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

13 (2) the return of a commercial recreation serv-
14 ice to the Secretary for operation when such services
15 have been provided in the past by a private sector
16 provider, except when—

17 (A) the private sector provider fails to bid
18 on such opportunities;

19 (B) the private sector provider terminates
20 its relationship with the agency; or

21 (C) the agency revokes the permit for non-
22 compliance with the terms and conditions of the
23 authorization.

24 In such cases, the agency may use the Recreation Fee
25 Demonstration Program to provide for operations until a

1 subsequent operator can be found through the offering of
2 a new prospectus.

3 SEC. 319. Prior to October 1, 2005, the Secretary
4 of Agriculture shall not be considered to be in violation
5 of subparagraph 6(f)(5)(A) of the Forest and Rangeland
6 Renewable Resources Planning Act of 1974 (16 U.S.C.
7 1604(f)(5)(A)) solely because more than 15 years have
8 passed without revision of the plan for a unit of the Na-
9 tional Forest System. Nothing in this section exempts the
10 Secretary from any other requirement of the Forest and
11 Rangeland Renewable Resources Planning Act (16 U.S.C.
12 1600 et seq.) or any other law: *Provided*, That if the Sec-
13 retary is not acting expeditiously and in good faith, within
14 the funding available, to revise a plan for a unit of the
15 National Forest System, this section shall be void with re-
16 spect to such plan and a court of proper jurisdiction may
17 order completion of the plan on an accelerated basis.

18 SEC. 320. No funds provided in this Act may be ex-
19 pended to conduct preleasing, leasing and related activities
20 under either the Mineral Leasing Act (30 U.S.C. 181 et
21 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
22 1331 et seq.) within the boundaries of a National Monu-
23 ment established pursuant to the Act of June 8, 1906 (16
24 U.S.C. 431 et seq.) as such boundary existed on January
25 20, 2001, except where such activities are allowed under

1 the Presidential proclamation establishing such monu-
2 ment.

3 SEC. 321. EXTENSION OF FOREST SERVICE CONVEY-
4 ANCES PILOT PROGRAM.—Section 329 of the Department
5 of the Interior and Related Agencies Appropriations Act,
6 2002 (16 U.S.C. 580d note; Public Law 107–63) is
7 amended—

8 (1) in subsection (b), by striking “30” and in-
9 serting “40”;

10 (2) in subsection (c) by striking “8” and insert-
11 ing “13”; and

12 (3) in subsection (d), by striking “2007” and
13 inserting “2008”.

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

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

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

19 SEC. 324. Notwithstanding any other provision of law
20 or regulation, to promote the more efficient use of the
21 health care funding allocation for fiscal year 2005, the
22 Eagle Butte Service Unit of the Indian Health Service,
23 at the request of the Cheyenne River Sioux Tribe, may
24 pay base salary rates to health professionals up to the
25 highest grade and step available to a physician, phar-

1 macist, or other health professional and may pay a recruit-
2 ment or retention bonus of up to 25 percent above the
3 base pay rate.

4 SEC. 325. None of the funds made available in this
5 Act may be transferred to any department, agency, or in-
6 strumentality of the United States Government except
7 pursuant to a transfer made by, or transfer authority pro-
8 vided in, this Act or any other appropriations Act.

9 SEC. 326. In awarding a Federal Contract with funds
10 made available by this Act, the Secretary of Agriculture
11 and the Secretary of the Interior (the “Secretaries”) may,
12 in evaluating bids and proposals, give consideration to
13 local contractors who are from, and who provide employ-
14 ment and training for, dislocated and displaced workers
15 in an economically disadvantaged rural community, in-
16 cluding those historically timber-dependent areas that
17 have been affected by reduced timber harvesting on Fed-
18 eral lands and other forest-dependent rural communities
19 isolated from significant alternative employment opportu-
20 nities: *Provided*, That notwithstanding Federal Govern-
21 ment procurement and contracting laws the Secretaries
22 may award contracts, grants or cooperative agreements to
23 local non-profit entities, Youth Conservation Corps or re-
24 lated partnerships with State, local or non-profit youth
25 groups, or small or disadvantaged business: *Provided fur-*

1 *ther*, That the contract, grant, or cooperative agreement
 2 is for forest hazardous fuels reduction, watershed or water
 3 quality monitoring or restoration, wildlife or fish popu-
 4 lation monitoring, or habitat restoration or management:
 5 *Provided further*, That the terms “rural community” and
 6 “economically disadvantaged” shall have the same mean-
 7 ings as in section 2374 of Public Law 101–624: *Provided*
 8 *further*, That the Secretaries shall develop guidance to im-
 9 plement this section: *Provided further*, That nothing in
 10 this section shall be construed as relieving the Secretaries
 11 of any duty under applicable procurement laws, except as
 12 provided in this section.

13 SEC. 327. No funds appropriated in this Act for the
 14 acquisition of lands or interests in lands may be expended
 15 for the filing of declarations of taking or complaints in
 16 condemnation without the approval of the House and Sen-
 17 ate Committees on Appropriations: *Provided*, That this
 18 provision shall not apply to funds appropriated to imple-
 19 ment the Everglades National Park Protection and Ex-
 20 pansion Act of 1989, or to funds appropriated for Federal
 21 assistance to the State of Florida to acquire lands for Ev-
 22 erglades restoration purposes.

23 SEC. 328. Section 338 of Public Law 108–108 is
 24 amended by striking the phrase “on or before January 1,
 25 2003”.

1 SEC. 329. (a) LIMITATION ON COMPETITIVE
2 SOURCING STUDIES.—

3 (1) Of the funds made available by this or any
4 other Act to the Department of Energy or the De-
5 partment of the Interior for fiscal year 2005, not
6 more than the maximum amount specified in para-
7 graph (2) may be used by the Secretary of Energy
8 or the Secretary of the Interior to initiate or con-
9 tinue competitive sourcing studies in fiscal year
10 2005 for programs, projects, and activities for which
11 funds are appropriated by this Act until such time
12 as the Secretary concerned submits a reprogram-
13 ming proposal to the Committees on Appropriations
14 of the Senate and the House of Representatives, and
15 such proposal has been processed consistent with the
16 reprogramming guidelines in House Report 108–
17 330.

18 (2) For the purposes of paragraph (1) the max-
19 imum amount—

20 (A) with respect to the Department of En-
21 ergy is \$500,000; and

22 (B) with respect to the Department of the
23 Interior is \$3,250,000.

24 (3) Of the funds appropriated by this Act, not
25 more than \$2,000,000 may be used in fiscal year

1 2005 for competitive sourcing studies and related
2 activities by the Forest Service.

3 (b) COMPETITIVE SOURCING STUDY DEFINED.—In
4 this section, the term “competitive sourcing study” means
5 a study on subjecting work performed by Federal Govern-
6 ment employees or private contractors to public-private
7 competition or on converting the Federal Government em-
8 ployees or the work performed by such employees to pri-
9 vate contractor performance under the Office of Manage-
10 ment and Budget Circular A–76 or any other administra-
11 tive regulation, directive, or policy.

12 (c) Section 340(b) of Public Law 108–108 is hereby
13 repealed.

14 SEC. 330. Estimated overhead charges, deductions,
15 reserves or holdbacks from programs, projects and activi-
16 ties to support governmentwide, departmental, agency or
17 bureau administrative functions or headquarters, regional
18 or central office operations shall be presented in annual
19 budget justifications. Changes to such estimates shall be
20 presented to the Committees on Appropriations for ap-
21 proval.

22 SEC. 331. None of the funds in this Act or prior Acts
23 making appropriations for the Department of the Interior
24 and Related Agencies may be used to implement
25 SAFECOM or Disaster Management.

1 SEC. 332. Section 3 of the Act of June 9, 1930 (com-
2 monly known as the Knutson-Vandenberg Act; 16 U.S.C.
3 576b), is amended—

4 (1) by striking “The Secretary of Agriculture
5 may, when in his” and inserting “(a) The Secretary
6 of Agriculture may, when in his or her”;

7 (2) by striking “Such deposits” and inserting
8 the following: “Each of these 4 purposes shall be of
9 equal priority.
10 “(b) Amounts deposited under subsection (a)”;

11 (3) by striking “may direct:” and all that fol-
12 lows through “That the Secretary of Agriculture”
13 and inserting “may direct. The Secretary of Agri-
14 culture”; and

15 (4) by adding at the end the following new sub-
16 section:

17 “(c) Any portion of the balance at the end of a fiscal
18 year in the special fund established pursuant to this sec-
19 tion that the Secretary of Agriculture determines to be
20 in excess of the cost of doing work described in subsection
21 (a) (as well as any portion of the balance in the special
22 fund that the Secretary determined, before October 1,
23 2004, to be excess of the cost of doing work described in
24 subsection (a), but which has not been transferred by that
25 date) shall be transferred to miscellaneous receipts, Na-

1 tional Forest Fund, as a National Forest receipt, but only
2 if the Secretary also determines that—

3 “(1) the excess amounts will not be needed for
4 emergency wildfire suppression during the fiscal year
5 in which the transfer would be made; and

6 “(2) the amount to be transferred to miscella-
7 neous receipts, National Forest Fund, exceeds the
8 outstanding balance of unreimbursed funds trans-
9 ferred from the special fund in prior fiscal years for
10 wildfire suppression.”.

11 SEC. 333. FEDERAL AND STATE COOPERATIVE FOR-
12 EST, RANGELAND, AND WATERSHED RESTORATION IN
13 UTAH. (a) AUTHORITY.—Until September 30, 2006, the
14 Secretary of Agriculture, via cooperative agreement or
15 contract (including sole source contract) as appropriate,
16 may permit the State Forester of the State of Utah to
17 perform forest, rangeland, and watershed restoration serv-
18 ices on National Forest System lands in the State of Utah.
19 Restoration services provided are to be on a project to
20 project basis as planned or made ready for implementation
21 under existing authorities of the Forest Service. The types
22 of restoration services that may be contracted under this
23 authority include treatment of insect infected trees, reduc-
24 tion of hazardous fuels, and other activities to restore or

1 improve forest, rangeland, and watershed health including
2 fish and wildlife habitat.

3 (b) STATE AS AGENT.—Except as provided in sub-
4 section (c), a cooperative agreement or contract under
5 subsection (a) may authorize the State Forester of the
6 State of Utah to serve as agent for the Forest Service
7 in providing services necessary to facilitate the perform-
8 ance and treatment of insect infested trees, reduction of
9 hazardous fuels, and to restore or improve forest, range-
10 land, and watershed health including fish and wildlife
11 habitat under subsection (a). The services to be performed
12 by the State Forester of Utah may be conducted with sub-
13 contracts utilizing State of Utah contract procedures. Sub-
14 sections (d) and (g) of section 14 of the National Forest
15 Management Act of 1976 (16 U.S.C. 472a) shall not apply
16 to services performed under a cooperative agreement or
17 contract under subsection (a).

18 (c) RETENTION OF NEPA RESPONSIBILITIES.—With
19 respect to any treatment activity to restore and improve
20 forest, rangeland, and watershed health including fish and
21 wildlife habitat services on National Forest System lands
22 programmed for treatment by the State Forester of the
23 State of Utah under subsection (a), any decision required
24 to be made under the National Environmental Policy Act

1 of 1969 (42 U.S.C. 4821 et seq.) may not be delegated
2 to any officer or employee of the State of Utah.

3 SEC. 334. LOCAL EXEMPTIONS FROM FOREST SERV-
4 ICE PROGRAM FEES. Section 6906 of Title 31, United
5 States Code, is amended—

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

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

9 “(b) LOCAL EXEMPTIONS FROM PROGRAM FEES.—

10 “(1) IN GENERAL.—Each unit of general local
11 government that lies in whole or in part within the
12 White Mountain National Forest and persons resid-
13 ing within the boundaries of that unit of general
14 local government shall be exempt during that fiscal
15 year from any requirement to pay a Program Fee
16 (parking permit or passport) imposed by the Sec-
17 retary of Agriculture for access to the 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. 335. (a) IN GENERAL.—An entity that enters
24 into a contract with the United States to operate the Na-
25 tional Recreation Reservation Service (as solicited by the

1 solicitation numbered WO-04-06vm) or any successor
2 service shall not carry out any duties under the contract
3 using a contact center that—

4 (1) is located outside the United States; or

5 (2) employs people that are not residents of the
6 United States.

7 (b) NO WAIVER.—The Secretary of the Interior may
8 not waive the requirements of subsection (a).

9 (c) TELECOMMUTING.—Telecommuting by employees
10 of a contact center operated under a contract described
11 in subsection (a) shall be limited to telecommuting from
12 one location in the United States to another location in
13 the United States.

14 SEC. 336. Section 1315(b) of the Alaska National In-
15 terest Lands Conservation Act is amended by—

16 (1) inserting after “Secretary of Agriculture”
17 “or the Secretary of the Interior”; and

18 (2) deleting all references to “national forest”.

19 SEC. 337. Hereafter, notwithstanding any other pro-
20 vision of law, individuals who qualify for subsistence uses
21 of resources in Alaska but who are unable to participate
22 in the taking of fish, wildlife or other resources due to
23 age, infirmity, or disability may designate an individual
24 to engage in subsistence for them. Designated individuals
25 may be reimbursed the costs of engaging in subsistence

1 without such payments deeming the subsistence a com-
2 mercial activity.

3 SEC. 338. Notwithstanding any project or activity
4 carried out by the Secretary of the Army, acting through
5 the Chief of Engineers, under the Pick-Sloan Missouri
6 River Basin Program authorized by section 9 of the Act
7 of December 22, 1944 (58 Stat. 891), or any other law,
8 the Secretary shall carry out drought conservation meas-
9 ures described in section 7-03.3 of the 2004 Missouri
10 River Master Water Control Manual if, as of any date in
11 a year, the Secretary determines that Pick-Sloan Missouri
12 River Basin System water-in-storage is at or below
13 40,000,000 acre-feet.

14 SEC. 339. For fiscal years 2005 through 2007, a de-
15 cision made by the Secretary of Agriculture to authorize
16 grazing on an allotment shall be categorically excluded
17 from documentation in an environmental assessment or an
18 environmental impact statement under the National Envi-
19 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
20 if: (1) the decision continues current grazing management
21 of the allotment; (2) monitoring indicates that current
22 grazing management is meeting, or satisfactorily moving
23 toward, objectives in the land and resource management
24 plan, as determined by the Secretary; and (3) no extraor-
25 dinary circumstances exist. The total number of allot-

1 ments that may be categorically excluded under this sec-
2 tion may not exceed 900.

3 SEC. 340. SALMON RIVER COMMERCIAL OUTFITTER
4 HUNTING CAMPS. Section 3(a)(24) of Public Law 90–542
5 (16 U.S.C. sec. 1274) is amended to add the following
6 after paragraph (C) and redesignate subsequent para-
7 graphs accordingly:

8 “(D) The established use and occupancy as
9 of June 6, 2003, of lands and maintenance or
10 replacement of facilities and structures for com-
11 mercial recreation services at Stub Creek lo-
12 cated in section 28, T24N, R14E, Boise Prin-
13 cipal Meridian, at Arctic Creek located in sec-
14 tion 21, T25N, R12E, Boise Principal Meridian
15 and at Smith Gulch located in section 27,
16 T25N, R12E, Boise Principal Meridian shall
17 continue to be authorized, subject to such rea-
18 sonable regulation as the Secretary deems ap-
19 propriate, including rules that would provide for
20 termination for non-compliance, and if termi-
21 nated, reoffering the site through a competitive
22 process.”.

23 SEC. 341. (a) IN GENERAL.—

24 (1) The Secretary of Agriculture and the Sec-
25 retary of the Interior are authorized to make grants

1 to the Eastern Nevada Landscape Coalition for the
2 study and restoration of rangeland and other lands
3 in Nevada's Great Basin in order to help assure the
4 reduction of hazardous fuels and for related pur-
5 poses.

6 (2) Notwithstanding 31 U.S.C. secs. 6301–
7 6308, the Director of the Bureau of Land Manage-
8 ment shall enter into a cooperative agreement with
9 the Eastern Nevada Landscape Coalition for the
10 Great Basin Restoration Project, including haz-
11 ardous fuels and mechanical treatments and related
12 work.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated such sums as are nec-
15 essary to carry out this section.

16 SEC. 342. (a) FINDINGS.—

17 (1) In 1953, Public Land Order 899 (PLO
18 899) eliminated approximately 80 acres from the
19 Tongass National Forest, for the Community of
20 Elfin Cove, Alaska. From 1953 until 2001, the
21 USDA Forest Service believed two small islets with-
22 in the Elfin Cove Harbor (Lots 1 and 2 of U.S. Sur-
23 vey 13150, approximately 0.29 acres) were included
24 as part of PLO 899. However, due to a Bureau of
25 Land Management rule in effect when PLO 899 was

1 issued, ownership of unsurveyed, unmapped islets re-
2 mained with the original landowner, in this case the
3 United States.

4 (2) These two islets are needed by the Commu-
5 nity of Elfin Cove to resolve public health and safety
6 problems.

7 (3) The two islets serve no national forest pur-
8 poses, but the Forest Service has no authority to
9 transfer ownership of them to the Community of
10 Elfin Cove, without receiving fair market value for
11 the land interests.

12 (4) Neither the Bureau of Land Management
13 nor the Forest Service intended to retain federal
14 ownership of these two islets, and they remained in
15 ownership of the United States only through an in-
16 advertent error.

17 (5) Conveyance of these two islets from the
18 United States to the Community of Elfin Cove, Alas-
19 ka, without consideration, is in the public interest.

20 (b) Based on the findings in subsection (a) and not-
21 withstanding any other provision of law, Congress hereby
22 authorizes and directs the Secretary of Agriculture to con-
23 vey in fee simple without compensation, Lots 1 and 2 of
24 U.S. Survey 13150, comprising approximately 0.29 acres,
25 to the Community of Elfin Cove, Alaska.

1 SEC. 343. (a) Notwithstanding any other provision
2 of law and hereinafter, after September 30, 2004, the In-
3 dian Health Service may not disburse funds for the provi-
4 sion of health care services pursuant to Public Law 93–
5 638 (25 U.S.C. 450 et seq.) to any Alaska Native village
6 or Alaska Native village corporation that is located within
7 the area served by an Alaska Native regional health entity.

8 (b) Nothing in this section shall be construed to pro-
9 hibit the disbursal of funds to any Alaska Native village
10 or Alaska Native village corporation under any contract
11 or compact entered into prior to May 1, 2004, or to pro-
12 hibit the renewal of any such agreement.

13 (c) For the purpose of this section, Eastern Aleutian
14 Tribes, Inc. shall be treated as an Alaska Native regional
15 health entity to whom funds may be disbursed under this
16 section.

17 SEC. 344. In accordance with the goals of section
18 1306 of the Alaska National Interest Lands Conservation
19 Act, using funds previously appropriated for such purpose
20 under Public Law 106–291 (\$1,630,000) and Public Law
21 108–199 (\$2,300,000), the National Park Service shall
22 (1) not later than December 31, 2004 purchase the seven
23 parcels of real property in Seward, Alaska identified by
24 Kenai Peninsula tax identification numbers 14910001,
25 1410002, 1411033, 14913005, 14913020, 14913007, and

1 14913008 that have been selected for the administrative
 2 complex, visitor facility, plaza and related parking for the
 3 Kenai Fjords National Park and Chugach National Forest
 4 which shall hereafter be known as the Mary Lowell Center;
 5 and (2) transfer to the City of Seward any remaining bal-
 6 ance of previously appropriated funds not necessary for
 7 property acquisition and design upon the vacation by the
 8 City of Seward of Washington Street between 4th Avenue
 9 and 5th Avenue and transfer of title of the appropriate
 10 portions thereof to the federal government, provided that
 11 the City of Seward uses any such funds for the related
 12 waterfront planning, pavilions, boardwalks, trails, or re-
 13 lated purposes that compliment the new federal facility.

14 TITLE IV—SUPPLEMENTAL APPROPRIATIONS
 15 FOR FISCAL YEAR 2005 FOR URGENT
 16 WILDLAND FIRE SUPPRESSION ACTIVITIES
 17 DEPARTMENT OF THE INTERIOR

18 BUREAU OF LAND MANAGEMENT

19 WILDLAND FIRE MANAGEMENT

20 For an additional amount for fiscal year 2005 for
 21 “Wildland Fire Management”, \$100,000,000, to remain
 22 available until expended, for urgent wildland fire suppres-
 23 sion activities related to the fiscal year 2005 fire season
 24 pursuant to section 312 of S. Con. Res. 95 (108th Con-
 25 gress): *Provided*, That such funds shall only become avail-

1 able if funds provided for wildland fire suppression in Title
 2 I of this Act will be exhausted imminently and the Sec-
 3 retary of the Interior notifies the House and Senate Com-
 4 mittees on Appropriations and the House and Senate
 5 Committees on the Budget in writing of the need for these
 6 additional funds: *Provided further*, That cost containment
 7 measures shall be implemented within this account for fis-
 8 cal year 2005, and the Secretary of the Interior shall sub-
 9 mit to the Committees on Appropriations of the Senate
 10 and the House of Representatives a report on such cost
 11 containment measures by December 31, 2005: *Provided*
 12 *further*, That no funds under this title may be transferred
 13 to other appropriation accounts of the Department of the
 14 Interior.

15 DEPARTMENT OF AGRICULTURE

16 FOREST SERVICE

17 WILDLAND FIRE MANAGEMENT

18 For an additional amount for fiscal year 2005 for
 19 “Wildland Fire Management”, \$400,000,000, to remain
 20 available until expended, for urgent wildland fire suppres-
 21 sion activities related to the fiscal year 2005 fire season
 22 pursuant to section 312 of S. Con. Res. 95 (108th Con-
 23 gress): *Provided*, That such funds shall only become avail-
 24 able if funds provided for wildland fire suppression in Title
 25 II of this Act will be exhausted imminently and the Sec-

1 retary of Agriculture notifies the House and Senate Com-
2 mittees on Appropriations and the House and Senate
3 Committees on the Budget in writing of the need for these
4 additional funds: *Provided further*, That the Secretary of
5 Agriculture shall establish an independent cost-control re-
6 view panel to examine and report on fire suppression costs
7 for individual wildfire incidents that exceed \$10,000,000
8 in cost: *Provided further*, That if the independent review
9 panel report finds that appropriate actions were not taken
10 to control suppression costs for one or more such wildfire
11 incidents, then an amount equal to the aggregate esti-
12 mated excess costs of suppressing those wildfire incidents
13 shall be transferred to the Treasury from unobligated bal-
14 ances remaining at the end of fiscal year 2005 in the
15 Wildland Fire Management, National Forest System, and
16 Capital Improvement and Maintenance accounts, if avail-
17 able: *Provided further*, That no funds under this title may
18 be transferred to other appropriation accounts of the For-
19 est Service.

20 This Act may be cited as the “Department of the In-
21 terior and Related Agencies Appropriations Act, 2005”.

Calendar No. 695

108TH CONGRESS
2D Session

S. 2804

[Report No. 108-341]

A BILL

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

SEPTEMBER 14, 2004

Read twice and placed on the calendar