

In the Senate of the United States,

September 23, 2003.

Resolved, That the bill from the House of Representatives (H.R. 2691) entitled “An Act to making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *Department of the Interior and related agencies for the fis-*
- 4 *cal year ending September 30, 2004, and for other purposes,*
- 5 *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, classifica-*
6 *tion, acquisition of easements and other interests in lands,*
7 *and performance of other functions, including maintenance*
8 *of facilities, as authorized by law, in the management of*
9 *lands and their resources under the jurisdiction of the Bu-*
10 *reau of Land Management, including the general adminis-*
11 *tration of the Bureau, and assessment of mineral potential*
12 *of public lands pursuant to Public Law 96–487 (16 U.S.C.*
13 *3150(a)), \$847,091,000, to remain available until expended,*
14 *of which \$1,000,000 is for high priority projects, to be car-*
15 *ried out by the Youth Conservation Corps; \$2,484,000 is*
16 *for assessment of the mineral potential of public lands in*
17 *Alaska pursuant to section 1010 of Public Law 96–487; (16*
18 *U.S.C. 3150); and of which not to exceed \$1,000,000 shall*
19 *be derived from the special receipt account established by*
20 *the Land and Water Conservation Act of 1965, as amended*
21 *(16 U.S.C. 460l–6a(i)); and of which \$3,000,000 shall be*
22 *available in fiscal year 2004 subject to a match by at least*
23 *an equal amount by the National Fish and Wildlife Foun-*
24 *dation for cost-shared projects supporting conservation of*
25 *Bureau lands; and such funds shall be advanced to the*

1 *Foundation as a lump sum grant without regard to when*
2 *expenses are incurred; in addition, \$32,696,000 is for Min-*
3 *ing Law Administration program operations, including the*
4 *cost of administering the mining claim fee program; to re-*
5 *main available until expended, to be reduced by amounts*
6 *collected by the Bureau and credited to this appropriation*
7 *from annual mining claim fees so as to result in a final*
8 *appropriation estimated at not more than \$847,091,000;*
9 *and \$2,000,000, to remain available until expended, from*
10 *communication site rental fees established by the Bureau*
11 *for the cost of administering communication site activities:*
12 *Provided, That appropriations herein made shall not be*
13 *available for the destruction of healthy, unadopted, wild*
14 *horses and burros in the care of the Bureau.*

15 *WILDLAND FIRE MANAGEMENT*

16 *For necessary expenses for fire preparedness, suppres-*
17 *sion operations, fire science and research, emergency reha-*
18 *bilitation, hazardous fuels reduction, and rural fire assist-*
19 *ance by the Department of the Interior, \$698,725,000, to*
20 *remain available until expended, of which not to exceed*
21 *\$12,374,000 shall be for the renovation or construction of*
22 *fire facilities: Provided, That such funds are also available*
23 *for repayment of advances to other appropriation accounts*
24 *from which funds were previously transferred for such pur-*
25 *poses: Provided further, That persons hired pursuant to 43*

1 *U.S.C. 1469 may be furnished subsistence and lodging with-*
2 *out cost from funds available from this appropriation: Pro-*
3 *vided further, That notwithstanding 42 U.S.C. 1856d, sums*
4 *received by a bureau or office of the Department of the Inte-*
5 *rior for fire protection rendered pursuant to 42 U.S.C. 1856*
6 *et seq., protection of United States property, may be cred-*
7 *ited to the appropriation from which funds were expended*
8 *to provide that protection, and are available without fiscal*
9 *year limitation: Provided further, That using the amounts*
10 *designated under this title of this Act, the Secretary of the*
11 *Interior may enter into procurement contracts, grants, or*
12 *cooperative agreements, for hazardous fuels reduction ac-*
13 *tivities, and for training and monitoring associated with*
14 *such hazardous fuels reduction activities, on Federal land,*
15 *or on adjacent non-Federal land for activities that benefit*
16 *resources on Federal land: Provided further, That notwith-*
17 *standing requirements of the Competition in Contracting*
18 *Act, the Secretary, for purposes of hazardous fuels reduction*
19 *activities, may obtain maximum practicable competition*
20 *among: (A) local private, nonprofit, or cooperative entities;*
21 *(B) Youth Conservation Corps crews or related partnerships*
22 *with state, local, or non-profit youth groups; (C) small or*
23 *micro-businesses; or (D) other entities that will hire or*
24 *train locally a significant percentage, defined as 50 percent*
25 *or more, of the project workforce to complete such contracts:*

1 *Provided further, That in implementing this section, the*
2 *Secretary shall develop written guidance to field units to*
3 *ensure accountability and consistent application of the au-*
4 *thorities provided herein: Provided further, That funds ap-*
5 *propriated under this head may be used to reimburse the*
6 *United States Fish and Wildlife Service and the National*
7 *Marine Fisheries Service for the costs of carrying out their*
8 *responsibilities under the Endangered Species Act of 1973*
9 *(16 U.S.C. 1531 et seq.) to consult and conference, as re-*
10 *quired by section 7 of such Act in connection with wildland*
11 *fire management activities: Provided further, That the Sec-*
12 *retary of the Interior may use wildland fire appropriations*
13 *to enter into non-competitive sole source leases of real prop-*
14 *erty with local governments, at or below fair market value,*
15 *to construct capitalized improvements for fire facilities on*
16 *such leased properties, including but not limited to fire*
17 *guard stations, retardant stations, and other initial attack*
18 *and fire support facilities, and to make advance payments*
19 *for any such lease or for construction activity associated*
20 *with the lease.*

21 *CENTRAL HAZARDOUS MATERIALS FUND*

22 *For necessary expenses of the Department of the Inte-*
23 *rior and any of its component offices and bureaus for the*
24 *remedial action, including associated activities, of haz-*
25 *ardous waste substances, pollutants, or contaminants pur-*

1 *suant to the Comprehensive Environmental Response, Com-*
2 *ensation, and Liability Act, as amended (42 U.S.C. 9601*
3 *et seq.), \$9,978,000, to remain available until expended:*
4 *Provided, That notwithstanding 31 U.S.C. 3302, sums re-*
5 *covered from or paid by a party in advance of or as reim-*
6 *bursement for remedial action or response activities con-*
7 *ducted by the Department pursuant to section 107 or 113(f)*
8 *of such Act, shall be credited to this account, to be available*
9 *until expended without further appropriation: Provided*
10 *further, That such sums recovered from or paid by any*
11 *party are not limited to monetary payments and may in-*
12 *clude stocks, bonds or other personal or real property, which*
13 *may be retained, liquidated, or otherwise disposed of by the*
14 *Secretary and which shall be credited to this account.*

15 *CONSTRUCTION*

16 *For construction of buildings, recreation facilities,*
17 *roads, trails, and appurtenant facilities, \$12,476,000, to re-*
18 *main available until expended.*

19 *LAND ACQUISITION*

20 *For expenses necessary to carry out sections 205, 206,*
21 *and 318(d) of Public Law 94-579, including administra-*
22 *tive expenses and acquisition of lands or waters, or interests*
23 *therein, \$25,600,000, to be derived from the Land and*
24 *Water Conservation Fund and to remain available until*
25 *expended.*

1 OREGON AND CALIFORNIA GRANT LANDS

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

19 FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

20 *(REVOLVING FUND, SPECIAL ACCOUNT)*

21 *In addition to the purposes authorized in Public Law*
22 *102–381, funds made available in the Forest Ecosystem*
23 *Health and Recovery Fund can be used for the purpose of*
24 *planning, preparing, implementing and monitoring salvage*
25 *timber sales and forest ecosystem health and recovery activi-*

1 *ties, such as release from competing vegetation and density*
2 *control treatments. The Federal share of receipts (defined*
3 *as the portion of salvage timber receipts not paid to the*
4 *counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f-1 et*
5 *seq., and Public Law 106-393) derived from treatments*
6 *funded by this account shall be deposited into the Forest*
7 *Ecosystem Health and Recovery Fund.*

8 *RANGE IMPROVEMENTS*

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

22 *SERVICE CHARGES, DEPOSITS, AND FORFEITURES*

23 *For administrative expenses and other costs related to*
24 *processing application documents and other authorizations*
25 *for use and disposal of public lands and resources, for costs*

1 of providing copies of official public land documents, for
2 monitoring construction, operation, and termination of fa-
3 cilities in conjunction with use authorizations, and for re-
4 habilitation of damaged property, such amounts as may be
5 collected under Public Law 94-579, as amended, and Public
6 Law 93-153, to remain available until expended: Provided,
7 That notwithstanding any provision to the contrary of sec-
8 tion 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any
9 moneys that have been or will be received pursuant to that
10 section, whether as a result of forfeiture, compromise, or set-
11 tlement, if not appropriate for refund pursuant to section
12 305(c) of that Act (43 U.S.C. 1735(c)), shall be available
13 and may be expended under the authority of this Act by
14 the Secretary to improve, protect, or rehabilitate any public
15 lands administered through the Bureau of Land Manage-
16 ment which have been damaged by the action of a resource
17 developer, purchaser, permittee, or any unauthorized per-
18 son, without regard to whether all moneys collected from
19 each such action are used on the exact lands damaged which
20 led to the action: Provided further, That any such moneys
21 that are in excess of amounts needed to repair damage to
22 the exact land for which funds were collected may be used
23 to repair other damaged public lands.

1 MISCELLANEOUS TRUST FUNDS

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

10 ADMINISTRATIVE PROVISIONS

11 *Appropriations for the Bureau of Land Management*
12 *shall be available for purchase, erection, and dismantlement*
13 *of temporary structures, and alteration and maintenance*
14 *of necessary buildings and appurtenant facilities to which*
15 *the United States has title; up to \$100,000 for payments,*
16 *at the discretion of the Secretary, for information or evi-*
17 *dence concerning violations of laws administered by the Bu-*
18 *reau; miscellaneous and emergency expenses of enforcement*
19 *activities authorized or approved by the Secretary and to*
20 *be accounted for solely on her certificate, not to exceed*
21 *\$10,000: Provided, That notwithstanding 44 U.S.C. 501,*
22 *the Bureau may, under cooperative cost-sharing and part-*
23 *nership arrangements authorized by law, procure printing*
24 *services from cooperators in connection with jointly pro-*
25 *duced publications for which the cooperators share the cost*

1 of printing either in cash or in services, and the Bureau
2 determines the cooperator is capable of meeting accepted
3 quality standards: Provided further, That section 28 of title
4 30, United States Code, is amended: (1) in section 28f(a),
5 by striking “for years 2002 through 2003” and inserting
6 in lieu thereof “for years 2004 through 2008”; and (2) in
7 section 28g, by striking “and before September 30, 2003”
8 and inserting in lieu thereof “and before September 30,
9 2008”.

10 *UNITED STATES FISH AND WILDLIFE SERVICE*

11 *RESOURCE MANAGEMENT*

12 *For necessary expenses of the United States Fish and*
13 *Wildlife Service, as authorized by law, and for scientific*
14 *and economic studies, maintenance of the herd of long-*
15 *horned cattle on the Wichita Mountains Wildlife Refuge,*
16 *general administration, and for the performance of other*
17 *authorized functions related to such resources by direct ex-*
18 *penditure, contracts, grants, cooperative agreements and re-*
19 *imbursable agreements with public and private entities,*
20 *\$942,244,000, to remain available until September 30,*
21 *2005, of which \$1,000,000 may be available for the Wildlife*
22 *Enhancement and Economic Development Program in*
23 *Starkville, Mississippi: Provided, That \$2,000,000 is for*
24 *high priority projects, which shall be carried out by the*
25 *Youth Conservation Corps: Provided further, That not to*

1 exceed \$12,286,000 shall be used for implementing sub-
2 sections (a), (b), (c), and (e) of section 4 of the *Endangered*
3 *Species Act*, as amended, for species that are indigenous to
4 the United States (except for processing petitions, devel-
5 oping and issuing proposed and final regulations, and tak-
6 ing any other steps to implement actions described in sub-
7 section (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not
8 to exceed \$8,900,000 shall be used for any activity regard-
9 ing the designation of critical habitat, pursuant to sub-
10 section (a)(3), excluding litigation support, for species al-
11 ready listed pursuant to subsection (a)(1) as of the date
12 of enactment of this Act: Provided further, That of the
13 amount available for law enforcement, up to \$400,000 to
14 remain available until expended, may at the discretion of
15 the Secretary be used for payment for information, rewards,
16 or evidence concerning violations of laws administered by
17 the Service, and miscellaneous and emergency expenses of
18 enforcement activity, authorized or approved by the Sec-
19 retary and to be accounted for solely on her certificate: Pro-
20 vided further, That of the amount provided for environ-
21 mental contaminants, up to \$1,000,000 may remain avail-
22 able until expended for contaminant sample analyses.

23 *CONSTRUCTION*

24 *For construction, improvement, acquisition, or re-*
25 *moval of buildings and other facilities required in the con-*

1 *ervation, management, investigation, protection, and utili-*
2 *zation of fishery and wildlife resources, and the acquisition*
3 *of lands and interests therein; \$53,285,000, to remain avail-*
4 *able until expended.*

5 *LAND ACQUISITION*

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

17 *LANDOWNER INCENTIVE PROGRAM*

18 *For expenses necessary to carry out the Land and*
19 *Water Conservation Fund Act of 1965, as amended (16*
20 *U.S.C. 460l-4 through 11), including administrative ex-*
21 *penses, and for private conservation efforts to be carried out*
22 *on private lands, \$40,000,000, to be derived from the Land*
23 *and Water Conservation Fund, to remain available until*
24 *expended: Provided, That the amount provided herein is for*
25 *a Landowner Incentive Program established by the Sec-*

1 *retary that provides matching, competitively awarded*
2 *grants to States, the District of Columbia, Tribes, Puerto*
3 *Rico, Guam, the United States Virgin Islands, the Northern*
4 *Mariana Islands, and American Samoa, to establish or sup-*
5 *plement existing landowner incentive programs that pro-*
6 *vide technical and financial assistance, including habitat*
7 *protection and restoration, to private landowners for the*
8 *protection and management of habitat to benefit federally*
9 *listed, proposed, candidate or other at-risk species on pri-*
10 *vate lands.*

11

STEWARDSHIP GRANTS

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

23 *COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND*

24 *For expenses necessary to carry out section 6 of the*
25 *Endangered Species Act of 1973 (16 U.S.C. 1531-1543),*

1 *as amended, \$86,614,000, of which \$36,614,000 is to be de-*
2 *rived from the Cooperative Endangered Species Conserva-*
3 *tion Fund and \$50,000,000 is to be derived from the Land*
4 *and Water Conservation Fund, to remain available until*
5 *expended.*

6 *NATIONAL WILDLIFE REFUGE FUND*

7 *For expenses necessary to implement the Act of October*
8 *17, 1978 (16 U.S.C. 715s), \$14,414,000.*

9 *NORTH AMERICAN WETLANDS CONSERVATION FUND*

10 *For expenses necessary to carry out the provisions of*
11 *the North American Wetlands Conservation Act, Public*
12 *Law 101–233, as amended, \$42,982,000, to remain avail-*
13 *able until expended.*

14 *NEOTROPICAL MIGRATORY BIRD CONSERVATION*

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

20 *MULTINATIONAL SPECIES CONSERVATION FUND*

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

1 1994 (16 U.S.C. 5301–5306), and the Great Ape Conserva-
2 tion Act of 2000 (16 U.S.C. 6301), \$6,000,000, to remain
3 available until expended.

4 *STATE AND TRIBAL WILDLIFE GRANTS*

5 *For wildlife conservation grants to States and to the*
6 *District of Columbia, Puerto Rico, Guam, the United States*
7 *Virgin Islands, the Northern Mariana Islands, American*
8 *Samoa, and federally recognized Indian tribes under the*
9 *provisions of the Fish and Wildlife Act of 1956 and the*
10 *Fish and Wildlife Coordination Act, for the development*
11 *and implementation of programs for the benefit of wildlife*
12 *and their habitat, including species that are not hunted or*
13 *fished, \$75,000,000 to be derived from the Land and Water*
14 *Conservation Fund, and to remain available until ex-*
15 *pended: Provided, That of the amount provided herein,*
16 *\$5,000,000 is for a competitive grant program for Indian*
17 *tribes not subject to the remaining provisions of this appro-*
18 *priation: Provided further, That the Secretary shall, after*
19 *deducting said \$5,000,000 and administrative expenses, ap-*
20 *portion the amount provided herein in the following man-*
21 *ner: (A) to the District of Columbia and to the Common-*
22 *wealth of Puerto Rico, each a sum equal to not more than*
23 *one-half of 1 percent thereof; and (B) to Guam, American*
24 *Samoa, the United States Virgin Islands, and the Common-*
25 *wealth of the Northern Mariana Islands, each a sum equal*

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

1 *species with the greatest conservation need and taking into*
2 *consideration the relative level of funding available for the*
3 *conservation of those species: Provided further, That any*
4 *amount apportioned in 2004 to any State, territory, or*
5 *other jurisdiction that remains unobligated as of September*
6 *30, 2005, shall be reapportioned, together with funds appro-*
7 *priated in 2006, in the manner provided herein: Provided*
8 *further, That balances from amounts previously appro-*
9 *priated under the heading “State Wildlife Grants” shall be*
10 *transferred to and merged with this appropriation and*
11 *shall remain available until expended: Provided further,*
12 *That up to 10 percent of the funds received by any State*
13 *under this heading may be used for wildlife conservation*
14 *education and outreach efforts that contribute significantly*
15 *to the conservation of wildlife species or wildlife habitat.*

16 *ADMINISTRATIVE PROVISIONS*

17 *Appropriations and funds available to the United*
18 *States Fish and Wildlife Service shall be available for pur-*
19 *chase of not to exceed 157 passenger motor vehicles, of which*
20 *142 are for replacement only (including 33 for police-type*
21 *use); repair of damage to public roads within and adjacent*
22 *to reservation areas caused by operations of the Service; op-*
23 *tions for the purchase of land at not to exceed \$1 for each*
24 *option; facilities incident to such public recreational uses*
25 *on conservation areas as are consistent with their primary*

1 *purpose; and the maintenance and improvement of aquaria,*
2 *buildings, and other facilities under the jurisdiction of the*
3 *Service and to which the United States has title, and which*
4 *are used pursuant to law in connection with management,*
5 *and investigation of fish and wildlife resources: Provided,*
6 *That notwithstanding 44 U.S.C. 501, the Service may,*
7 *under cooperative cost sharing and partnership arrange-*
8 *ments authorized by law, procure printing services from co-*
9 *operators in connection with jointly produced publications*
10 *for which the cooperators share at least one-half the cost*
11 *of printing either in cash or services and the Service deter-*
12 *mines the cooperator is capable of meeting accepted quality*
13 *standards: Provided further, That the Service may accept*
14 *donated aircraft as replacements for existing aircraft: Pro-*
15 *vided further, That notwithstanding any other provision of*
16 *law, the Secretary of the Interior may not spend any of*
17 *the funds appropriated in this Act for the purchase of lands*
18 *or interests in lands to be used in the establishment of any*
19 *new unit of the National Wildlife Refuge System unless the*
20 *purchase is approved in advance by the House and Senate*
21 *Committees on Appropriations in compliance with the re-*
22 *programming procedures contained in Senate Report 105–*
23 *56.*

1 *NATIONAL PARK SERVICE*2 *OPERATION OF THE NATIONAL PARK SYSTEM*

3 *For expenses necessary for the management, operation,*
4 *and maintenance of areas and facilities administered by*
5 *the National Park Service (including special road mainte-*
6 *nance service to trucking permittees on a reimbursable*
7 *basis), and for the general administration of the National*
8 *Park Service, \$1,636,299,000, of which, in accordance with*
9 *the cooperative agreement entered into between the National*
10 *Park Service and the Oklahoma City National Memorial*
11 *Trust and numbered 1443CA125002001, \$600,000 may be*
12 *available for activities of the National Park Service at the*
13 *Oklahoma City National Memorial and \$1,600,000 may be*
14 *available to the Oklahoma City National Memorial Trust,*
15 *of which \$10,887,000 is for planning and interagency co-*
16 *ordination in support of Everglades restoration and shall*
17 *remain available until expended; of which \$96,480,000, to*
18 *remain available until September 30, 2005, is for mainte-*
19 *nance, repair or rehabilitation projects for constructed as-*
20 *sets, operation of the National Park Service automated fa-*
21 *cility management software system, and comprehensive fa-*
22 *cility condition assessments; and of which \$2,000,000 is for*
23 *the Youth Conservation Corps for high priority projects:*
24 *Provided further, That the only funds in this account which*
25 *may be made available to support United States Park Po-*

1 *lice are those funds approved for emergency law and order*
2 *incidents pursuant to established National Park Service*
3 *procedures, those funds needed to maintain and repair*
4 *United States Park Police administrative facilities, and*
5 *those funds necessary to reimburse the United States Park*
6 *Police account for the unbudgeted overtime and travel costs*
7 *associated with special events for an amount not to exceed*
8 *\$10,000 per event subject to the review and concurrence of*
9 *the Washington headquarters office.*

10 *UNITED STATES PARK POLICE*

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

13 *NATIONAL RECREATION AND PRESERVATION*

14 *For expenses necessary to carry out recreation pro-*
15 *grams, natural programs, cultural programs, heritage part-*
16 *nership programs, environmental compliance and review,*
17 *international park affairs, statutory or contractual aid for*
18 *other activities, and grant administration, not otherwise*
19 *provided for, \$60,154,000, of which \$175,000 may be avail-*
20 *able for activities to commemorate the Louisiana Purchase*
21 *at the Jean Lafitte National Historical Park and Preserve*
22 *in the State of Louisiana.*

23 *URBAN PARK AND RECREATION FUND*

24 *For expenses necessary to carry out the provisions of*
25 *the Urban Park and Recreation Recovery Act of 1978 (16*

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

3 *HISTORIC PRESERVATION FUND*

4 *For expenses necessary in carrying out the Historic*
5 *Preservation Act of 1966, as amended (16 U.S.C. 470), and*
6 *the Omnibus Parks and Public Lands Management Act of*
7 *1996 (Public Law 104–333), \$75,750,000, to be derived*
8 *from the Historic Preservation Fund, to remain available*
9 *until September 30, 2005: Provided, That, of the amount*
10 *provided herein, \$500,000, to remain available until ex-*
11 *pended, is for a grant for the perpetual care and mainte-*
12 *nance of National Trust Historic Sites, as authorized under*
13 *16 U.S.C. 470a(e)(2), to be made available in full upon*
14 *signing of a grant agreement: Provided further, That, not-*
15 *withstanding any other provision of law, these funds shall*
16 *be available for investment with the proceeds to be used for*
17 *the same purpose as set out herein: Provided further, That*
18 *of the total amount provided, \$32,000,000 shall be for Save*
19 *America’s Treasures for priority preservation projects, of*
20 *nationally significant sites, structures, and artifacts: Pro-*
21 *vided further, That any individual Save America’s Treas-*
22 *ures grant shall be matched by non-Federal funds: Provided*
23 *further, That individual projects shall only be eligible for*
24 *one grant, and all projects to be funded shall be approved*
25 *by the House and Senate Committees on Appropriations*

1 *and the Secretary of the Interior in consultation with the*
2 *President's Committee on the Arts and Humanities prior*
3 *to the commitment of grant funds: Provided further, That*
4 *Save America's Treasures funds allocated for Federal*
5 *projects, following approval, shall be available by transfer*
6 *to appropriate accounts of individual agencies.*

7 *CONSTRUCTION*

8 *For construction, improvements, repair or replacement*
9 *of physical facilities, including the modifications authorized*
10 *by section 104 of the Everglades National Park Protection*
11 *and Expansion Act of 1989, \$342,131,000, to remain avail-*
12 *able until expended, of which \$300,000 for the L.Q.C.*
13 *Lamar House National Historic Landmark and \$375,000*
14 *for the Sun Watch National Historic Landmark shall be*
15 *derived from the Historic Preservation Fund pursuant to*
16 *16 U.S.C. 470a and of which \$600,000 shall be available*
17 *for the planning and design of the Mesa Verde Cultural*
18 *Center in the State of Colorado, and of which \$50,000 shall*
19 *be available for the construction of a statue of Harry S Tru-*
20 *man in Union Station in Kansas City, Missouri, and of*
21 *which \$4,289,000 shall be available for the construction of*
22 *a security fence for the Jefferson National Expansion Me-*
23 *memorial in the State of Missouri: Provided, That none of the*
24 *funds in this or any other Act, may be used to pay the*
25 *salaries and expenses of more than 160 Full Time Equiva-*

1 *lent personnel working for the National Park Service's Den-*
2 *ver Service Center funded under the construction program*
3 *management and operations activity: Provided further,*
4 *That none of the funds provided in this or any other Act*
5 *may be used to pre-design, plan, or construct any new facil-*
6 *ity (including visitor centers, curatorial facilities, adminis-*
7 *trative buildings), for which appropriations have not been*
8 *specifically provided if the net construction cost of such fa-*
9 *cility is in excess of \$5,000,000, without prior approval of*
10 *the House and Senate Committees on Appropriations: Pro-*
11 *vided further, That none of the funds provided in this or*
12 *any other Act may be used for planning, design, or con-*
13 *struction of any underground security screening or visitor*
14 *contact facility at the Washington Monument until such fa-*
15 *cility has been approved in writing by the House and Sen-*
16 *ate Committees on Appropriations: Provided further, That*
17 *this restriction applies to all funds available to the National*
18 *Park Service, including partnership and fee demonstration*
19 *projects.*

20 *LAND AND WATER CONSERVATION FUND*

21 *(RESCISSION)*

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

1 *LAND ACQUISITION AND STATE ASSISTANCE*

2 *For expenses necessary to carry out the Land and*
3 *Water Conservation Act of 1965, as amended (16 U.S.C.*
4 *460l-4 through 11), including administrative expenses, and*
5 *for acquisition of lands or waters, or interest therein, in*
6 *accordance with the statutory authority applicable to the*
7 *National Park Service, \$158,473,000, to be derived from the*
8 *Land and Water Conservation Fund and to remain avail-*
9 *able until expended, of which \$104,000,000 is for the State*
10 *assistance program including not to exceed \$4,000,000 for*
11 *the administration of this program: Provided, That none*
12 *of the funds provided for the State assistance program may*
13 *be used to establish a contingency fund.*

14 *ADMINISTRATIVE PROVISIONS*

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

1 *been submitted to the Congress and shall not be imple-*
2 *mented prior to the expiration of 30 calendar days (not*
3 *including any day in which either House of Congress is*
4 *not in session because of adjournment of more than 3 cal-*
5 *endar days to a day certain) from the receipt by the Speak-*
6 *er of the House of Representatives and the President of the*
7 *Senate of a full and comprehensive report on the develop-*
8 *ment of the southern end of Ellis Island, including the facts*
9 *and circumstances relied upon in support of the proposed*
10 *project: Provided further, That the National Park Service*
11 *may make a grant of not to exceed \$70,000 for the construc-*
12 *tion of a memorial in Cadillac, Michigan in honor of Kris*
13 *Eggle.*

14 *None of the funds in this Act may be spent by the Na-*
15 *tional Park Service for activities taken in direct response*
16 *to the United Nations Biodiversity Convention.*

17 *The National Park Service may distribute to operating*
18 *units based on the safety record of each unit the costs of*
19 *programs designed to improve workplace and employee safe-*
20 *ty, and to encourage employees receiving workers' com-*
21 *pensation benefits pursuant to chapter 81 of title 5, United*
22 *States Code, to return to appropriate positions for which*
23 *they are medically able.*

24 *Notwithstanding any other provision of law, in fiscal*
25 *year 2004, with respect to the administration of the Na-*

1 *tional Park Service park pass program by the National*
2 *Park Foundation, the Secretary may obligate to the Foun-*
3 *dation administrative funds expected to be received in that*
4 *fiscal year before the revenues are collected, so long as total*
5 *obligations in the administrative account do not exceed*
6 *total revenue collected and deposited in that account by the*
7 *end of the fiscal year.*

8 *UNITED STATES GEOLOGICAL SURVEY*

9 *SURVEYS, INVESTIGATIONS, AND RESEARCH*

10 *For expenses necessary for the United States Geological*
11 *Survey to perform surveys, investigations, and research cov-*
12 *ering topography, geology, hydrology, biology, and the min-*
13 *eral and water resources of the United States, its territories*
14 *and possessions, and other areas as authorized by 43 U.S.C.*
15 *31, 1332, and 1340; classify lands as to their mineral and*
16 *water resources; give engineering supervision to power per-*
17 *mittees and Federal Energy Regulatory Commission licens-*
18 *ees; administer the minerals exploration program (30*
19 *U.S.C. 641); and publish and disseminate data relative to*
20 *the foregoing activities; and to conduct inquiries into the*
21 *economic conditions affecting mining and materials proc-*
22 *essing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C.*
23 *98g(1)) and related purposes as authorized by law and to*
24 *publish and disseminate data; \$928,864,000, of which*
25 *\$64,630,000 shall be available only for cooperation with*

1 *States or municipalities for water resources investigations;*
2 *and of which \$15,499,000 shall remain available until ex-*
3 *pended for conducting inquiries into the economic condi-*
4 *tions affecting mining and materials processing industries;*
5 *and of which \$250,000 may be available to improve seismic*
6 *monitoring and hazard assessment in the Jackson Hole-Yel-*
7 *lowstone area of Wyoming; and of which \$8,000,000 shall*
8 *remain available until expended for satellite operations;*
9 *and of which \$23,230,000 shall be available until September*
10 *30, 2005, for the operation and maintenance of facilities*
11 *and deferred maintenance; of which \$169,580,000 shall be*
12 *available until September 30, 2005, for the biological re-*
13 *search activity and the operation of the Cooperative Re-*
14 *search Units: Provided, That none of these funds provided*
15 *for the biological research activity shall be used to conduct*
16 *new surveys on private property, unless specifically author-*
17 *ized in writing by the property owner: Provided further,*
18 *That no part of this appropriation shall be used to pay*
19 *more than one-half the cost of topographic mapping or*
20 *water resources data collection and investigations carried*
21 *on in cooperation with States and municipalities.*

22 *ADMINISTRATIVE PROVISIONS*

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

1 *placement only; reimbursement to the General Services Ad-*
2 *ministration for security guard services; contracting for the*
3 *furnishing of topographic maps and for the making of geo-*
4 *physical or other specialized surveys when it is administra-*
5 *tively determined that such procedures are in the public in-*
6 *terest; construction and maintenance of necessary buildings*
7 *and appurtenant facilities; acquisition of lands for gauging*
8 *stations and observation wells; expenses of the United States*
9 *National Committee on Geology; and payment of compensa-*
10 *tion and expenses of persons on the rolls of the Survey duly*
11 *appointed to represent the United States in the negotiation*
12 *and administration of interstate compacts: Provided, That*
13 *activities funded by appropriations herein made may be ac-*
14 *complished through the use of contracts, grants, or coopera-*
15 *tive agreements as defined in 31 U.S.C. 6302 et seq.*

16 *MINERALS MANAGEMENT SERVICE*

17 *ROYALTY AND OFFSHORE MINERALS MANAGEMENT*

18 *For expenses necessary for minerals leasing and envi-*
19 *ronmental studies, regulation of industry operations, and*
20 *collection of royalties, as authorized by law; for enforcing*
21 *laws and regulations applicable to oil, gas, and other min-*
22 *erals leases, permits, licenses and operating contracts; and*
23 *for matching grants or cooperative agreements; including*
24 *the purchase of not to exceed eight passenger motor vehicles*
25 *for replacement only, \$166,016,000, of which \$80,396,000*

1 shall be available for royalty management activities; and
2 an amount not to exceed \$100,230,000, to be credited to this
3 appropriation and to remain available until expended,
4 from additions to receipts resulting from increases to rates
5 in effect on August 5, 1993, from rate increases to fee collec-
6 tions for Outer Continental Shelf administrative activities
7 performed by the Minerals Management Service (MMS)
8 over and above the rates in effect on September 30, 1993,
9 and from additional fees for Outer Continental Shelf ad-
10 ministrative activities established after September 30, 1993:
11 Provided, That to the extent \$100,230,000 in additions to
12 receipts are not realized from the sources of receipts stated
13 above, the amount needed to reach \$100,230,000 shall be
14 credited to this appropriation from receipts resulting from
15 rental rates for Outer Continental Shelf leases in effect be-
16 fore August 5, 1993: Provided further, That \$3,000,000 for
17 computer acquisitions shall remain available until Sep-
18 tember 30, 2005: Provided further, That funds appropriated
19 under this Act shall be available for the payment of interest
20 in accordance with 30 U.S.C. 1721(b) and (d): Provided
21 further, That not to exceed \$3,000 shall be available for rea-
22 sonable expenses related to promoting volunteer beach and
23 marine cleanup activities: Provided further, That notwith-
24 standing any other provision of law, \$15,000 under this
25 heading shall be available for refunds of overpayments in

1 *connection with certain Indian leases in which the Director*
2 *of MMS concurred with the claimed refund due, to pay*
3 *amounts owed to Indian allottees or tribes, or to correct*
4 *prior unrecoverable erroneous payments: Provided further,*
5 *That MMS may under the royalty-in-kind pilot program,*
6 *or under its authority to transfer oil to the Strategic Petro-*
7 *leum Reserve, use a portion of the revenues from royalty-*
8 *in-kind sales, without regard to fiscal year limitation, to*
9 *pay for transportation to wholesale market centers or up-*
10 *stream pooling points, and to process or otherwise dispose*
11 *of royalty production taken in kind, and to recover MMS*
12 *transportation costs, salaries, and other administrative*
13 *costs directly related to filling the Strategic Petroleum Re-*
14 *serve: Provided further, That MMS shall analyze and docu-*
15 *ment the expected return in advance of any royalty-in-kind*
16 *sales to assure to the maximum extent practicable that roy-*
17 *alty income under the pilot program is equal to or greater*
18 *than royalty income recognized under a comparable roy-*
19 *alty-in-value program.*

20 *OIL SPILL RESEARCH*

21 *For necessary expenses to carry out title I, section*
22 *1016, title IV, sections 4202 and 4303, title VII, and title*
23 *VIII, section 8201 of the Oil Pollution Act of 1990,*
24 *\$7,105,000, which shall be derived from the Oil Spill Liabil-*
25 *ity Trust Fund, to remain available until expended.*

1 *Mine Reclamation Fund and to remain available until ex-*
2 *pended; of which up to \$10,000,000, to be derived from the*
3 *Federal Expenses Share of the Fund, shall be for supple-*
4 *mental grants to States for the reclamation of abandoned*
5 *sites with acid mine rock drainage from coal mines, and*
6 *for associated activities, through the Appalachian Clean*
7 *Streams Initiative: Provided, That grants to minimum pro-*
8 *gram States will be \$1,500,000 per State in fiscal year*
9 *2004: Provided further, That pursuant to Public Law 97-*
10 *365, the Department of the Interior is authorized to use up*
11 *to 20 percent from the recovery of the delinquent debt owed*
12 *to the United States Government to pay for contracts to*
13 *collect these debts: Provided further, That funds made avail-*
14 *able under title IV of Public Law 95-87 may be used for*
15 *any required non-Federal share of the cost of projects funded*
16 *by the Federal Government for the purpose of environ-*
17 *mental restoration related to treatment or abatement of acid*
18 *mine drainage from abandoned mines: Provided further,*
19 *That such projects must be consistent with the purposes and*
20 *priorities of the Surface Mining Control and Reclamation*
21 *Act: Provided further, That the State of Maryland may set*
22 *aside the greater of \$1,000,000 or 10 percent of the total*
23 *of the grants made available to the State under title IV of*
24 *the Surface Mining Control and Reclamation Act of 1977,*
25 *as amended (30 U.S.C. 1231 et seq.), if the amount set aside*

1 *is deposited in an acid mine drainage abatement and treat-*
2 *ment fund established under a State law, pursuant to which*
3 *law the amount (together with all interest earned on the*
4 *amount) is expended by the State to undertake acid mine*
5 *drainage abatement and treatment projects, except that be-*
6 *fore any amounts greater than 10 percent of its title IV*
7 *grants are deposited in an acid mine drainage abatement*
8 *and treatment fund, the State of Maryland must first com-*
9 *plete all Surface Mining Control and Reclamation Act pri-*
10 *ority one projects.*

11 *BUREAU OF INDIAN AFFAIRS*

12 *OPERATION OF INDIAN PROGRAMS*

13 *For expenses necessary for the operation of Indian pro-*
14 *grams, as authorized by law, including the Snyder Act of*
15 *November 2, 1921 (25 U.S.C. 13), the Indian Self-Deter-*
16 *mination and Education Assistance Act of 1975 (25 U.S.C.*
17 *450 et seq.), as amended, the Education Amendments of*
18 *1978 (25 U.S.C. 2001–2019), and the Tribally Controlled*
19 *Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended,*
20 *\$1,912,178,000, to remain available until September 30,*
21 *2005 except as otherwise provided herein, of which not to*
22 *exceed \$87,925,000 shall be for welfare assistance payments*
23 *and notwithstanding any other provision of law, including*
24 *but not limited to the Indian Self-Determination Act of*
25 *1975, as amended, not to exceed \$135,315,000 shall be*

1 *available for payments to tribes and tribal organizations*
2 *for contract support costs associated with ongoing contracts,*
3 *grants, compacts, or annual funding agreements entered*
4 *into with the Bureau prior to or during fiscal year 2004,*
5 *as authorized by such Act, except that tribes and tribal or-*
6 *ganizations may use their tribal priority allocations for*
7 *unmet indirect costs of ongoing contracts, grants, or com-*
8 *pacts, or annual funding agreements and for unmet welfare*
9 *assistance costs; and of which not to exceed \$458,524,000*
10 *for school operations costs of Bureau-funded schools and*
11 *other education programs shall become available on July*
12 *1, 2004, and shall remain available until September 30,*
13 *2005; and of which not to exceed \$55,766,000 shall remain*
14 *available until expended for housing improvement, road*
15 *maintenance, attorney fees, litigation support, the Indian*
16 *Self-Determination Fund, land records improvement, and*
17 *the Navajo-Hopi Settlement Program: Provided, That not-*
18 *withstanding any other provision of law, including but not*
19 *limited to the Indian Self-Determination Act of 1975, as*
20 *amended, and 25 U.S.C. 2008, not to exceed \$46,182,000*
21 *within and only from such amounts made available for*
22 *school operations shall be available to tribes and tribal or-*
23 *ganizations for administrative cost grants associated with*
24 *ongoing grants entered into with the Bureau prior to or*
25 *during fiscal year 2003 for the operation of Bureau-funded*

1 schools, and up to \$3,000,000 within and only from such
2 amounts made available for school operations shall be avail-
3 able for the transitional costs of initial administrative cost
4 grants to tribes and tribal organizations that enter into
5 grants for the operation on or after July 1, 2004 of Bureau-
6 operated schools: Provided further, That any forestry funds
7 allocated to a tribe which remain unobligated as of Sep-
8 tember 30, 2005, may be transferred during fiscal year 2006
9 to an Indian forest land assistance account established for
10 the benefit of such tribe within the tribe's trust fund ac-
11 count: Provided further, That any such unobligated bal-
12 ances not so transferred shall expire on September 30, 2006:
13 Provided further, That \$48,115,000 shall be for operating
14 grants for Tribally Controlled Community Colleges, and
15 \$34,710,000 shall be for Information Resources Technology.

16 *CONSTRUCTION*

17 *For construction, repair, improvement, and mainte-*
18 *nance of irrigation and power systems, buildings, utilities,*
19 *and other facilities, including architectural and engineering*
20 *services by contract; acquisition of lands, and interests in*
21 *lands; and preparation of lands for farming, and for con-*
22 *struction of the Navajo Indian Irrigation Project pursuant*
23 *to Public Law 87-483, \$351,154,000, to remain available*
24 *until expended: Provided, That such amounts as may be*
25 *available for the construction of the Navajo Indian Irriga-*

1 tion Project may be transferred to the Bureau of Reclama-
2 tion: Provided further, That not to exceed 6 percent of con-
3 tract authority available to the Bureau of Indian Affairs
4 from the Federal Highway Trust Fund may be used to cover
5 the road program management costs of the Bureau: Pro-
6 vided further, That any funds provided for the Safety of
7 Dams program pursuant to 25 U.S.C. 13 shall be made
8 available on a nonreimbursable basis: Provided further,
9 That for fiscal year 2004, in implementing new construc-
10 tion or facilities improvement and repair project grants in
11 excess of \$100,000 that are provided to tribally controlled
12 grant schools under Public Law 100–297, as amended, the
13 Secretary of the Interior shall use the Administrative and
14 Audit Requirements and Cost Principles for Assistance Pro-
15 grams contained in 43 CFR part 12 as the regulatory re-
16 quirements: Provided further, That such grants shall not
17 be subject to section 12.61 of 43 CFR; the Secretary and
18 the grantee shall negotiate and determine a schedule of pay-
19 ments for the work to be performed: Provided further, That
20 in considering applications, the Secretary shall consider
21 whether the Indian tribe or tribal organization would be
22 deficient in assuring that the construction projects conform
23 to applicable building standards and codes and Federal,
24 tribal, or State health and safety standards as required by
25 25 U.S.C. 2005(a), with respect to organizational and fi-

1 *nancial management capabilities: Provided further, That if*
2 *the Secretary declines an application, the Secretary shall*
3 *follow the requirements contained in 25 U.S.C. 2505(f):*
4 *Provided further, That any disputes between the Secretary*
5 *and any grantee concerning a grant shall be subject to the*
6 *disputes provision in 25 U.S.C. 2508(e).*

7 *INDIAN LAND AND WATER CLAIM SETTLEMENTS AND*

8 *MISCELLANEOUS PAYMENTS TO INDIANS*

9 *For miscellaneous payments to Indian tribes and indi-*
10 *viduals and for necessary administrative expenses,*
11 *\$50,583,000, to remain available until expended; of which*
12 *\$31,766,000 shall be available for implementation of en-*
13 *acted Indian land and water claim settlements pursuant*
14 *to Public Laws 101–618, 107–331, and 102–575, and for*
15 *implementation of other enacted water rights settlements;*
16 *and of which \$18,817,000 shall be available pursuant to*
17 *Public Laws 99–264, 100–580, 106–425, and 106–554.*

18 *INDIAN GUARANTEED LOAN PROGRAM ACCOUNT*

19 *For the cost of guaranteed and insured loans,*
20 *\$5,797,000, as authorized by the Indian Financing Act of*
21 *1974, as amended: Provided, That such costs, including the*
22 *cost of modifying such loans, shall be as defined in section*
23 *502 of the Congressional Budget Act of 1974: Provided fur-*
24 *ther, That these funds are available to subsidize total loan*

1 *principal, any part of which is to be guaranteed, not to*
2 *exceed \$94,568,000.*

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

5 *ADMINISTRATIVE PROVISIONS*

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

11 *Notwithstanding 25 U.S.C. 15, the Bureau of Indian*
12 *Affairs may contract for services in support of the manage-*
13 *ment, operation, and maintenance of the Power Division*
14 *of the San Carlos Irrigation Project.*

15 *Appropriations for the Bureau of Indian Affairs (ex-*
16 *cept the revolving fund for loans, the Indian loan guarantee*
17 *and insurance fund, and the Indian Guaranteed Loan Pro-*
18 *gram account) shall be available for expenses of exhibits,*
19 *and purchase of not to exceed 229 passenger motor vehicles,*
20 *of which not to exceed 187 shall be for replacement only.*

21 *Notwithstanding any other provision of law, no funds*
22 *available to the Bureau of Indian Affairs for central office*
23 *operations or pooled overhead general administration (ex-*
24 *cept facilities operations and maintenance) shall be avail-*
25 *able for tribal contracts, grants, compacts, or cooperative*

1 *agreements with the Bureau of Indian Affairs under the*
2 *provisions of the Indian Self-Determination Act or the*
3 *Tribal Self-Governance Act of 1994 (Public Law 103-413).*

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

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

16 *Appropriations made available in this or any other*
17 *Act for schools funded by the Bureau shall be available only*
18 *to the schools in the Bureau school system as of September*
19 *1, 1996. No funds available to the Bureau shall be used to*
20 *support expanded grades for any school or dormitory be-*
21 *yond the grade structure in place or approved by the Sec-*
22 *retary of the Interior at each school in the Bureau school*
23 *system as of October 1, 1995. Funds made available under*
24 *this Act may not be used to establish a charter school at*
25 *a Bureau-funded school (as that term is defined in section*

1 1146 of the *Education Amendments of 1978* (25 U.S.C.
2 2026)), except that a charter school that is in existence on
3 the date of the enactment of this Act and that has operated
4 at a Bureau-funded school before September 1, 1999, may
5 continue to operate during that period, but only if the char-
6 ter school pays to the Bureau a pro rata share of funds
7 to reimburse the Bureau for the use of the real and personal
8 property (including buses and vans), the funds of the char-
9 ter school are kept separate and apart from Bureau funds,
10 and the Bureau does not assume any obligation for charter
11 school programs of the State in which the school is located
12 if the charter school loses such funding. Employees of Bu-
13 reau-funded schools sharing a campus with a charter school
14 and performing functions related to the charter school's op-
15 eration and employees of a charter school shall not be treat-
16 ed as Federal employees for purposes of chapter 171 of title
17 28, United States Code.

18 *DEPARTMENTAL OFFICES*

19 *INSULAR AFFAIRS*

20 *ASSISTANCE TO TERRITORIES*

21 *For expenses necessary for assistance to territories*
22 *under the jurisdiction of the Department of the Interior,*
23 *\$71,343,000, of which: (1) \$65,022,000 shall be available*
24 *until expended for technical assistance, including mainte-*
25 *nance assistance, disaster assistance, insular management*

1 controls, coral reef initiative activities, and brown tree
2 snake control and research; grants to the judiciary in Amer-
3 ican Samoa for compensation and expenses, as authorized
4 by law (48 U.S.C. 1661(c)); grants to the Government of
5 American Samoa, in addition to current local revenues, for
6 construction and support of governmental functions; grants
7 to the Government of the Virgin Islands as authorized by
8 law; grants to the Government of Guam, as authorized by
9 law; and grants to the Government of the Northern Mariana
10 Islands as authorized by law (Public Law 94–241; 90 Stat.
11 272); and (2) \$6,321,000 shall be available for salaries and
12 expenses of the Office of Insular Affairs: Provided, That all
13 financial transactions of the territorial and local govern-
14 ments herein provided for, including such transactions of
15 all agencies or instrumentalities established or used by such
16 governments, may be audited by the General Accounting Of-
17 fice, at its discretion, in accordance with chapter 35 of title
18 31, United States Code: Provided further, That Northern
19 Mariana Islands Covenant grant funding shall be provided
20 according to those terms of the Agreement of the Special
21 Representatives on Future United States Financial Assist-
22 ance for the Northern Mariana Islands approved by Public
23 Law 104–134: Provided further, That of the amounts pro-
24 vided for technical assistance, sufficient funding shall be
25 made available for a grant to the Close Up Foundation:

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

14 *COMPACT OF FREE ASSOCIATION*

15 *For grants and necessary expenses, \$6,125,000, as pro-*
16 *vided for in sections 221(a)(2), 221(b), and 233 of the Com-*
17 *pact of Free Association for the Republic of Palau, section*
18 *103(h)(2) of the Compact of Free Association Act of 1985,*
19 *and section 221(a)(2) of the Amended Compacts of Free As-*
20 *sociation for the Federated States of Micronesia and the Re-*
21 *public of the Marshall Islands, to remain available until*
22 *expended.*

23 *For grants and necessary expenses as provided for in*
24 *sections 211, 212, 213, and 218 of the Amended Compact*
25 *of Free Association for the Republic of the Marshall Islands*

1 *and as provided for in sections 211, 212, and 217 of the*
2 *Amended Compact of Free Association for the Federated*
3 *States of Micronesia, all sums that are or may be required*
4 *in this and subsequent years are appropriated, to remain*
5 *available until expended, and shall be drawn from the*
6 *Treasury, to become available for obligation only upon en-*
7 *actment of proposed legislation to approve the amended*
8 *Compacts of Free Association as identified in the Presi-*
9 *dent's fiscal year 2004 budget.*

10 *For grants and necessary expenses, \$15,000,000, for*
11 *impact of the Compacts on certain U.S. areas in this and*
12 *subsequent years are appropriated, to remain available*
13 *until expended, and shall be drawn from the Treasury, to*
14 *become available for obligation only upon enactment of pro-*
15 *posed legislation to approve the amended Compacts of Free*
16 *Association as identified in the President's fiscal year 2004*
17 *budget: Provided, That for purposes of assistance as pro-*
18 *vided pursuant to this appropriation, the effective dates of*
19 *the amended Compacts of Free Association shall be October*
20 *1, 2003.*

21 *DEPARTMENTAL MANAGEMENT*

22 *SALARIES AND EXPENSES*

23 *For necessary expenses for management of the Depart-*
24 *ment of the Interior, \$78,433,000, of which not to exceed*
25 *\$8,500 may be for official reception and representation ex-*

1 *penses, and of which up to \$1,000,000 shall be available*
2 *for workers compensation payments and unemployment*
3 *compensation payments associated with the orderly closure*
4 *of the United States Bureau of Mines: Provided, That of*
5 *this amount, sufficient funds may be available for the Sec-*
6 *retary of the Interior, not later than 60 days after the last*
7 *day of the fiscal year, to submit to Congress a report on*
8 *the amount of acquisitions made by the Department of the*
9 *Interior during such fiscal year of articles, materials, or*
10 *supplies that were manufactured outside the United States.*
11 *Such report shall separately indicate the dollar value of any*
12 *articles, materials, or supplies purchased by the Depart-*
13 *ment of the Interior that were manufactured outside the*
14 *United States, an itemized list of all waivers under the Buy*
15 *American Act (41 U.S.C. 10a et seq.) that were granted*
16 *with respect to such articles, materials, or supplies, and a*
17 *summary of total procurement funds spent on goods manu-*
18 *factured in the United States versus funds spent on goods*
19 *manufactured outside of the United States. The Secretary*
20 *of the Interior shall make the report publicly available by*
21 *posting the report on an Internet website.*

22 *Of the unobligated balances in the Special Foreign*
23 *Currency account, \$1,400,000 are hereby canceled.*

24 **WORKING CAPITAL FUND**

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

1 *able until expended: Provided, That from unobligated bal-*
2 *ances under this heading, \$11,700,000 are hereby canceled.*

3 *PAYMENTS IN LIEU OF TAXES*

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

11 *OFFICE OF THE SOLICITOR*

12 *SALARIES AND EXPENSES*

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

15 *OFFICE OF INSPECTOR GENERAL*

16 *SALARIES AND EXPENSES*

17 *For necessary expenses of the Office of Inspector Gen-*
18 *eral, \$37,474,000, of which \$3,812,000 shall be for procure-*
19 *ment by contract of independent auditing services to audit*
20 *the consolidated Department of the Interior annual finan-*
21 *cial statement and the annual financial statement of the*
22 *Department of the Interior bureaus and offices funded in*
23 *this Act.*

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

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

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

17 *INDIAN LAND CONSOLIDATION*

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

1 *GENERAL PROVISIONS, DEPARTMENT OF THE*
2 *INTERIOR*

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

19 *SEC. 102. The Secretary may authorize the expendi-*
20 *ture or transfer of any no year appropriation in this title,*
21 *in addition to the amounts included in the budget programs*
22 *of the several agencies, for the suppression or emergency*
23 *prevention of wildland fires on or threatening lands under*
24 *the jurisdiction of the Department of the Interior; for the*
25 *emergency rehabilitation of burned-over lands under its ju-*

1 jurisdiction; for emergency actions related to potential or ac-
2 tual earthquakes, floods, volcanoes, storms, or other un-
3 avoidable causes; for contingency planning subsequent to
4 actual oil spills; for response and natural resource damage
5 assessment activities related to actual oil spills; for the pre-
6 vention, suppression, and control of actual or potential
7 grasshopper and Mormon cricket outbreaks on lands under
8 the jurisdiction of the Secretary, pursuant to the authority
9 in section 1773(b) of Public Law 99–198 (99 Stat. 1658);
10 for emergency reclamation projects under section 410 of
11 Public Law 95–87; and shall transfer, from any no year
12 funds available to the Office of Surface Mining Reclamation
13 and Enforcement, such funds as may be necessary to permit
14 assumption of regulatory authority in the event a primacy
15 State is not carrying out the regulatory provisions of the
16 Surface Mining Act: Provided, That appropriations made
17 in this title for wildland fire operations shall be available
18 for the payment of obligations incurred during the pre-
19 ceding fiscal year, and for reimbursement to other Federal
20 agencies for destruction of vehicles, aircraft, or other equip-
21 ment in connection with their use for wildland fire oper-
22 ations, such reimbursement to be credited to appropriations
23 currently available at the time of receipt thereof: Provided
24 further, That for wildland fire operations, no funds shall
25 be made available under this authority until the Secretary

1 *determines that funds appropriated for “wildland fire oper-*
2 *ations” shall be exhausted within 30 days: Provided further,*
3 *That all funds used pursuant to this section are hereby des-*
4 *ignated by Congress to be “emergency requirements” pursu-*
5 *ant to section 502 of H. Con. Res. 95, the concurrent resolu-*
6 *tion on the budget for fiscal year 2004, and must be replen-*
7 *ished by a supplemental appropriation which must be re-*
8 *quested as promptly as possible: Provided further, That such*
9 *replenishment funds shall be used to reimburse, on a pro*
10 *rata basis, accounts from which emergency funds were*
11 *transferred.*

12 *SEC. 103. Appropriations made in this title shall be*
13 *available for operation of warehouses, garages, shops, and*
14 *similar facilities, wherever consolidation of activities will*
15 *contribute to efficiency or economy, and said appropria-*
16 *tions shall be reimbursed for services rendered to any other*
17 *activity in the same manner as authorized by sections 1535*
18 *and 1536 of title 31, United States Code: Provided, That*
19 *reimbursements for costs and supplies, materials, equip-*
20 *ment, and for services rendered may be credited to the ap-*
21 *propriation current at the time such reimbursements are*
22 *received.*

23 *SEC. 104. Appropriations made to the Department of*
24 *the Interior in this title shall be available for services as*
25 *authorized by 5 U.S.C. 3109, when authorized by the Sec-*

1 *retary, in total amount not to exceed \$500,000; hire, main-*
2 *tenance, and operation of aircraft; hire of passenger motor*
3 *vehicles; purchase of reprints; payment for telephone service*
4 *in private residences in the field, when authorized under*
5 *regulations approved by the Secretary; and the payment of*
6 *dues, when authorized by the Secretary, for library member-*
7 *ship in societies or associations which issue publications to*
8 *members only or at a price to members lower than to sub-*
9 *scribers who are not members.*

10 *SEC. 105. Appropriations available to the Department*
11 *of the Interior for salaries and expenses shall be available*
12 *for uniforms or allowances therefor, as authorized by law*
13 *(5 U.S.C. 5901–5902 and D.C. Code 4–204).*

14 *SEC. 106. Annual appropriations made in this title*
15 *shall be available for obligation in connection with con-*
16 *tracts issued for services or rentals for periods not in excess*
17 *of 12 months beginning at any time during the fiscal year.*

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

1 *SEC. 108. No funds provided in this title may be ex-*
2 *pended by the Department of the Interior to conduct offshore*
3 *oil and natural gas preleasing, leasing and related activi-*
4 *ties in the eastern Gulf of Mexico planning area for any*
5 *lands located outside Sale 181, as identified in the final*
6 *Outer Continental Shelf 5-Year Oil and Gas Leasing Pro-*
7 *gram, 1997–2002.*

8 *SEC. 109. No funds provided in this title may be ex-*
9 *pended by the Department of the Interior to conduct oil and*
10 *natural gas preleasing, leasing and related activities in the*
11 *Mid-Atlantic and South Atlantic planning areas.*

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

20 *SEC. 111. Advance payments made under this title to*
21 *Indian tribes, tribal organizations, and tribal consortia*
22 *pursuant to the Indian Self-Determination and Education*
23 *Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Con-*
24 *trolled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may*
25 *be invested by the Indian tribe, tribal organization, or con-*

1 *sortium before such funds are expended for the purposes of*
2 *the grant, compact, or annual funding agreement so long*
3 *as such funds are—*

4 (1) *invested by the Indian tribe, tribal organiza-*
5 *tion, or consortium only in obligations of the United*
6 *States, or in obligations or securities that are guaran-*
7 *teed or insured by the United States, or mutual (or*
8 *other) funds registered with the Securities and Ex-*
9 *change Commission and which only invest in obliga-*
10 *tions of the United States or securities that are guar-*
11 *anteed or insured by the United States; or*

12 (2) *deposited only into accounts that are insured*
13 *by an agency or instrumentality of the United States,*
14 *or are fully collateralized to ensure protection of the*
15 *funds, even in the event of a bank failure.*

16 *SEC. 112. Appropriations made in this Act under the*
17 *headings Bureau of Indian Affairs and Office of Special*
18 *Trustee for American Indians and any available unobli-*
19 *gated balances from prior appropriations Acts made under*
20 *the same headings, shall be available for expenditure or*
21 *transfer for Indian trust management and reform activities.*

22 *SEC. 113. Notwithstanding any other provision of law,*
23 *for the purpose of reducing the backlog of Indian probate*
24 *cases in the Department of the Interior, the hearing require-*
25 *ments of chapter 10 of title 25, United States Code, are*

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

14 *SEC. 114. Notwithstanding any other provision of law,*
15 *the Secretary of the Interior is authorized to redistribute*
16 *any Tribal Priority Allocation funds, including tribal base*
17 *funds, to alleviate tribal funding inequities by transferring*
18 *funds to address identified, unmet needs, dual enrollment,*
19 *overlapping service areas or inaccurate distribution meth-*
20 *odologies. No tribe shall receive a reduction in Tribal Pri-*
21 *ority Allocation funds of more than 10 percent in fiscal*
22 *year 2004. Under circumstances of dual enrollment, over-*
23 *lapping service areas or inaccurate distribution methodolo-*
24 *gies, the 10 percent limitation does not apply.*

1 *SEC. 115. Funds appropriated for the Bureau of In-*
2 *dian Affairs for postsecondary schools for fiscal year 2004*
3 *shall be allocated among the schools proportionate to the*
4 *unmet need of the schools as determined by the Postsec-*
5 *ondary Funding Formula adopted by the Office of Indian*
6 *Education Programs.*

7 *SEC. 116. (a) The Secretary of the Interior shall here-*
8 *after take such action as may be necessary to ensure that*
9 *the lands comprising the Huron Cemetery in Kansas City,*
10 *Kansas (as described in section 123 of Public Law 106-*
11 *291) are used only in accordance with this section.*

12 *(b) The lands of the Huron Cemetery shall be used*
13 *only: (1) for religious and cultural uses that are compatible*
14 *with the use of the lands as a cemetery; and (2) as a burial*
15 *ground.*

16 *SEC. 117. Notwithstanding any other provision of law,*
17 *in conveying the Twin Cities Research Center under the au-*
18 *thority provided by Public Law 104-134, as amended by*
19 *Public Law 104-208, the Secretary may accept and retain*
20 *land and other forms of reimbursement: Provided, That the*
21 *Secretary may retain and use any such reimbursement*
22 *until expended and without further appropriation: (1) for*
23 *the benefit of the National Wildlife Refuge System within*
24 *the State of Minnesota; and (2) for all activities authorized*
25 *by Public Law 100-696; 16 U.S.C. 460zz.*

1 *SEC. 118. Notwithstanding other provisions of law, the*
2 *National Park Service may authorize, through cooperative*
3 *agreement, the Golden Gate National Parks Association to*
4 *provide fee-based education, interpretive and visitor service*
5 *functions within the Crissy Field and Fort Point areas of*
6 *the Presidio.*

7 *SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums*
8 *received by the Bureau of Land Management for the sale*
9 *of seeds or seedlings including those collected in fiscal year*
10 *2003, may be credited to the appropriation from which*
11 *funds were expended to acquire or grow the seeds or seed-*
12 *lings and are available without fiscal year limitation.*

13 *SEC. 120. Subject to the terms and conditions of sec-*
14 *tion 126 of the Department of the Interior and Related*
15 *Agencies Act, 2002, the Administrator of General Services*
16 *shall sell all right, title, and interest of the United States*
17 *in and to the improvements and equipment of the White*
18 *River Oil Shale Mine.*

19 *SEC. 121. The Secretary of the Interior may use or*
20 *contract for the use of helicopters or motor vehicles on the*
21 *Sheldon and Hart National Wildlife Refuges for the purpose*
22 *of capturing and transporting horses and burros. The provi-*
23 *sions of subsection (a) of the Act of September 8, 1959 (18*
24 *U.S.C. 47(a)) shall not be applicable to such use. Such use*

1 *shall be in accordance with humane procedures prescribed*
2 *by the Secretary.*

3 *SEC. 122. Of the funds made available under the head-*
4 *ing “Bureau of Land Management, Land Acquisition” in*
5 *title I of the Department of the Interior and Related Agen-*
6 *cies Appropriation Act, 2002 (115 Stat. 420), the Secretary*
7 *of the Interior shall grant \$500,000 to the City of St.*
8 *George, Utah, for the purchase of the land as provided in*
9 *the Virgin River Dinosaur Footprint Preserve Act (116*
10 *Stat. 2896), with any surplus funds available after the pur-*
11 *chase to be available for the purpose of the preservation of*
12 *the land and the paleontological resources on the land.*

13 *SEC. 123. Funds provided in this Act for Federal land*
14 *acquisition by the National Park Service for the Ice Age*
15 *National Scenic Trail may be used for a grant to a State,*
16 *a local government, or any other governmental land man-*
17 *agement entity for the acquisition of lands without regard*
18 *to any restriction on the use of Federal land acquisition*
19 *funds provided through the Land and Water Conservation*
20 *Fund Act of 1965 as amended.*

21 *SEC. 124. None of the funds made available by this*
22 *Act may be obligated or expended by the National Park*
23 *Service to enter into or implement a concession contract*
24 *which permits or requires the removal of the underground*
25 *lunchroom at the Carlsbad Caverns National Park.*

1 *SEC. 125. The Secretary of the Interior may use discre-*
2 *tionary funds to pay private attorneys fees and costs for*
3 *employees and former employees of the Department of the*
4 *Interior reasonably incurred in connection with Cobell v.*
5 *Norton to the extent that such fees and costs are not paid*
6 *by the Department of Justice or by private insurance. In*
7 *no case shall the Secretary make payments under this sec-*
8 *tion that would result in payment of hourly fees in excess*
9 *of the highest hourly rate approved by the District Court*
10 *for the District of Columbia for counsel in Cobell v. Norton.*

11 *SEC. 126. The United States Fish and Wildlife Service*
12 *shall, in carrying out its responsibilities to protect threat-*
13 *ened and endangered species of salmon, implement a system*
14 *of mass marking of salmonid stocks, intended for harvest,*
15 *that are released from Federally operated or Federally fi-*
16 *nanced hatcheries including but not limited to fish releases*
17 *of coho, chinook, and steelhead species. Marked fish must*
18 *have a visible mark that can be readily identified by com-*
19 *mercial and recreational fishers.*

20 *SEC. 127. Section 134 of Public Law 107–63 (115*
21 *Stat. 442–443) is amended by striking the proviso thereto*
22 *and inserting the following: “Provided, That nothing in this*
23 *section affects the decision of the United States Court of*
24 *Appeals for the 10th Circuit in Sac and Fox Nation v. Nor-*
25 *ton, 240 F.3d 1250 (2001): Provided further, That nothing*

1 *in this section permits the conduct of gaming under the In-*
2 *dian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on*
3 *land described in section 123 of Public Law 106–291 (114*
4 *Stat. 944–945), or land that is contiguous to that land, re-*
5 *gardless of whether the land or contiguous land has been*
6 *taken into trust by the Secretary of the Interior.”.*

7 *SEC. 128. No funds appropriated for the Department*
8 *of the Interior by this Act or any other Act shall be used*
9 *to study or implement any plan to drain Lake Powell or*
10 *to reduce the water level of the lake below the range of water*
11 *levels required for the operation of the Glen Canyon Dam.*

12 *SEC. 129. Notwithstanding the limitation in subpara-*
13 *graph (2)(B) of section 18(a) of the Indian Gaming Regu-*
14 *latory Act (25 U.S.C. 2717(a)), the total amount of all fees*
15 *imposed by the National Indian Gaming Commission for*
16 *fiscal year 2005 shall not exceed \$12,000,000.*

17 *SEC. 130. None of the funds in this Act may be used*
18 *to fund Cooperative Ecosystem Studies Units in the State*
19 *of Alaska.*

20 *SEC. 131. The State of Utah’s contribution require-*
21 *ment pursuant to Public Law 105–363 shall be deemed to*
22 *have been satisfied and within thirty days of enactment of*
23 *this Act, the Secretary of the Interior shall transfer to the*
24 *State of Utah all right, title, and interest of the United*
25 *States in and to the Wilcox Ranch lands acquired under*

1 *section 2(b) of Public Law 105–363, for management by*
2 *the Utah Division of Wildlife Resources for wildlife habitat*
3 *and public access.*

4 *SEC. 132. Upon enactment of this Act, the Congaree*
5 *Swamp National Monument shall be designated the Con-*
6 *garee National Park.*

7 *SEC. 133. The Secretary shall have no more than one*
8 *hundred and eighty days from October 1, 2003, to prepare*
9 *and submit to the Congress, in a manner otherwise con-*
10 *sistent with the Indian Tribal Judgment Funds Use or Dis-*
11 *tribution Act (25 U.S.C. 1401 et seq.), plans for the use*
12 *and distribution of the Mescalero Apache Tribe’s Judgment*
13 *Funds from Docket 92–403L, the Pueblo of Isleta’s Judg-*
14 *ment Funds from Docket 98–166L, and the Assiniboine and*
15 *Sioux Tribes of the Fort Peck Reservation’s Judgment*
16 *Funds in Docket No. 773–87–L of the United States Court*
17 *of Federal Claims; each plan shall become effective upon*
18 *the expiration of a sixty day period beginning on the day*
19 *each plan is submitted to the Congress.*

20 *SEC. 134. Notwithstanding any implementation of the*
21 *Department of the Interior’s trust reorganization plan*
22 *within fiscal years 2003 or 2004, funds appropriated for*
23 *fiscal year 2004 shall be available to the tribes within the*
24 *California Tribal Trust Reform Consortium and to the Salt*
25 *River Pima Maricopa Indian Community, the Confed-*

1 *erated Salish-Kootenai Tribes of the Flathead Reservation*
2 *and the Chippewa Cree Tribe of the Rocky Boys Reservation*
3 *and the Bureau of Indian Affairs Regional offices that serve*
4 *them, on the same basis as funds were distributed in fiscal*
5 *year 2003. The Demonstration Project shall operate sepa-*
6 *rate and apart from the Department of the Interior's trust*
7 *reform reorganization, and the Department shall not im-*
8 *pose its trust management infrastructure upon or alter the*
9 *existing trust resource management systems of the Cali-*
10 *ornia Trust Reform Consortium and any other partici-*
11 *pating tribe having a self-governance compact and oper-*
12 *ating in accordance with the Tribal Self-Governance Pro-*
13 *gram set forth in 25 U.S.C. Sections 458aa–458hh.*

14 *SEC. 135. Not later than December 31 of each year,*
15 *the Secretary of the Interior shall submit to Congress a re-*
16 *port on the competitive sourcing activities on the list re-*
17 *quired under the Federal Activities Inventory Reform Act*
18 *of 1998 (Public Law 105-270; 31 U.S.C. 501 note) that were*
19 *performed for the Department of the Interior during the*
20 *previous fiscal year by Federal Government sources. The re-*
21 *port shall include—*

- 22 *(1) the total number of competitions completed;*
23 *(2) the total number of competitions announced,*
24 *together with a list of the activities covered by such*
25 *competitions;*

1 (3) *the total number of full-time equivalent Fed-*
2 *eral employees studied under completed competitions;*

3 (4) *the total number of full-time equivalent Fed-*
4 *eral employees being studied under competitions an-*
5 *nounced, but not completed;*

6 (5) *the incremental cost directly attributable to*
7 *conducting the competitions identified under para-*
8 *graphs (1) and (2), including costs attributable to*
9 *paying outside consultants and contractors;*

10 (6) *an estimate of the total anticipated savings,*
11 *or a quantifiable description of improvements in serv-*
12 *ice or performance, derived from completed competi-*
13 *tions;*

14 (7) *actual savings, or a quantifiable description*
15 *of improvements in service or performance, derived*
16 *from the implementation of competitions completed*
17 *after May 29, 2003;*

18 (8) *the total projected number of full time equiv-*
19 *alent Federal employees covered by competitions*
20 *scheduled to be announced in the fiscal year covered*
21 *by the next report required under this section; and*

22 (9) *a general description of how the competitive*
23 *sourcing decisionmaking processes of the Department*
24 *of the Interior are aligned with the strategic workforce*
25 *plan of that department.*

1 *SEC. 136. (a) PAYMENT TO THE HARRIET TUBMAN*
2 *HOME, AUBURN, NEW YORK, AUTHORIZED.—(1) The Sec-*
3 *retary of the Interior may, using amounts appropriated or*
4 *otherwise made available by this title, make a payment to*
5 *the Harriet Tubman Home in Auburn, New York, in the*
6 *amount of \$11,750.*

7 *(2) The amount specified in paragraph (1) is the*
8 *amount of widow's pension that Harriet Tubman should*
9 *have received from January 1899 to March 1913 under var-*
10 *ious laws authorizing pension for the death of her husband,*
11 *Nelson Davis, a deceased veteran of the Civil War, but did*
12 *not receive, adjusted for inflation since March 1913.*

13 *(b) USE OF AMOUNTS.—The Harriet Tubman Home*
14 *shall use amounts paid under subsection (a) for the pur-*
15 *poses of—*

16 *(1) preserving and maintaining the Harriet*
17 *Tubman Home; and*

18 *(2) honoring the memory of Harriet Tubman.*

19 *SEC. 137. Nonrenewable grazing permits authorized in*
20 *the Jarbidge Field Office, Bureau of Land Management*
21 *within the past seven years shall be renewed under section*
22 *402 of the Federal Land Policy and Management Act of*
23 *1976, as amended (43 U.S.C. 1752) and under section 3*
24 *of the Taylor Grazing Act of 1934, as amended (43 U.S.C.*
25 *315b). The terms and conditions contained in the most re-*

1 *cently expired nonrenewable grazing permit shall continue*
2 *in effect under the renewed permit. Upon completion of any*
3 *required analysis or documentation, the permit may be can-*
4 *celed, suspended or modified, in whole or in part, to meet*
5 *the requirements of applicable laws and regulations. Noth-*
6 *ing in this section shall be deemed to extend the nonrenew-*
7 *able permits beyond the standard one-year term.*

8 *SEC. 138. INTERIM COMPENSATION PAYMENTS. Sec-*
9 *tion 2303(b) of Public Law 106–246 (114 Stat. 549) is*
10 *amended by inserting before the period at the end the fol-*
11 *lowing: “, unless the amount of the interim compensation*
12 *exceeds the amount of the final compensation”.*

13 *SEC. 139. APPLICATIONS FOR WAIVERS OF MAINTE-*
14 *NANCE FEES. Section 10101f(d)(3) of the Omnibus Budget*
15 *Reconciliation Act of 1993 (30 U.S.C. 28f(d)(3)) is amend-*
16 *ed by inserting after “reason” the following: “(including,*
17 *with respect to any application filed on or after January*
18 *1, 1999, the filing of the application after the statutory*
19 *deadline)”.*

20 *SEC. 140. None of the funds appropriated or otherwise*
21 *made available by this or any other Act, hereafter enacted,*
22 *may be used to permit the use of the National Mall for a*
23 *special event, unless the permit expressly prohibits the erec-*
24 *tion, placement, or use of structures and signs bearing com-*
25 *mercial advertising. The Secretary may allow for recogni-*

1 *tion of sponsors of special events: Provided, That the size*
 2 *and form of the recognition shall be consistent with the spe-*
 3 *cial nature and sanctity of the Mall and any lettering or*
 4 *design identifying the sponsor shall be no larger than one-*
 5 *third the size of the lettering or design identifying the spe-*
 6 *cial event. In approving special events, the Secretary shall*
 7 *ensure, to the maximum extent practicable, that public use*
 8 *of, and access to the Mall is not restricted. For purposes*
 9 *of this section, the term “special event” shall have the mean-*
 10 *ing given to it by section 7.96(g)(1)(ii) of title 36, Code*
 11 *of Federal Regulations.*

12 *TITLE II—RELATED AGENCIES*

13 *DEPARTMENT OF AGRICULTURE*

14 *FOREST SERVICE*

15 *FOREST AND RANGELAND RESEARCH*

16 *For necessary expenses of forest and rangeland re-*
 17 *search as authorized by law, \$266,180,000, to remain avail-*
 18 *able until expended.*

19 *STATE AND PRIVATE FORESTRY*

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

1 *tive forestry, and education and land conservation activi-*
2 *ties and conducting an international program as author-*
3 *ized, \$295,349,000, to remain available until expended, of*
4 *which \$84,716,000 is to be derived from the Land and*
5 *Water Conservation Fund: Provided, That each forest leg-*
6 *acy grant shall be for a specific project or set of specific*
7 *tasks: Provided further, That grants for acquisition of lands*
8 *or conservation easements shall require that the State dem-*
9 *onstrates that 25 percent of the total value of the project*
10 *is comprised of a non-Federal cost share: Provided further,*
11 *That up to \$2,000,000 may be used by the Secretary solely*
12 *for: (1) rapid response to new introductions of non-native*
13 *or invasive pests or pathogens in which no previous federal*
14 *funding has been identified to address, or (2) for a limited*
15 *number of instances in which any pest populations increase*
16 *at over 150 percent of levels monitored for that species in*
17 *the immediately preceding fiscal year and failure to sup-*
18 *press those popultions would lead to a 10-percent increase*
19 *of annual forest or stand mortality over ambient mortality*
20 *levels.*

21 *NATIONAL FOREST SYSTEM*

22 *For necessary expenses of the Forest Service, not other-*
23 *wise provided for, for management, protection, improve-*
24 *ment, and utilization of the National Forest System,*
25 *\$1,370,731,000, to remain available until expended, which*

1 *shall include 50 percent of all moneys received during prior*
2 *fiscal years as fees collected under the Land and Water Con-*
3 *servation Fund Act of 1965, as amended, in accordance*
4 *with section 4 of the Act (16 U.S.C. 460l–6a(i)), of which*
5 *\$200,000 may be for necessary expenses related to a land*
6 *exchange between the State of Montana and the Lolo Na-*
7 *tional Forest: Provided, That unobligated balances avail-*
8 *able at the start of fiscal year 2004 shall be displayed by*
9 *budget line item in the fiscal year 2005 budget justification:*
10 *Provided further, That the Secretary may authorize the ex-*
11 *penditure or transfer of such sums as necessary to the De-*
12 *partment of the Interior, Bureau of Land Management, for*
13 *removal, preparation, and adoption of excess wild horses*
14 *and burros, and for the performance of cadastral surveys*
15 *to designate the boundaries of such lands from National*
16 *Forest System lands: Provided further, That of the funds*
17 *provided under this heading for Forest Products, \$5,000,000*
18 *shall be allocated to the Alaska Region, in addition to its*
19 *normal allocation for the purposes of preparing additional*
20 *timber for sale, to establish a 3-year timber supply and such*
21 *funds may be transferred to other appropriations accounts*
22 *as necessary to maximize accomplishment: Provided fur-*
23 *ther, That of the funds provided under this heading,*
24 *\$3,150,000 is for expenses required to implement title I of*
25 *Public Law 106–248, to be segregated in a separate fund*

1 *established by the Secretary of Agriculture: Provided fur-*
2 *ther, That within funds available for the purpose of imple-*
3 *menting the Valles Caldera Preservation Act, notwith-*
4 *standing the limitations of section 107(e)(2) of the Valles*
5 *Caldera Preservation Act (Public Law 106–248), for fiscal*
6 *year 2004, the Chair of the Board of Trustees of the Valles*
7 *Caldera Trust may receive, upon request, compensation for*
8 *each day (including travel time) that the Chair is engaged*
9 *in the performance of the functions of the Board, except that*
10 *compensation shall not exceed the daily equivalent of the*
11 *annual rate in effect for members of the Senior Executive*
12 *Service at the ES–1 level, and shall be in addition to any*
13 *reimbursement for travel, subsistence and other necessary*
14 *expenses incurred by the Chair in the performance of the*
15 *Chair’s duties.*

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

19 *WILDLAND FIRE MANAGEMENT*

20 *For necessary expenses for forest fire presuppression*
21 *activities on National Forest System lands, for emergency*
22 *fire suppression on or adjacent to such lands or other lands*
23 *under fire protection agreement, hazardous fuels reduction*
24 *on or adjacent to such lands, and for emergency rehabilita-*
25 *tion of burned-over National Forest System lands and*

1 *water, \$1,543,072,000, to remain available until expended:*
2 *Provided, That such funds including unobligated balances*
3 *under this head, are available for repayment of advances*
4 *from other appropriations accounts previously transferred*
5 *for such purposes: Provided further, That such funds may*
6 *be available to reimburse State and other cooperating enti-*
7 *ties for services provided in response to wildfire and other*
8 *emergencies or disasters: Provided further, That not less*
9 *than 50 percent of any unobligated balances remaining (ex-*
10 *clusive of amounts for hazardous fuels reduction) at the end*
11 *of fiscal year 2003 shall be transferred, as repayment for*
12 *past advances that have not been repaid, to the fund estab-*
13 *lished pursuant to section 3 of Public Law 71-319 (16*
14 *U.S.C. 576 et seq.): Provided further, That notwithstanding*
15 *any other provision of law, \$8,000,000 of funds appro-*
16 *priated under this appropriation shall be used for Fire*
17 *Science Research in support of the Joint Fire Science Pro-*
18 *gram: Provided further, That all authorities for the use of*
19 *funds, including the use of contracts, grants, and coopera-*
20 *tive agreements, available to execute the Forest and Range-*
21 *land Research appropriation, are also available in the utili-*
22 *zation of these funds for Fire Science Research: Provided*
23 *further, That funds provided shall be available for emer-*
24 *gency rehabilitation and restoration, hazardous fuels reduc-*
25 *tion activities in the urban-wildland interface, support to*

1 *Federal emergency response, and wildfire suppression ac-*
2 *tivities of the Forest Service: Provided further, That of the*
3 *funds provided, \$231,392,000 is for hazardous fuels reduc-*
4 *tion activities, \$21,427,000 is for research activities and to*
5 *make competitive research grants pursuant to the Forest*
6 *and Rangeland Renewable Resources Research Act, as*
7 *amended (16 U.S.C. 1641 et seq.), \$47,752,000 is for State*
8 *fire assistance, \$8,240,000 is for volunteer fire assistance,*
9 *and \$11,934,000 is for forest health activities on State, pri-*
10 *vate, and Federal lands: Provided further, That amounts*
11 *in this paragraph may be transferred to the “State and*
12 *Private Forestry”, “National Forest System”, and “Forest*
13 *and Rangeland Research” accounts to fund State fire assist-*
14 *ance, volunteer fire assistance, forest health management,*
15 *forest and rangeland research, vegetation and watershed*
16 *management, heritage site rehabilitation, wildlife and fish*
17 *habitat management, and restoration: Provided further,*
18 *That transfers of any amounts in excess of those authorized*
19 *in this paragraph shall require approval of the House and*
20 *Senate Committees on Appropriations in compliance with*
21 *reprogramming procedures contained in House Report No.*
22 *105–163: Provided further, That the costs of implementing*
23 *any cooperative agreement between the Federal Government*
24 *and any non-Federal entity may be shared, as mutually*
25 *agreed on by the affected parties: Provided further, That*

1 *in addition to funds provided for State Fire Assistance pro-*
2 *grams, and subject to all authorities available to the Forest*
3 *Service under the State and Private Forestry Appropria-*
4 *tions, up to \$15,000,000 may be used on adjacent non-Fed-*
5 *eral lands for the purpose of protecting communities when*
6 *hazard reduction activities are planned on national forest*
7 *lands that have the potential to place such communities at*
8 *risk: Provided further, That included in funding for haz-*
9 *ardous fuel reduction is \$5,000,000 for implementing the*
10 *Community Forest Restoration Act, Public Law 106–393,*
11 *title VI, and any portion of such funds shall be available*
12 *for use on non-Federal lands in accordance with authorities*
13 *available to the Forest Service under the State and Private*
14 *Forestry Appropriation: Provided further, That in using*
15 *the funds provided in this Act for hazardous fuels reduction*
16 *activities, the Secretary of Agriculture may conduct fuel re-*
17 *duction treatments on Federal lands using all contracting*
18 *and hiring authorities available to the Secretary applicable*
19 *to hazardous fuel reduction activities under the wildland*
20 *fire management accounts: Provided further, That notwith-*
21 *standing Federal Government procurement and contracting*
22 *laws, the Secretaries may conduct fuel reduction treatments,*
23 *rehabilitation and restoration, and other activities author-*
24 *ized under this heading on and adjacent to Federal lands*
25 *using grants and cooperative agreements: Provided further,*

1 *That notwithstanding Federal Government procurement*
2 *and contracting laws, in order to provide employment and*
3 *training opportunities to people in rural communities, the*
4 *Secretaries may award contracts, including contracts for*
5 *monitoring activities, to local private, non-profit, or cooper-*
6 *ative entities; Youth Conservation Corps crews or related*
7 *partnerships, with State, local and non-profit youth groups;*
8 *small or micro-businesses; or other entities that will hire*
9 *or train a significant percentage of local people to complete*
10 *such contracts: Provided further, That the authorities de-*
11 *scribed above relating to contracts, grants, and cooperative*
12 *agreements are available until all funds provided in this*
13 *title for hazardous fuels reduction activities in the urban*
14 *wildland interface are obligated: Provided further, That the*
15 *Secretary of the Interior and the Secretary of Agriculture*
16 *may authorize the transfer of funds appropriated for*
17 *wildland fire management, in an aggregate amount not to*
18 *exceed \$12,000,000, between the Departments when such*
19 *transfers would facilitate and expedite jointly funded*
20 *wildland fire management programs and projects.*

21 *CAPITAL IMPROVEMENT AND MAINTENANCE*

22 *For necessary expenses of the Forest Service, not other-*
23 *wise provided for, \$532,406,000, to remain available until*
24 *expended for construction, reconstruction, maintenance and*
25 *acquisition of buildings and other facilities, and for con-*

1 *struction, reconstruction, repair and maintenance of forest*
2 *roads and trails by the Forest Service as authorized by 16*
3 *U.S.C. 532–538 and 23 U.S.C. 101 and 205, of which*
4 *\$500,000 may be for improvements at Fernwood Park on*
5 *the Wasatch-Cache National Forest: Provided, That up to*
6 *\$15,000,000 of the funds provided herein for road mainte-*
7 *nance shall be available for the decommissioning of roads,*
8 *including unauthorized roads not part of the transportation*
9 *system, which are no longer needed: Provided further, That*
10 *no funds shall be expended to decommission any system*
11 *road until notice and an opportunity for public comment*
12 *has been provided on each decommissioning project.*

13 *LAND ACQUISITION*

14 *For expenses necessary to carry out the provisions of*
15 *the Land and Water Conservation Fund Act of 1965, as*
16 *amended (16 U.S.C. 460l–4 through 11), including admin-*
17 *istrative expenses, and for acquisition of land or waters,*
18 *or interest therein, in accordance with statutory authority*
19 *applicable to the Forest Service, \$76,440,000, to be derived*
20 *from the Land and Water Conservation Fund and to re-*
21 *main available until expended, of which \$5,400,000 shall*
22 *be available for the Beaver Brook Watershed in the State*
23 *of Colorado: Provided, That notwithstanding any limita-*
24 *tions of the Land and Water Conservation Fund Act (16*
25 *U.S.C. 460l–9), the Secretary of Agriculture is henceforth*

1 *authorized to utilize any funds appropriated from the Land*
2 *and Water Conservation Fund to acquire Mental Health*
3 *Trust lands in Alaska and, upon Federal acquisition, the*
4 *boundaries of the Tongass National Forest shall be deemed*
5 *modified to include such lands.*

6 *ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL*

7 *ACTS*

8 *For acquisition of lands within the exterior boundaries*
9 *of the Cache, Uinta, and Wasatch National Forests, Utah;*
10 *the Toiyabe National Forest, Nevada; and the Angeles, San*
11 *Bernardino, Sequoia, and Cleveland National Forests, Cali-*
12 *ornia, as authorized by law, \$1,069,000, to be derived from*
13 *forest receipts.*

14 *ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES*

15 *For acquisition of lands, such sums, to be derived from*
16 *funds deposited by State, county, or municipal govern-*
17 *ments, public school districts, or other public school authori-*
18 *ties, and for authorized expenditures from funds deposited*
19 *by non-federal parties pursuant to Land Sale and Ex-*
20 *change Acts, pursuant to the Act of December 4, 1967, as*
21 *amended (16 U.S.C. 484a), to remain available until ex-*
22 *pended.*

23 *RANGE BETTERMENT FUND*

24 *For necessary expenses of range rehabilitation, protec-*
25 *tion, and improvement, 50 percent of all moneys received*

1 *ADMINISTRATIVE PROVISIONS, FOREST SERVICE*

2 *Appropriations to the Forest Service for the current*
3 *fiscal year shall be available for: (1) purchase of not to ex-*
4 *ceed 124 passenger motor vehicles of which 21 will be used*
5 *primarily for law enforcement purposes and of which 124*
6 *shall be for replacement; acquisition of 25 passenger motor*
7 *vehicles from excess sources, and hire of such vehicles; oper-*
8 *ation and maintenance of aircraft to maintain the operable*
9 *fleet at 195 aircraft for use in Forest Service wildland fire*
10 *programs and other Forest Service programs; notwith-*
11 *standing other provisions of law, existing aircraft being re-*
12 *placed may be sold, with proceeds derived or trade-in value*
13 *used to offset the purchase price for the replacement air-*
14 *craft; (2) services pursuant to 7 U.S.C. 2225, and not to*
15 *exceed \$100,000 for employment under 5 U.S.C. 3109; (3)*
16 *purchase, erection, and alteration of buildings and other*
17 *public improvements (7 U.S.C. 2250); (4) acquisition of*
18 *land, waters, and interests therein pursuant to 7 U.S.C.*
19 *428a; (5) for expenses pursuant to the Volunteers in the Na-*
20 *tional Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a*
21 *note); (6) the cost of uniforms as authorized by 5 U.S.C.*
22 *5901–5902; and (7) for debt collection contracts in accord-*
23 *ance with 31 U.S.C. 3718(c).*

24 *None of the funds made available under this Act shall*
25 *be obligated or expended to abolish any region, to move or*

1 *close any regional office for National Forest System admin-*
2 *istration of the Forest Service, Department of Agriculture*
3 *without the consent of the House and Senate Committees*
4 *on Appropriations.*

5 *Any appropriations or funds available to the Forest*
6 *Service may be transferred to the Wildland Fire Manage-*
7 *ment appropriation for forest firefighting, emergency reha-*
8 *bilitation of burned-over or damaged lands or waters under*
9 *its jurisdiction, and fire preparedness due to severe burning*
10 *conditions if and only if all previously appropriated emer-*
11 *gency contingent funds under the heading “Wildland Fire*
12 *Management” have been released by the President and ap-*
13 *portioned and all wildfire suppression funds under the*
14 *heading “Wildland Fire Management” are obligated.*

15 *Funds appropriated to the Forest Service shall be*
16 *available for assistance to or through the Agency for Inter-*
17 *national Development and the Foreign Agricultural Service*
18 *in connection with forest and rangeland research, technical*
19 *information, and assistance in foreign countries, and shall*
20 *be available to support forestry and related natural resource*
21 *activities outside the United States and its territories and*
22 *possessions, including technical assistance, education and*
23 *training, and cooperation with United States and inter-*
24 *national organizations.*

1 *None of the funds made available to the Forest Service*
2 *under this Act shall be subject to transfer under the provi-*
3 *sions of section 702(b) of the Department of Agriculture Or-*
4 *ganic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless*
5 *the proposed transfer is approved in advance by the House*
6 *and Senate Committees on Appropriations in compliance*
7 *with the reprogramming procedures contained in House Re-*
8 *port No. 105–163.*

9 *None of the funds available to the Forest Service may*
10 *be reprogrammed without the advance approval of the*
11 *House and Senate Committees on Appropriations in ac-*
12 *cordance with the procedures contained in House Report*
13 *No. 105–163.*

14 *No funds available to the Forest Service shall be trans-*
15 *ferred to the Working Capital Fund of the Department of*
16 *Agriculture that exceed the total amount transferred during*
17 *fiscal year 2000 for such purposes without the advance ap-*
18 *proval of the House and Senate Committees on Appropria-*
19 *tions.*

20 *Funds available to the Forest Service shall be available*
21 *to conduct a program of not less than \$2,000,000 for high*
22 *priority projects within the scope of the approved budget*
23 *which shall be carried out by the Youth Conservation Corps.*

1 *Of the funds available to the Forest Service, \$2,500 is*
2 *available to the Chief of the Forest Service for official recep-*
3 *tion and representation expenses.*

4 *Pursuant to sections 405(b) and 410(b) of Public Law*
5 *101–593, of the funds available to the Forest Service, up*
6 *to \$3,000,000 may be advanced in a lump sum as Federal*
7 *financial assistance to the National Forest Foundation,*
8 *without regard to when the Foundation incurs expenses, for*
9 *administrative expenses or projects on or benefitting Na-*
10 *tional Forest System lands or related to Forest Service pro-*
11 *grams: Provided, That of the Federal funds made available*
12 *to the Foundation, no more than \$400,000 shall be available*
13 *for administrative expenses: Provided further, That the*
14 *Foundation shall obtain, by the end of the period of Federal*
15 *financial assistance, private contributions to match on at*
16 *least one-for-one basis funds made available by the Forest*
17 *Service: Provided further, That the Foundation may trans-*
18 *fer Federal funds to a non-Federal recipient for a project*
19 *at the same rate that the recipient has obtained the non-*
20 *Federal matching funds: Provided further, That authorized*
21 *investments of Federal funds held by the Foundation may*
22 *be made only in interest-bearing obligations of the United*
23 *States or in obligations guaranteed as to both principal and*
24 *interest by the United States.*

1 *Pursuant to section 2(b)(2) of Public Law 98–244,*
2 *\$2,650,000 of the funds available to the Forest Service shall*
3 *be available for matching funds to the National Fish and*
4 *Wildlife Foundation, as authorized by 16 U.S.C. 3701–*
5 *3709, and may be advanced in a lump sum, without regard*
6 *to when expenses are incurred, for projects on or benefitting*
7 *National Forest System lands or related to Forest Service*
8 *programs: Provided, That the Foundation shall obtain pri-*
9 *vate contributions to match on at least one-for-one basis*
10 *funds advanced by the Forest Service: Provided further,*
11 *That the Foundation may transfer Federal funds to a Fed-*
12 *eral or non-Federal recipient for a project at the same rate*
13 *that the recipient has obtained the non-Federal matching*
14 *funds.*

15 *Funds appropriated to the Forest Service shall be*
16 *available for interactions with and providing technical as-*
17 *sistance to rural communities for sustainable rural develop-*
18 *ment purposes.*

19 *Notwithstanding any other provision of law, 80 per-*
20 *cent of the funds appropriated to the Forest Service in the*
21 *“National Forest System” and “Capital Improvement and*
22 *Maintenance” accounts and planned to be allocated to ac-*
23 *tivities under the “Jobs in the Woods” program for projects*
24 *on National Forest land in the State of Washington may*
25 *be granted directly to the Washington State Department of*

1 *Fish and Wildlife for accomplishment of planned projects.*
2 *Twenty percent of said funds shall be retained by the Forest*
3 *Service for planning and administering projects. Project se-*
4 *lection and prioritization shall be accomplished by the For-*
5 *est Service with such consultation with the State of Wash-*
6 *ington as the Forest Service deems appropriate.*

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

12 *Notwithstanding any other provision of law, any ap-*
13 *propriations or funds available to the Forest Service not*
14 *to exceed \$500,000 may be used to reimburse the Office of*
15 *the General Counsel (OGC), Department of Agriculture, for*
16 *travel and related expenses incurred as a result of OGC as-*
17 *sistance or participation requested by the Forest Service at*
18 *meetings, training sessions, management reviews, land pur-*
19 *chase negotiations and similar non-litigation related mat-*
20 *ters. Future budget justifications for both the Forest Service*
21 *and the Department of Agriculture should clearly display*
22 *the sums previously transferred and the requested funding*
23 *transfers.*

24 *Any appropriations or funds available to the Forest*
25 *Service may be used for necessary expenses in the event of*

1 *law enforcement emergencies as necessary to protect natural*
2 *resources and public or employee safety: Provided, That*
3 *such amounts shall not exceed \$1,000,000.*

4 *From funds available to the Forest Service in this Act*
5 *for payment of costs in accordance with subsection 413(d)*
6 *of Title IV, Public Law 108-7, \$3,000,000 shall be trans-*
7 *ferred by the Secretary of Agriculture to the Secretary of*
8 *the Treasury to make reimbursement payments as provided*
9 *in such subsection.*

10 *The Secretary of Agriculture may authorize the sale*
11 *of excess buildings, facilities, and other properties owned*
12 *by the Forest Service and located on the Green Mountain*
13 *National Forest, the revenues of which shall be retained by*
14 *the Forest Service and available to the Secretary without*
15 *further appropriation and until expended for maintenance*
16 *and rehabilitation activities on the Green Mountain Na-*
17 *tional Forest.*

18 *The Secretary of Agriculture may transfer or reim-*
19 *burse funds available to the Forest Service, not to exceed*
20 *\$15,000,000, to the Secretary of the Interior or the Sec-*
21 *retary of Commerce to expedite conferencing and consulta-*
22 *tions as required under section 7 of the Endangered Species*
23 *Act, 16 U.S.C. 1536. The amount of the transfer or reim-*
24 *bursement shall be as mutually agreed by the Secretary of*
25 *Agriculture and the Secretary of the Interior or Secretary*

1 of Commerce, as applicable, or their designees. The amount
2 shall in no case exceed the actual costs of consultation and
3 conferencing.

4 *Beginning on June 30, 2001 and concluding on De-*
5 *cember 31, 2004, an eligible individual who is employed*
6 *in any project funded under Title V of the Older American*
7 *Act of 1965 (42 U.S.C. 3056 et seq.) and administered by*
8 *the Forest Service shall be considered to be a Federal em-*
9 *ployee for purposes of chapter 171 of title 28, United States*
10 *Code.*

11 *Any funds appropriated to the Forest Service may be*
12 *used to meet the non-Federal share requirement in section*
13 *502(c) of the Older American Act of 1965 (42 U.S.C.*
14 *3056(c)(2)).*

15 *None of the funds made available in this or any other*
16 *Act may be used by the Forest Service to initiate or con-*
17 *tinue competitive sourcing studies until such time as the*
18 *House and Senate Committees on Appropriations have been*
19 *given a detailed competitive sourcing proposal (including*
20 *the number of positions to be studied, the amount of funding*
21 *needed, and the accounts and activities from which the*
22 *funding will be reprogrammed), and have approved in writ-*
23 *ing such proposal.*

24 *The Secretary of Agriculture may authorize the sale*
25 *of excess buildings, facilities, and other properties owned*

1 *by the Forest Service and located on the Wasatch-Cache Na-*
2 *tional Forest, the revenues of which may be retained by the*
3 *Forest Service and available to the Secretary without fur-*
4 *ther appropriation and until expended for acquisition and*
5 *construction of administrative sites on the Wasatch-Cache*
6 *National Forest.*

7 **DEPARTMENT OF ENERGY**

8 **CLEAN COAL TECHNOLOGY**

9 **(DEFERRAL)**

10 *Of the funds made available under this heading for*
11 *obligation in prior years, \$97,000,000 shall not be available*
12 *until October 1, 2004: Provided, That funds made available*
13 *in previous appropriations Acts shall be available for any*
14 *ongoing project regardless of the separate request for pro-*
15 *posal under which the project was selected: Provided fur-*
16 *ther, That within 30 days of enactment of this Act, the Sec-*
17 *retary is directed to provide the House Committee on Ap-*
18 *propriations and the Senate Committee on Appropriations*
19 *with a plan detailing the proposed expenditure of un-obli-*
20 *gated or de-obligated funds from terminated Clean Coal*
21 *Technology projects in support of the FutureGen project:*
22 *Provided further, That notwithstanding any other provision*
23 *of law, within fiscal year 2004 up to \$9,000,000 of the funds*
24 *made available under this heading for obligation in prior*
25 *years, of funds not obligated or committed to existing Clean*

1 *Coal Technology projects, and funds committed or obligated*
2 *to a project that is or may be terminated, may be used for*
3 *the development of technologies and research facilities that*
4 *support the production of electricity and hydrogen from*
5 *coal including sequestration of associated carbon dioxide:*
6 *Provided further, That the Secretary may enter into a lease*
7 *or other agreement, not subject to the conditions or require-*
8 *ments established for Clean Coal Technology projects under*
9 *any prior law, for a cost-shared public-private partnership*
10 *with a non-Federal entity representing the coal industry*
11 *and coal-fueled utilities: Provided further, That the Sec-*
12 *retary shall ensure that the entity provides opportunities*
13 *for participation by technology vendors, States, univer-*
14 *sities, and other stakeholders.*

15 *FOSSIL ENERGY RESEARCH AND DEVELOPMENT*

16 *For necessary expenses in carrying out fossil energy*
17 *research and development activities, under the authority of*
18 *the Department of Energy Organization Act (Public Law*
19 *95–91), including the acquisition of interest, including de-*
20 *feasible and equitable interests in any real property or any*
21 *facility or for plant or facility acquisition or expansion,*
22 *and for conducting inquiries, technological investigations*
23 *and research concerning the extraction, processing, use, and*
24 *disposal of mineral substances without objectionable social*
25 *and environmental costs (30 U.S.C. 3, 1602, and 1603),*

1 \$593,514,000, to remain available until expended, of which
2 \$4,000,000 is to continue a multi-year project for construc-
3 tion, renovation, furnishing, and demolition or removal of
4 buildings at National Energy Technology Laboratory facili-
5 ties in Morgantown, West Virginia and Pittsburgh, Penn-
6 sylvania; of which not to exceed \$536,000 may be utilized
7 for travel and travel-related expenses incurred by the head-
8 quarters staff of the Office of Fossil Energy; and of which
9 \$130,000,000 are to be made available, after coordination
10 with the private sector, for a request for proposals for a
11 Clean Coal Power Initiative providing for competitively-
12 awarded research, development, and demonstration projects
13 to reduce the barriers to continued and expanded coal use:
14 Provided, That no project may be selected for which suffi-
15 cient funding is not available to provide for the total
16 project: Provided further, That funds shall be expended in
17 accordance with the provisions governing the use of funds
18 contained under the heading “Clean Coal Technology” in
19 42 U.S.C. 5903d: Provided further, That the Department
20 may include provisions for repayment of Government con-
21 tributions to individual projects in an amount up to the
22 Government contribution to the project on terms and condi-
23 tions that are acceptable to the Department including re-
24 payments from sale and licensing of technologies from both
25 domestic and foreign transactions: Provided further, That

1 *such repayments shall be retained by the Department for*
2 *future coal-related research, development and demonstra-*
3 *tion projects: Provided further, That any technology selected*
4 *under this program shall be considered a Clean Coal Tech-*
5 *nology, and any project selected under this program shall*
6 *be considered a Clean Coal Technology Project, for the pur-*
7 *poses of 42 U.S.C. 7651n, and Chapters 51, 52, and 60 of*
8 *title 40 of the Code of Federal Regulations: Provided fur-*
9 *ther, That no part of the sum herein made available shall*
10 *be used for the field testing of nuclear explosives in the re-*
11 *covery of oil and gas: Provided further, That up to 4 percent*
12 *of program direction funds available to the National En-*
13 *ergy Technology Laboratory may be used to support De-*
14 *partment of Energy activities not included in this account.*

15 *NAVAL PETROLEUM AND OIL SHALE RESERVES*

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

22 *ELK HILLS SCHOOL LANDS FUND*

23 *For necessary expenses in fulfilling installment pay-*
24 *ments under the Settlement Agreement entered into by the*
25 *United States and the State of California on October 11,*

1 1996, as authorized by section 3415 of Public Law 104–
2 106, \$36,000,000, to become available on October 1, 2004
3 for payment to the State of California for the State Teach-
4 ers’ Retirement Fund from the Elk Hills School Lands
5 Fund.

6 *ENERGY CONSERVATION*

7 *For necessary expenses in carrying out energy con-*
8 *servation activities, \$861,645,000, to remain available until*
9 *expended, of which \$1,500,000 is for DES applications inte-*
10 *gration: Provided, That \$274,000,000 shall be for use in*
11 *energy conservation grant programs as defined in section*
12 *3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided*
13 *further, That notwithstanding section 3003(d)(2) of Public*
14 *Law 99–509, such sums shall be allocated to the eligible*
15 *programs as follows: \$230,000,000 for weatherization assist-*
16 *ance grants and \$44,000,000 for State energy program*
17 *grants.*

18 *ECONOMIC REGULATION*

19 *For necessary expenses in carrying out the activities*
20 *of the Office of Hearings and Appeals, \$1,047,000, to re-*
21 *main available until expended.*

22 *STRATEGIC PETROLEUM RESERVE*

23 *For necessary expenses for Strategic Petroleum Reserve*
24 *facility development and operations and program manage-*
25 *ment activities pursuant to the Energy Policy and Con-*
26 *servation Act of 1975, as amended (42 U.S.C. 6201 et seq.),*

1 \$173,081,000, to remain available until expended: Pro-
2 vided, That the Department of Energy shall develop, with
3 an opportunity for public comment, procedures to obtain
4 oil for the Strategic Petroleum Reserve in a manner that
5 maximizes the overall domestic supply of crude oil (includ-
6 ing amounts stored in private sector inventories) and mini-
7 mizes the costs to the Department of the Interior and the
8 Department of Energy of acquiring such oil (including fore-
9 gone revenues to the Treasury when oil for the Reserve is
10 obtained through the Royalty-in-Kind program), consistent
11 with national security. Such procedures shall include proce-
12 dures and criteria for the review of requests for the deferrals
13 of scheduled deliveries. No later than 120 days following
14 the enactment of this Act the Department shall propose and
15 no later than 180 days following the enactment of this Act
16 the Department shall publish and follow such procedures
17 when acquiring oil for the Reserve.

18 *NORTHEAST HOME HEATING OIL RESERVE*

19 *For necessary expenses for Northeast Home Heating*
20 *Oil Reserve storage, operations, and management activities*
21 *pursuant to the Energy Policy and Conservation Act of*
22 *2000, \$5,000,000, to remain available until expended.*

1 ENERGY INFORMATION ADMINISTRATION

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

5 ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

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

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

15 *None of the funds made available to the Department*
16 *of Energy under this Act shall be used to implement or fi-*
17 *nance authorized price support or loan guarantee programs*
18 *unless specific provision is made for such programs in an*
19 *appropriations Act.*

20 *The Secretary is authorized to accept lands, buildings,*
21 *equipment, and other contributions from public and private*
22 *sources and to prosecute projects in cooperation with other*
23 *agencies, Federal, State, private or foreign: Provided, That*
24 *revenues and other moneys received by or for the account*
25 *of the Department of Energy or otherwise generated by sale*

1 of products in connection with projects of the Department
2 appropriated under this Act may be retained by the Sec-
3 retary of Energy, to be available until expended, and used
4 only for plant construction, operation, costs, and payments
5 to cost-sharing entities as provided in appropriate cost-
6 sharing contracts or agreements: Provided further, That the
7 remainder of revenues after the making of such payments
8 shall be covered into the Treasury as miscellaneous receipts:
9 Provided further, That any contract, agreement, or provi-
10 sion thereof entered into by the Secretary pursuant to this
11 authority shall not be executed prior to the expiration of
12 30 calendar days (not including any day in which either
13 House of Congress is not in session because of adjournment
14 of more than 3 calendar days to a day certain) from the
15 receipt by the Speaker of the House of Representatives and
16 the President of the Senate of a full comprehensive report
17 on such project, including the facts and circumstances relied
18 upon in support of the proposed project.

19 No funds provided in this Act may be expended by the
20 Department of Energy to prepare, issue, or process procure-
21 ment documents for programs or projects for which appro-
22 priations have not been made.

23 In addition to other authorities set forth in this Act,
24 the Secretary may accept fees and contributions from public
25 and private sources, to be deposited in a contributed funds

1 *account, and prosecute projects using such fees and con-*
 2 *tributions in cooperation with other Federal, State or pri-*
 3 *vate agencies or concerns.*

4 *DEPARTMENT OF HEALTH AND HUMAN*
 5 *SERVICES*

6 *INDIAN HEALTH SERVICE*

7 *INDIAN HEALTH SERVICES*

8 *For expenses necessary to carry out the Act of August*
 9 *5, 1954 (68 Stat. 674), the Indian Self-Determination Act,*
 10 *the Indian Health Care Improvement Act, and titles II and*
 11 *III of the Public Health Service Act with respect to the In-*
 12 *dian Health Service, \$2,546,524,000, together with pay-*
 13 *ments received during the fiscal year pursuant to 42 U.S.C.*
 14 *238(b) for services furnished by the Indian Health Service:*
 15 *Provided, That funds made available to tribes and tribal*
 16 *organizations through contracts, grant agreements, or any*
 17 *other agreements or compacts authorized by the Indian Self-*
 18 *Determination and Education Assistance Act of 1975 (25*
 19 *U.S.C. 450), shall be deemed to be obligated at the time*
 20 *of the grant or contract award and thereafter shall remain*
 21 *available to the tribe or tribal organization without fiscal*
 22 *year limitation: Provided further, That up to \$18,000,000*
 23 *shall remain available until expended, for the Indian Cata-*
 24 *strophic Health Emergency Fund: Provided further, That*
 25 *\$472,022,000 for contract medical care shall remain avail-*

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

1 of the amounts provided herein, not to exceed \$268,974,000
2 shall be for payments to tribes and tribal organizations for
3 contract or grant support costs associated with contracts,
4 grants, self-governance compacts or annual funding agree-
5 ments between the Indian Health Service and a tribe or
6 tribal organization pursuant to the Indian Self-Determina-
7 tion Act of 1975, as amended, prior to or during fiscal year
8 2004, of which not to exceed \$2,500,000 may be used for
9 contract support costs associated with new or expanded self-
10 determination contracts, grants, self-governance compacts
11 or annual funding agreements: Provided further, That
12 funds available for the Indian Health Care Improvement
13 Fund may be used, as needed, to carry out activities typi-
14 cally funded under the Indian Health Facilities account:
15 Provided further, That of the amounts provided to the In-
16 dian Health Service, \$15,000,000 is provided for alcohol
17 control, enforcement, prevention, treatment, sobriety and
18 wellness, and education in Alaska to be distributed as direct
19 lump sum payments as follows: (a) \$2,000,000 to the State
20 of Alaska for regional distribution to hire and equip addi-
21 tional Village Public Safety Officers to engage primarily
22 in bootlegging prevention and enforcement activities; (b)
23 \$10,000,000 to the Alaska Native Tribal Health Consor-
24 tium, which shall be allocated for (1) substance abuse treat-
25 ment including residential treatment, (2) substance abuse

1 *and behavioral health counselors through the Counselor in*
2 *Every Village program, and (3) comprehensive substance*
3 *abuse training programs for counselors and others deliv-*
4 *ering substance abuse services; (c) \$1,000,000 to the State*
5 *of Alaska for a school peer counseling and education pro-*
6 *gram; and (d) \$2,000,000 for the Alaska Federation of Na-*
7 *tives sobriety and wellness program for competitive merit-*
8 *based grants: Provided further, That none of the funds may*
9 *be used for tribal courts or tribal ordinance programs or*
10 *any program that is not directly related to alcohol control,*
11 *enforcement, prevention, treatment, or sobriety: Provided*
12 *further, That no more than 10 percent may be used by any*
13 *entity receiving funding for administrative overhead in-*
14 *cluding indirect costs: Provided further, That the State of*
15 *Alaska, Alaska Native non-profit corporations, and the*
16 *Alaska Native Tribal Health Consortium must each main-*
17 *tain its existing level of effort and must use these funds*
18 *to enhance or expand existing efforts or initiate new*
19 *projects or programs and may not use such funds to sup-*
20 *plant existing programs.*

21 *INDIAN HEALTH FACILITIES*

22 *For construction, repair, maintenance, improvement,*
23 *and equipment of health and related auxiliary facilities, in-*
24 *cluding quarters for personnel; preparation of plans, speci-*
25 *fications, and drawings; acquisition of sites, purchase and*

1 *erection of modular buildings, and purchases of trailers;*
2 *and for provision of domestic and community sanitation*
3 *facilities for Indians, as authorized by section 7 of the Act*
4 *of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Deter-*
5 *mination Act, and the Indian Health Care Improvement*
6 *Act, and for expenses necessary to carry out such Acts and*
7 *titles II and III of the Public Health Service Act with re-*
8 *spect to environmental health and facilities support activi-*
9 *ties of the Indian Health Service, \$391,188,000, to remain*
10 *available until expended: Provided, That notwithstanding*
11 *any other provision of law, funds appropriated for the plan-*
12 *ning, design, construction or renovation of health facilities*
13 *for the benefit of an Indian tribe or tribes may be used*
14 *to purchase land for sites to construct, improve, or enlarge*
15 *health or related facilities: Provided further, That from the*
16 *funds appropriated herein, \$5,043,000 shall be designated*
17 *by the Indian Health Service as a contribution to the*
18 *Yukon-Kuskokwim Health Corporation (YKHC) to com-*
19 *plete a priority project for the acquisition of land, plan-*
20 *ning, design and construction of 79 staff quarters in the*
21 *Bethel service area, pursuant to the negotiated project*
22 *agreement between the YKHC and the Indian Health Serv-*
23 *ice: Provided further, That this project shall not be subject*
24 *to the construction provisions of the Indian Self-Determina-*
25 *tion and Education Assistance Act and shall be removed*

1 *from the Indian Health Service priority list upon comple-*
2 *tion: Provided further, That the Federal Government shall*
3 *not be liable for any property damages or other construction*
4 *claims that may arise from YKHC undertaking this project:*
5 *Provided further, That the land shall be owned or leased*
6 *by the YKHC and title to quarters shall remain vested with*
7 *the YKHC: Provided further, That not to exceed \$500,000*
8 *shall be used by the Indian Health Service to purchase*
9 *TRANSAM equipment from the Department of Defense for*
10 *distribution to the Indian Health Service and tribal facili-*
11 *ties: Provided further, That none of the funds appropriated*
12 *to the Indian Health Service may be used for sanitation*
13 *facilities construction for new homes funded with grants by*
14 *the housing programs of the United States Department of*
15 *Housing and Urban Development: Provided further, That*
16 *not to exceed \$1,000,000 from this account and the “Indian*
17 *Health Services” account shall be used by the Indian Health*
18 *Service to obtain ambulances for the Indian Health Service*
19 *and tribal facilities in conjunction with an existing inter-*
20 *agency agreement between the Indian Health Service and*
21 *the General Services Administration: Provided further,*
22 *That not to exceed \$500,000 shall be placed in a Demolition*
23 *Fund and remain available until expended, to be used by*
24 *the Indian Health Service for demolition of Federal build-*
25 *ings.*

1 *ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE*

2 *Appropriations in this Act to the Indian Health Serv-*
3 *ice shall be available for services as authorized by 5 U.S.C.*
4 *3109 but at rates not to exceed the per diem rate equivalent*
5 *to the maximum rate payable for senior-level positions*
6 *under 5 U.S.C. 5376; hire of passenger motor vehicles and*
7 *aircraft; purchase of medical equipment; purchase of re-*
8 *prints; purchase, renovation and erection of modular build-*
9 *ings and renovation of existing facilities; payments for tele-*
10 *phone service in private residences in the field, when au-*
11 *thorized under regulations approved by the Secretary; and*
12 *for uniforms or allowances therefor as authorized by 5*
13 *U.S.C. 5901–5902; and for expenses of attendance at meet-*
14 *ings which are concerned with the functions or activities*
15 *for which the appropriation is made or which will con-*
16 *tribute to improved conduct, supervision, or management*
17 *of those functions or activities.*

18 *In accordance with the provisions of the Indian Health*
19 *Care Improvement Act, non-Indian patients may be ex-*
20 *tended health care at all tribally administered or Indian*
21 *Health Service facilities, subject to charges, and the pro-*
22 *ceeds along with funds recovered under the Federal Medical*
23 *Care Recovery Act (42 U.S.C. 2651–2653) shall be credited*
24 *to the account of the facility providing the service and shall*
25 *be available without fiscal year limitation. Notwith-*

1 *standing any other law or regulation, funds transferred*
2 *from the Department of Housing and Urban Development*
3 *to the Indian Health Service shall be administered under*
4 *Public Law 86–121 (the Indian Sanitation Facilities Act)*
5 *and Public Law 93–638, as amended.*

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

10 *None of the funds made available to the Indian Health*
11 *Service in this Act shall be used for any Department of*
12 *Health and Human Services-wide consolidation, restruc-*
13 *turing, or realignment of functions or for any assessments*
14 *or charges associated with any such consolidation, restruc-*
15 *turing or realignment, except for purposes for which funds*
16 *are specifically provided in this Act.*

17 *Notwithstanding any other provision of law, funds*
18 *previously or herein made available to a tribe or tribal or-*
19 *ganization through a contract, grant, or agreement author-*
20 *ized by title I or title III of the Indian Self-Determination*
21 *and Education Assistance Act of 1975 (25 U.S.C. 450), may*
22 *be deobligated and reobligated to a self-determination con-*
23 *tract under title I, or a self-governance agreement under*
24 *title III of such Act and thereafter shall remain available*

1 *to the tribe or tribal organization without fiscal year limi-*
2 *tation.*

3 *None of the funds made available to the Indian Health*
4 *Service in this Act shall be used to implement the final rule*
5 *published in the Federal Register on September 16, 1987,*
6 *by the Department of Health and Human Services, relating*
7 *to the eligibility for the health care services of the Indian*
8 *Health Service until the Indian Health Service has sub-*
9 *mitted a budget request reflecting the increased costs associ-*
10 *ated with the proposed final rule, and such request has been*
11 *included in an appropriations Act and enacted into law.*

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

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

1 *associated with the provision of goods, services, or technical*
2 *assistance.*

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

6 **OTHER RELATED AGENCIES**

7 **OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION**

8 **SALARIES AND EXPENSES**

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

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

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

8 *PAYMENT TO THE INSTITUTE*

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

16 *SMITHSONIAN INSTITUTION*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses of the Smithsonian Institution,*
19 *as authorized by law, including research in the fields of art,*
20 *science, and history; development, preservation, and docu-*
21 *mentation of the National Collections; presentation of pub-*
22 *lic exhibits and performances; collection, preparation, dis-*
23 *semination, and exchange of information and publications;*
24 *conduct of education, training, and museum assistance pro-*
25 *grams; maintenance, alteration, operation, lease (for terms*

1 *not to exceed 30 years), and protection of buildings, facili-*
2 *ties, and approaches; not to exceed \$100,000 for services as*
3 *authorized by 5 U.S.C. 3109; up to five replacement pas-*
4 *senger vehicles; purchase, rental, repair, and cleaning of*
5 *uniforms for employees, \$487,989,000, of which not to ex-*
6 *ceed \$46,903,000 for the instrumentation program, collec-*
7 *tions acquisition, exhibition reinstallation, the National*
8 *Museum of the American Indian, and the repatriation of*
9 *skeletal remains program shall remain available until ex-*
10 *pended; and of which \$828,000 for fellowships and scholarly*
11 *awards shall remain available until September 30, 2005;*
12 *and including such funds as may be necessary to support*
13 *American overseas research centers and a total of \$125,000*
14 *for the Council of American Overseas Research Centers:*
15 *Provided, That funds appropriated herein are available for*
16 *advance payments to independent contractors performing*
17 *research services or participating in official Smithsonian*
18 *presentations: Provided further, That the Smithsonian In-*
19 *stitution may expend Federal appropriations designated in*
20 *this Act for lease or rent payments for long term and swing*
21 *space, as rent payable to the Smithsonian Institution, and*
22 *such rent payments may be deposited into the general trust*
23 *funds of the Institution to the extent that federally sup-*
24 *ported activities are housed in the 900 H Street, N.W.*
25 *building in the District of Columbia: Provided further, That*

1 *this use of Federal appropriations shall not be construed*
2 *as debt service, a Federal guarantee of, a transfer of risk*
3 *to, or an obligation of, the Federal Government: Provided*
4 *further, That no appropriated funds may be used to service*
5 *debt which is incurred to finance the costs of acquiring the*
6 *900 H Street building or of planning, designing, and con-*
7 *structing improvements to such building.*

8 *FACILITIES CAPITAL*

9 *For necessary expenses of maintenance, repair, revital-*
10 *ization, and alteration of facilities owned or occupied by*
11 *the Smithsonian Institution, by contract or otherwise, as*
12 *authorized by section 2 of the Act of August 22, 1949 (63*
13 *Stat. 623), and for construction, including necessary per-*
14 *sonnel, \$89,970,000, to remain available until expended, of*
15 *which not to exceed \$10,000 is for services as authorized*
16 *by 5 U.S.C. 3109: Provided, That contracts awarded for*
17 *environmental systems, protection systems, and repair or*
18 *restoration of facilities of the Smithsonian Institution may*
19 *be negotiated with selected contractors and awarded on the*
20 *basis of contractor qualifications as well as price: Provided*
21 *further, That balances from amounts previously appro-*
22 *riated under the headings "Repair, Restoration and Alter-*
23 *ation of Facilities" and "Construction" shall be transferred*
24 *to and merged with this appropriation and shall remain*
25 *available until expended.*

1 *ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION*

2 *None of the funds in this or any other Act may be*
3 *used to make any changes to the existing Smithsonian*
4 *science programs including closure of facilities, relocation*
5 *of staff or redirection of functions and programs without*
6 *approval from the Board of Regents of recommendations re-*
7 *ceived from the Science Commission.*

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

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

17 *None of the funds available to the Smithsonian may*
18 *be reprogrammed without the advance written approval of*
19 *the House and Senate Committees on Appropriations in ac-*
20 *cordance with the procedures contained in House Report*
21 *No. 105–163.*

22 *NATIONAL GALLERY OF ART*23 *SALARIES AND EXPENSES*

24 *For the upkeep and operations of the National Gallery*
25 *of Art, the protection and care of the works of art therein,*

1 *and administrative expenses incident thereto, as authorized*
2 *by the Act of March 24, 1937 (50 Stat. 51), as amended*
3 *by the public resolution of April 13, 1939 (Public Resolu-*
4 *tion 9, Seventy-sixth Congress), including services as au-*
5 *thorized by 5 U.S.C. 3109; payment in advance when au-*
6 *thorized by the treasurer of the Gallery for membership in*
7 *library, museum, and art associations or societies whose*
8 *publications or services are available to members only, or*
9 *to members at a price lower than to the general public; pur-*
10 *chase, repair, and cleaning of uniforms for guards, and uni-*
11 *forms, or allowances therefor, for other employees as author-*
12 *ized by law (5 U.S.C. 5901–5902); purchase or rental of*
13 *devices and services for protecting buildings and contents*
14 *thereof, and maintenance, alteration, improvement, and re-*
15 *pair of buildings, approaches, and grounds; and purchase*
16 *of services for restoration and repair of works of art for*
17 *the National Gallery of Art by contracts made, without ad-*
18 *vertising, with individuals, firms, or organizations at such*
19 *rates or prices and under such terms and conditions as the*
20 *Gallery may deem proper, \$85,650,000, of which not to ex-*
21 *ceed \$3,026,000 for the special exhibition program shall re-*
22 *main available until expended.*

23 *REPAIR, RESTORATION AND RENOVATION OF BUILDINGS*

24 *For necessary expenses of repair, restoration and ren-*
25 *ovation of buildings, grounds and facilities owned or occu-*

1 *plied by the National Gallery of Art, by contract or other-*
2 *wise, as authorized, \$11,600,000, to remain available until*
3 *expended: Provided, That contracts awarded for environ-*
4 *mental systems, protection systems, and exterior repair or*
5 *renovation of buildings of the National Gallery of Art may*
6 *be negotiated with selected contractors and awarded on the*
7 *basis of contractor qualifications as well as price.*

8 *JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS*
9 *OPERATIONS AND MAINTENANCE*

10 *For necessary expenses for the operation, maintenance*
11 *and security of the John F. Kennedy Center for the Per-*
12 *forming Arts, \$16,560,000.*

13 *CONSTRUCTION*

14 *For necessary expenses for capital repair and restora-*
15 *tion of the existing features of the building and site of the*
16 *John F. Kennedy Center for the Performing Arts,*
17 *\$16,000,000, to remain available until expended.*

18 *WOODROW WILSON INTERNATIONAL CENTER FOR*

19 *SCHOLARS*

20 *SALARIES AND EXPENSES*

21 *For expenses necessary in carrying out the provisions*
22 *of the Woodrow Wilson Memorial Act of 1968 (82 Stat.*
23 *1356) including hire of passenger vehicles and services as*
24 *authorized by 5 U.S.C. 3109, \$8,604,000.*

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

3 *MATCHING GRANTS*

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

17 *ADMINISTRATIVE PROVISIONS*

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

1 *official reception and representation expenses: Provided fur-*
 2 *ther, That the Chairperson of the National Endowment for*
 3 *the Arts may approve grants up to \$10,000, if in the aggre-*
 4 *gate this amount does not exceed 5 percent of the sums ap-*
 5 *propriated for grant-making purposes per year: Provided*
 6 *further, That such small grant actions are taken pursuant*
 7 *to the terms of an expressed and direct delegation of author-*
 8 *ity from the National Council on the Arts to the Chair-*
 9 *person.*

10 *COMMISSION OF FINE ARTS*

11 *SALARIES AND EXPENSES*

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

19 *NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS*

20 *For necessary expenses as authorized by Public Law*
 21 *99–190 (20 U.S.C. 956(a)), as amended, \$6,000,000.*

22 *ADVISORY COUNCIL ON HISTORIC PRESERVATION*

23 *SALARIES AND EXPENSES*

24 *For necessary expenses of the Advisory Council on His-*
 25 *toric Preservation (Public Law 89–665, as amended),*

1 \$4,000,000: *Provided, That none of these funds shall be*
2 *available for compensation of level V of the Executive Sched-*
3 *ule or higher positions.*

4 *NATIONAL CAPITAL PLANNING COMMISSION*

5 *SALARIES AND EXPENSES*

6 *For necessary expenses, as authorized by the National*
7 *Capital Planning Act of 1952 (40 U.S.C. 71–71i), includ-*
8 *ing services as authorized by 5 U.S.C. 3109, \$8,030,000:*
9 *Provided, That for fiscal year 2004 and thereafter, all ap-*
10 *pointed members of the Commission will be compensated*
11 *at a rate not to exceed the daily equivalent of the annual*
12 *rate of pay for positions at level IV of the Executive Sched-*
13 *ule for each day such member is engaged in the actual per-*
14 *formance of duties.*

15 *UNITED STATES HOLOCAUST MEMORIAL MUSEUM*

16 *HOLOCAUST MEMORIAL MUSEUM*

17 *For expenses of the Holocaust Memorial Museum, as*
18 *authorized by Public Law 106–292 (36 U.S.C. 2301–2310),*
19 *\$39,997,000, of which \$1,900,000 for the museum’s repair*
20 *and rehabilitation program and \$1,264,000 for the muse-*
21 *um’s exhibitions program shall remain available until ex-*
22 *pended.*

1 *ants to any officer or employee of such department or agen-*
2 *cy except as otherwise provided by law.*

3 *SEC. 305. No assessments may be levied against any*
4 *program, budget activity, subactivity, or project funded by*
5 *this Act unless notice of such assessments and the basis*
6 *therefor are presented to the Committees on Appropriations*
7 *and are approved by such committees.*

8 *SEC. 306. None of the funds in this Act may be used*
9 *to plan, prepare, or offer for sale timber from trees classified*
10 *as giant sequoia (*Sequoiadendron giganteum*) which are lo-*
11 *cated on National Forest System or Bureau of Land Man-*
12 *agement lands in a manner different than such sales were*
13 *conducted in fiscal year 2003.*

14 *SEC. 307. (a) LIMITATION OF FUNDS.—None of the*
15 *funds appropriated or otherwise made available pursuant*
16 *to this Act shall be obligated or expended to accept or proc-*
17 *ess applications for a patent for any mining or mill site*
18 *claim located under the general mining laws.*

19 *(b) EXCEPTIONS.—The provisions of subsection (a)*
20 *shall not apply if the Secretary of the Interior determines*
21 *that, for the claim concerned: (1) a patent application was*
22 *filed with the Secretary on or before September 30, 1994;*
23 *and (2) all requirements established under sections 2325*
24 *and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)*
25 *for vein or lode claims and sections 2329, 2330, 2331, and*

1 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37)
2 for placer claims, and section 2337 of the Revised Statutes
3 (30 U.S.C. 42) for mill site claims, as the case may be,
4 were fully complied with by the applicant by that date.

5 (c) *REPORT.*—On September 30, 2004, the Secretary
6 of the Interior shall file with the House and Senate Com-
7 mittees on Appropriations and the Committee on Resources
8 of the House of Representatives and the Committee on En-
9 ergy and Natural Resources of the Senate a report on ac-
10 tions taken by the Department under the plan submitted
11 pursuant to section 314(c) of the Department of the Interior
12 and Related Agencies Appropriations Act, 1997 (Public
13 Law 104–208).

14 (d) *MINERAL EXAMINATIONS.*—In order to process
15 patent applications in a timely and responsible manner,
16 upon the request of a patent applicant, the Secretary of the
17 Interior shall allow the applicant to fund a qualified third-
18 party contractor to be selected by the Bureau of Land Man-
19 agement to conduct a mineral examination of the mining
20 claims or mill sites contained in a patent application as
21 set forth in subsection (b). The Bureau of Land Manage-
22 ment shall have the sole responsibility to choose and pay
23 the third-party contractor in accordance with the standard
24 procedures employed by the Bureau of Land Management
25 in the retention of third-party contractors.

1 *SEC. 308. Notwithstanding any other provision of law,*
2 *amounts appropriated to or earmarked in committee re-*
3 *ports for the Bureau of Indian Affairs and the Indian*
4 *Health Service by Public Laws 103–138, 103–332, 104–*
5 *134, 104–208, 105–83, 105–277, 106–113, 106–291, and*
6 *107–63, for payments to tribes and tribal organizations for*
7 *contract support costs associated with self-determination or*
8 *self-governance contracts, grants, compacts, or annual fund-*
9 *ing agreements with the Bureau of Indian Affairs or the*
10 *Indian Health Service as funded by such Acts, are the total*
11 *amounts available for fiscal years 1994 through 2003 for*
12 *such purposes, except that, for the Bureau of Indian Affairs,*
13 *tribes and tribal organizations may use their tribal priority*
14 *allocations for unmet indirect costs of ongoing contracts,*
15 *grants, self-governance compacts or annual funding agree-*
16 *ments.*

17 *SEC. 309. Of the funds provided to the National En-*
18 *dowment for the Arts—*

19 *(1) The Chairperson shall only award a grant to*
20 *an individual if such grant is awarded to such indi-*
21 *vidual for a literature fellowship, National Heritage*
22 *Fellowship, or American Jazz Masters Fellowship.*

23 *(2) The Chairperson shall establish procedures to*
24 *ensure that no funding provided through a grant, ex-*
25 *cept a grant made to a State or local arts agency, or*

1 regional group, may be used to make a grant to any
2 other organization or individual to conduct activity
3 independent of the direct grant recipient. Nothing in
4 this subsection shall prohibit payments made in ex-
5 change for goods and services.

6 (3) No grant shall be used for seasonal support
7 to a group, unless the application is specific to the
8 contents of the season, including identified programs
9 and/or projects.

10 SEC. 310. The National Endowment for the Arts and
11 the National Endowment for the Humanities are authorized
12 to solicit, accept, receive, and invest in the name of the
13 United States, gifts, bequests, or devises of money and other
14 property or services and to use such in furtherance of the
15 functions of the National Endowment for the Arts and the
16 National Endowment for the Humanities. Any proceeds
17 from such gifts, bequests, or devises, after acceptance by the
18 National Endowment for the Arts or the National Endow-
19 ment for the Humanities, shall be paid by the donor or the
20 representative of the donor to the Chairman. The Chairman
21 shall enter the proceeds in a special interest-bearing account
22 to the credit of the appropriate endowment for the purposes
23 specified in each case.

24 SEC. 311. (a) In providing services or awarding finan-
25 cial assistance under the National Foundation on the Arts

1 *and the Humanities Act of 1965 from funds appropriated*
2 *under this Act, the Chairperson of the National Endowment*
3 *for the Arts shall ensure that priority is given to providing*
4 *services or awarding financial assistance for projects, pro-*
5 *ductions, workshops, or programs that serve underserved*
6 *populations.*

7 *(b) In this section:*

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

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

20 *(c) In providing services and awarding financial as-*
21 *sistance under the National Foundation on the Arts and*
22 *Humanities Act of 1965 with funds appropriated by this*
23 *Act, the Chairperson of the National Endowment for the*
24 *Arts shall ensure that priority is given to providing services*
25 *or awarding financial assistance for projects, productions,*

1 *workshops, or programs that will encourage public knowl-*
2 *edge, education, understanding, and appreciation of the*
3 *arts.*

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

7 *(1) the Chairperson shall establish a grant cat-*
8 *egory for projects, productions, workshops, or pro-*
9 *grams that are of national impact or availability or*
10 *are able to tour several States;*

11 *(2) the Chairperson shall not make grants ex-*
12 *ceeding 15 percent, in the aggregate, of such funds to*
13 *any single State, excluding grants made under the*
14 *authority of paragraph (1);*

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

19 *(4) the Chairperson shall encourage the use of*
20 *grants to improve and support community-based*
21 *music performance and education.*

22 *SEC. 312. No part of any appropriation contained in*
23 *this Act shall be expended or obligated to complete and issue*
24 *the 5-year program under the Forest and Rangeland Re-*
25 *newable Resources Planning Act.*

1 *SEC. 313. None of the funds in this Act may be used*
2 *to support Government-wide administrative functions un-*
3 *less such functions are justified in the budget process and*
4 *funding is approved by the House and Senate Committees*
5 *on Appropriations.*

6 *SEC. 314. Notwithstanding any other provision of law,*
7 *none of the funds in this Act may be used for GSA Tele-*
8 *communication Centers.*

9 *SEC. 315. Notwithstanding any other provision of law,*
10 *for fiscal year 2004 the Secretaries of Agriculture and the*
11 *Interior are authorized to limit competition for watershed*
12 *restoration project contracts as part of the “Jobs in the*
13 *Woods” Program established in Region 10 of the Forest*
14 *Service to individuals and entities in historically timber-*
15 *dependent areas in the States of Washington, Oregon, north-*
16 *ern California, Idaho, Montana, and Alaska that have been*
17 *affected by reduced timber harvesting on Federal lands. The*
18 *Secretaries shall consider the benefits to the local economy*
19 *in evaluating bids and designing procurements which create*
20 *economic opportunities for local contractors.*

21 *SEC. 316. Amounts deposited during fiscal year 2003*
22 *in the roads and trails fund provided for in the 14th para-*
23 *graph under the heading “FOREST SERVICE” of the Act*
24 *of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be*
25 *used by the Secretary of Agriculture, without regard to the*

1 *State in which the amounts were derived, to repair or re-*
2 *construct roads, bridges, and trails on National Forest Sys-*
3 *tem lands or to carry out and administer projects to im-*
4 *prove forest health conditions, which may include the repair*
5 *or reconstruction of roads, bridges, and trails on National*
6 *Forest System lands in the wildland-community interface*
7 *where there is an abnormally high risk of fire. The projects*
8 *shall emphasize reducing risks to human safety and public*
9 *health and property and enhancing ecological functions,*
10 *long-term forest productivity, and biological integrity. The*
11 *projects may be completed in a subsequent fiscal year.*
12 *Funds shall not be expended under this section to replace*
13 *funds which would otherwise appropriately be expended*
14 *from the timber salvage sale fund. Nothing in this section*
15 *shall be construed to exempt any project from any environ-*
16 *mental law.*

17 *SEC. 317. Other than in emergency situations, none*
18 *of the funds in this Act may be used to operate telephone*
19 *answering machines during core business hours unless such*
20 *answering machines include an option that enables callers*
21 *to reach promptly an individual on-duty with the agency*
22 *being contacted.*

23 *SEC. 318. No timber sale in Region 10 shall be adver-*
24 *tised if the indicated rate is deficit when appraised using*
25 *a residual value approach that assigns domestic Alaska val-*

1 *ues for western redcedar. Program accomplishments shall*
2 *be based on volume sold. Should Region 10 sell, in fiscal*
3 *year 2003, the annual average portion of the decadal allow-*
4 *able sale quantity called for in the current Tongass Land*
5 *Management Plan in sales which are not deficit when ap-*
6 *praised using a residual value approach that assigns do-*
7 *mestic Alaska values for western redcedar, all of the western*
8 *redcedar timber from those sales which is surplus to the*
9 *needs of domestic processors in Alaska, shall be made avail-*
10 *able to domestic processors in the contiguous 48 United*
11 *States at prevailing domestic prices. Should Region 10 sell,*
12 *in fiscal year 2003, less than the annual average portion*
13 *of the decadal allowable sale quantity called for in the*
14 *Tongass Land Management Plan in sales which are not def-*
15 *icit when appraised using a residual value approach that*
16 *assigns domestic Alaska values for western redcedar, the vol-*
17 *ume of western redcedar timber available to domestic proc-*
18 *essors at prevailing domestic prices in the contiguous 48*
19 *United States shall be that volume: (i) which is surplus to*
20 *the needs of domestic processors in Alaska, and (ii) is that*
21 *percent of the surplus western redcedar volume determined*
22 *by calculating the ratio of the total timber volume which*
23 *has been sold on the Tongass to the annual average portion*
24 *of the decadal allowable sale quantity called for in the cur-*
25 *rent Tongass Land Management Plan. The percentage shall*

1 *be calculated by Region 10 on a rolling basis as each sale*
2 *is sold (for purposes of this amendment, a “rolling basis”*
3 *shall mean that the determination of how much western*
4 *redcedar is eligible for sale to various markets shall be made*
5 *at the time each sale is awarded). Western redcedar shall*
6 *be deemed “surplus to the needs of domestic processors in*
7 *Alaska” when the timber sale holder has presented to the*
8 *Forest Service documentation of the inability to sell western*
9 *redcedar logs from a given sale to domestic Alaska proc-*
10 *essors at a price equal to or greater than the log selling*
11 *value stated in the contract. All additional western redcedar*
12 *volume not sold to Alaska or contiguous 48 United States*
13 *domestic processors may be exported to foreign markets at*
14 *the election of the timber sale holder. All Alaska yellow*
15 *cedar may be sold at prevailing export prices at the election*
16 *of the timber sale holder.*

17 *SEC. 319. A project undertaken by the Forest Service*
18 *under the Recreation Fee Demonstration Program as au-*
19 *thorized by section 315 of the Department of the Interior*
20 *and Related Agencies Appropriations Act for Fiscal Year*
21 *1996, as amended, shall not result in—*

22 *(1) displacement of the holder of an authoriza-*
23 *tion to provide commercial recreation services on Fed-*
24 *eral lands. Prior to initiating any project, the Sec-*
25 *retary shall consult with potentially affected holders*

1 to determine what impacts the project may have on
2 the holders. Any modifications to the authorization
3 shall be made within the terms and conditions of the
4 authorization and authorities of the impacted agency;

5 (2) the return of a commercial recreation service
6 to the Secretary for operation when such services have
7 been provided in the past by a private sector pro-
8 vider, except when—

9 (A) the private sector provider fails to bid
10 on such opportunities;

11 (B) the private sector provider terminates
12 its relationship with the agency; or

13 (C) the agency revokes the permit for non-
14 compliance with the terms and conditions of the
15 authorization.

16 In such cases, the agency may use the Recreation Fee Dem-
17 onstration Program to provide for operations until a subse-
18 quent operator can be found through the offering of a new
19 prospectus.

20 SEC. 320. Prior to October 1, 2004, the Secretary of
21 Agriculture shall not be considered to be in violation of sub-
22 paragraph 6(f)(5)(A) of the Forest and Rangeland Renew-
23 able Resources Planning Act of 1974 (16 U.S.C.
24 1604(f)(5)(A)) solely because more than 15 years have
25 passed without revision of the plan for a unit of the Na-

1 *tional Forest System. Nothing in this section exempts the*
2 *Secretary from any other requirement of the Forest and*
3 *Rangeland Renewable Resources Planning Act (16 U.S.C.*
4 *1600 et seq.) or any other law: Provided, That if the Sec-*
5 *retary is not acting expeditiously and in good faith, within*
6 *the funding available, to revise a plan for a unit of the*
7 *National Forest System, this section shall be void with re-*
8 *spect to such plan and a court of proper jurisdiction may*
9 *order completion of the plan on an accelerated basis.*

10 *SEC. 321. No funds provided in this Act may be ex-*
11 *pended to conduct preleasing, leasing and related activities*
12 *under either the Mineral Leasing Act (30 U.S.C. 181 et seq.)*
13 *or the Outer Continental Shelf Lands Act (43 U.S.C. 1331*
14 *et seq.) within the boundaries of a National Monument es-*
15 *tablished pursuant to the Act of June 8, 1906 (16 U.S.C.*
16 *431 et seq.) as such boundary existed on January 20, 2001,*
17 *except where such activities are allowed under the Presi-*
18 *dential proclamation establishing such monument.*

19 *SEC. 322. Employees of the foundations established by*
20 *Acts of Congress to solicit private sector funds on behalf*
21 *of Federal land management agencies shall, in fiscal year*
22 *2005, qualify for General Service Administration contract*
23 *airfares.*

24 *SEC. 323. In entering into agreements with foreign*
25 *countries pursuant to the Wildfire Suppression Assistance*

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

23 *SEC. 324. A grazing permit or lease issued by the Sec-*
24 *retary of the Interior or a grazing permit issued by the Sec-*
25 *retary of Agriculture where National Forest System lands*

1 are involved that expires, is transferred, or waived during
2 fiscal years 2004–2008 shall be renewed under section 402
3 of the Federal Land Policy and Management Act of 1976,
4 as amended (43 U.S.C. 1752), section 19 of the Granger-
5 Thye Act, as amended (16 U.S.C. 5801), title III of the
6 Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.),
7 or, if applicable, section 510 of the California Desert Protec-
8 tion Act (16 U.S.C. 410aaa–50). The terms and conditions
9 contained in the expired, transferred, or waived permit or
10 lease shall continue in effect under the renewed permit or
11 lease until such time as the Secretary of the Interior or Sec-
12 retary of Agriculture as appropriate completes processing
13 of such permit or lease in compliance with all applicable
14 laws and regulations, at which time such permit or lease
15 may be canceled, suspended or modified, in whole or in
16 part, to meet the requirements of such applicable laws and
17 regulations. Nothing in this section shall be deemed to alter
18 the statutory authority of the Secretary of the Interior or
19 the Secretary of Agriculture: Provided, That where National
20 Forest System lands are involved and the Secretary of Agri-
21 culture has renewed an expired or waived grazing permit
22 prior to or during fiscal year 2004, the terms and condi-
23 tions of the renewed grazing permit shall remain in effect
24 until such time as the Secretary of Agriculture completes
25 processing of the renewed permit in compliance with all ap-

1 *plicable laws and regulations or until the expiration of the*
2 *renewed permit, whichever comes first. Upon completion of*
3 *the processing, the permit may be canceled, suspended or*
4 *modified, in whole or in part, to meet the requirements of*
5 *applicable laws and regulations: Provided further, That be-*
6 *ginning in November 2004, and every year thereafter, the*
7 *Secretaries of the Interior and Agriculture shall report to*
8 *Congress the extent to which they are completing analysis*
9 *required under applicable laws prior to the expiration of*
10 *grazing permits, and beginning in May 2004, and two*
11 *years thereafter, the Secretaries shall provide Congress rec-*
12 *ommendations for legislative provisions necessary to ensure*
13 *all permit renewals are completed in a timely manner. The*
14 *legislative recommendations provided shall be consistent*
15 *with the funding levels requested in the Secretaries' budget*
16 *proposals: Provided further, That notwithstanding section*
17 *504 of the Rescissions Act (109 Stat. 212), the Secretaries*
18 *in their sole discretion determine the priority and timing*
19 *for completing required environmental analysis of grazing*
20 *allotments based on the environmental significance of the*
21 *allotments and funding available to the Secretaries for this*
22 *purpose.*

23 *SEC. 325. Notwithstanding any other provision of law*
24 *or regulation, to promote the more efficient use of the health*
25 *care funding allocation for fiscal year 2004, the Eagle Butte*

1 *Service Unit of the Indian Health Service, at the request*
2 *of the Cheyenne River Sioux Tribe, may pay base salary*
3 *rates to health professionals up to the highest grade and*
4 *step available to a physician, pharmacist, or other health*
5 *professional and may pay a recruitment or retention bonus*
6 *of up to 25 percent above the base pay rate.*

7 *SEC. 326. None of the funds made available in this*
8 *Act may be transferred to any department, agency, or in-*
9 *strumentality of the United States Government except pur-*
10 *suant to a transfer made by, or transfer authority provided*
11 *in, this Act or any other appropriations Act.*

12 *SEC. 327. None of the funds made available in this*
13 *Act may be used for the planning, design, or construction*
14 *of improvements to Pennsylvania Avenue in front of the*
15 *White House without the advance approval of the Commit-*
16 *tees on Appropriations.*

17 *SEC. 328. In awarding a Federal Contract with funds*
18 *made available by this Act, the Secretary of Agriculture and*
19 *the Secretary of the Interior (the “Secretaries”) may, in*
20 *evaluating bids and proposals, give consideration to local*
21 *contractors who are from, and who provide employment*
22 *and training for, dislocated and displaced workers in an*
23 *economically disadvantaged rural community, including*
24 *those historically timber-dependent areas that have been af-*
25 *ected by reduced timber harvesting on Federal lands and*

1 *other forest-dependent rural communities isolated from sig-*
 2 *nificant alternative employment opportunities: Provided,*
 3 *That the Secretaries may award grants or cooperative*
 4 *agreements to local non-profit entities, Youth Conservation*
 5 *Corps or related partnerships with State, local or non-profit*
 6 *youth groups, or small or disadvantaged business: Provided*
 7 *further, That the contract, grant, or cooperative agreement*
 8 *is for forest hazardous fuels reduction, watershed or water*
 9 *quality monitoring or restoration, wildlife or fish popu-*
 10 *lation monitoring, or habitat restoration or management:*
 11 *Provided further, That the terms “rural community” and*
 12 *“economically disadvantaged” shall have the same mean-*
 13 *ings as in section 2374 of Public Law 101–624: Provided*
 14 *further, That the Secretaries shall develop guidance to im-*
 15 *plement this section: Provided further, That nothing in this*
 16 *section shall be construed as relieving the Secretaries of any*
 17 *duty under applicable procurement laws, except as provided*
 18 *in this section.*

19 *SEC. 329. LOCAL EXEMPTIONS FROM FOREST SERV-*
 20 *ICE DEMONSTRATION PROGRAM FEES. Section 6906 of Title*
 21 *31, United States Code, is amended—*

22 *(1) by inserting “(a) IN GENERAL.—” before*
 23 *“Necessary”; and*

24 *(2) by adding at the end the following:*

1 “(b) *LOCAL EXEMPTIONS FROM DEMONSTRATION*
2 *PROGRAM FEES.*—

3 “(1) *IN GENERAL.*—*Each unit of general local*
4 *government that lies in whole or in part within the*
5 *White Mountain National Forest and persons residing*
6 *within the boundaries of that unit of general local*
7 *government shall be exempt during that fiscal year*
8 *from any requirement to pay a Demonstration Pro-*
9 *gram Fee (parking permit or passport) imposed by*
10 *the Secretary of Agriculture for access to the Forest.*

11 “(2) *ADMINISTRATION.*—*The Secretary of Agri-*
12 *culture shall establish a method of identifying persons*
13 *who are exempt from paying user fees under para-*
14 *graph (1). This method may include valid form of*
15 *identification including a drivers license.”.*

16 *SEC. 330. IMPLEMENTATION OF GALLATIN LAND CON-*
17 *SOLIDATION ACT OF 1998. (a) DEFINITIONS.*—*For purposes*
18 *of this section:*

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

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

24 (3) “*Secretary*” *means the Secretary of Agri-*
25 *culture.*

1 (4) “*Excess receipts*” means *National Forest*
2 *Fund receipts from the National Forests in Montana,*
3 *which are identified and adjusted by the Forest Serv-*
4 *ice within the fiscal year, and which are in excess of*
5 *funds retained for: the Salvage Sale Fund; the*
6 *Knutson-Vandenberg Fund; the Purchaser Road/Spec-*
7 *ified Road Credits; the Twenty-Five Percent Fund, as*
8 *amended; the Ten Percent Road and Trail Fund; the*
9 *Timber Sale Pipeline Restoration Fund; the Fifty*
10 *Percent Grazing Class A Receipts Fund; and the*
11 *Land and Water Conservation Fund Recreation User*
12 *Fees Receipts—Class A Fund.*

13 (5) “*Special Account*” means the special account
14 *referenced in section 4(c)(2) of the Gallatin Land*
15 *Consolidation Act of 1998.*

16 (6) “*Eastside National Forests*” has the same
17 *meaning as in section 3(4) of the Gallatin Land Con-*
18 *solidation Act of 1998.*

19 (b) *SPECIAL ACCOUNT.—*

20 (1) *The Secretary is authorized and directed,*
21 *without further appropriation or reprogramming of*
22 *funds, to transfer to the Special Account these enu-*
23 *merated funds and receipts in the following order:*

24 (A) *timber sale receipts from the Gallatin*
25 *National Forest and other Eastside National*

1 *Forests, as such receipts are referenced in section*
2 *4(a)(2)(C) of the Gallatin Land Consolidation*
3 *Act of 1998;*

4 *(B) any available funds heretofore appro-*
5 *priated for the acquisition of lands for National*
6 *Forest purposes in the State of Montana through*
7 *fiscal year 2003;*

8 *(C) net receipts from the conveyance of*
9 *lands on the Gallatin National Forest as author-*
10 *ized by subsection (c); and,*

11 *(D) excess receipts for fiscal years 2003*
12 *through 2008.*

13 *(2) All funds in the Special Account shall be*
14 *available to the Secretary until expended, without*
15 *further appropriation, and will be expended prior to*
16 *the end of fiscal year 2008 for the following purposes:*

17 *(A) the completion of the land acquisitions*
18 *authorized by the Gallatin Land Consolidation*
19 *Act of 1998 and fulfillment of the Option Agree-*
20 *ment, as may be amended from time to time;*
21 *and,*

22 *(B) the acquisition of lands for which ac-*
23 *quisition funds were transferred to the Special*
24 *Account pursuant to subsection (b)(1)(B).*

1 (3) *The Special Account shall be closed at the*
2 *end of fiscal year 2008 and any monies remaining in*
3 *the Special Account shall be transferred to the fund*
4 *established under Public Law 90–171 (commonly*
5 *known as the “Sisk Act”, 16 U.S.C. § 484a) to re-*
6 *main available, until expended, for the acquisition of*
7 *lands for National Forest purposes in the State of*
8 *Montana.*

9 (4) *Funds deposited in the Special Account or el-*
10 *igible for deposit shall not be subject to transfer or re-*
11 *programming for wildland fire management or any*
12 *other emergency purposes.*

13 (c) *LAND CONVEYANCES WITHIN THE GALLATIN NA-*
14 *TIONAL FOREST.—*

15 (1) *CONVEYANCE AUTHORITY.—The Secretary is*
16 *authorized, under such terms and conditions as the*
17 *Secretary may prescribe and without requirements for*
18 *further administrative or environmental analyses or*
19 *examination, to sell or exchange any or all rights,*
20 *title, and interests of the United States in the fol-*
21 *lowing lands within the Gallatin National Forest in*
22 *the State of Montana:*

23 (A) *SMC East Boulder Mine Portal Tract:*
24 *Principal Meridian, T.3S., R.11E., Section 4,*

1 lots 3 to 4 inclusive, $W^{1/2}SE^{1/4}NW^{1/4}$, containing
2 76.27 acres more or less.

3 (B) *Forest Service West Yellowstone Admin-*
4 *istrative Site: U.S. Forest Service Administra-*
5 *tive Site located within the $NE^{1/4}$ of Block 17 of*
6 *the Townsite of West Yellowstone which is situ-*
7 *ated in the $N^{1/2}$ of Section 34, T.13S., R.5E.,*
8 *Principal Meridian, Gallatin County, Montana,*
9 *containing 1.04 acres more or less.*

10 (C) *Mill Fork Mission Creek Tract: Prin-*
11 *icipal Meridian, T.13S., R.5E., Section 34,*
12 *$NW^{1/4}SW^{1/4}$, containing 40 acres more or less.*

13 (D) *West Yellowstone Town Expansion*
14 *Tract #1: Principal Meridian, T.13S., R.5E.,*
15 *Section 33, $E^{1/2}E^{1/2}NE^{1/4}$, containing 40 acres*
16 *more or less.*

17 (E) *West Yellowstone Town Expansion*
18 *Tract #2: Principal Meridian, T.13S., R.5E.,*
19 *Section 33, $NE^{1/4}SE^{1/4}$, containing 40 acres*
20 *more or less.*

21 (2) *DESCRIPTIONS.—The Secretary may modify*
22 *the descriptions in subsection (c)(1) to correct errors*
23 *or to reconfigure the properties in order to facilitate*
24 *a conveyance.*

1 (3) *CONSIDERATION.*—*Consideration for a sale*
2 *or exchange of land under this subsection may include*
3 *cash, land, or a combination of both.*

4 (4) *VALUATION.*—*Any appraisals of land deemed*
5 *necessary or desirable by the Secretary to carry out*
6 *the purposes of this section shall conform to the Uni-*
7 *form Appraisal Standards for Federal Land Acquisi-*
8 *tions.*

9 (5) *CASH EQUALIZATION.*—*Notwithstanding any*
10 *other provision of law, the Secretary may accept a*
11 *cash equalization payment in excess of 25 percent of*
12 *the value of any land exchanged under this sub-*
13 *section.*

14 (6) *SOLICITATIONS OF OFFERS.*—*The Secretary*
15 *may:*

16 (A) *solicit offers for sale or exchange of land*
17 *under this subsection on such terms and condi-*
18 *tions as the Secretary may prescribe, or*

19 (B) *reject any offer made under this sub-*
20 *section if the Secretary determines that the offer*
21 *is not adequate or not in the public interest.*

22 (7) *METHODS OF SALE.*—*The Secretary may sell*
23 *land at public or private sale, including competitive*
24 *sale by auction, bid, or otherwise, in accordance with*
25 *such terms, conditions, and procedures as the Sec-*

1 *retary determines will be in the best interests of the*
2 *United States.*

3 (8) *BROKERS.—The Secretary may utilize bro-*
4 *kers or other third parties in the disposition of the*
5 *land authorized by this subsection and, from the pro-*
6 *ceeds of the sale, may pay reasonable commissions or*
7 *fees on the sale or sales.*

8 (9) *RECEIPTS FROM SALE OR EXCHANGE.—The*
9 *Secretary shall deposit the net receipts of a sale or ex-*
10 *change under this subsection in the Special Account.*

11 (d) *MISCELLANEOUS PROVISIONS.—*

12 (1) *Receipts from any sale or exchange pursuant*
13 *to subsection (c) of this section:*

14 (A) *shall not be deemed excess receipts for*
15 *purposes of this section;*

16 (B) *shall not be paid or distributed to the*
17 *State or counties under any provision of law, or*
18 *otherwise deemed as moneys received from the*
19 *National Forest for purposes of the Act of May*
20 *23, 1908 or the Act of March 1, 1911 (16 U.S.C.*
21 *§ 500, as amended), or the Act of March 4, 1913*
22 *(16 U.S.C. § 501, as amended).*

23 (2) *As of the date of enactment of this section,*
24 *any public land order withdrawing land described in*
25 *subsection (c)(1) from all forms of appropriation*

1 *under the public land laws is revoked with respect to*
2 *any portion of the land conveyed by the Secretary*
3 *under this section.*

4 *(3) Subject to valid existing rights, all lands de-*
5 *scribed in section (c)(1) are withdrawn from location,*
6 *entry, and patent under the mining laws of the*
7 *United States.*

8 *(4) The Agriculture Property Management Regu-*
9 *lations shall not apply to any action taken pursuant*
10 *to this section.*

11 *(e) OPTION AGREEMENT AMENDMENT.—The Amend-*
12 *ment No. 1 to the Option Agreement is hereby ratified as*
13 *a matter of Federal law and the parties to it are authorized*
14 *to effect the terms and conditions thereof.*

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

19 *“(3) TRANSFER OF FOREST LEGACY PROGRAM*
20 *LAND.—*

21 *“(A) IN GENERAL.—Subject to any terms*
22 *and conditions that the Secretary may require*
23 *(including the requirements described in sub-*
24 *paragraph (B)), the Secretary may, at the re-*
25 *quest of a participating State, convey to the*

1 *State, by quitclaim deed, without consideration,*
2 *any land or interest in land acquired in the*
3 *State under the Forest Legacy Program.*

4 “(B) *REQUIREMENTS.—In conveying land*
5 *or an interest in land under subparagraph (A),*
6 *the Secretary may require that—*

7 “(i) *the deed conveying the land or in-*
8 *terest in land include requirements for the*
9 *management of the land in a manner*
10 *that—*

11 “(I) *conserves the land or interest*
12 *in land; and*

13 “(II) *is consistent with any other*
14 *Forest Legacy Program purposes for*
15 *which the land or interest in land was*
16 *acquired;*

17 “(ii) *if the land or interest in land is*
18 *subsequently sold, exchanged, or otherwise*
19 *disposed of by the State, the State shall—*

20 “(I) *reimburse the Secretary in*
21 *an amount that is based on the current*
22 *market value of the land or interest in*
23 *land in proportion to the amount of*
24 *consideration paid by the United*

1 *States for the land or interest in land;*
2 *or*

3 “*(II) convey to the Secretary land*
4 *or an interest in land that is equal in*
5 *value to the land or interest in land*
6 *conveyed.*”

7 “*(C) DISPOSITION OF FUNDS.—Amounts re-*
8 *ceived by the Secretary under subparagraph*
9 *(B)(ii) shall be credited to the Forest Legacy*
10 *Program account, to remain available until ex-*
11 *pended.*”

12 *SEC. 332. Notwithstanding section 9(b) of Public Law*
13 *106–506, funds hereinafter appropriated under Public Law*
14 *106–506 shall require matching funds from non-Federal*
15 *sources on the basis of aggregate contribution to the Envi-*
16 *ronmental Improvement Program, as defined in Public*
17 *Law 106–506, rather than on a project-by-project basis, ex-*
18 *cept for those activities provided under section 9(c) of that*
19 *Act, to which this amendment shall not apply.*

20 *SEC. 333. Any application for judicial review of a*
21 *Record of Decision for any timber sale in Region 10 of the*
22 *Forest Service that had a Notice of Intent prepared on or*
23 *before January 1, 2003 shall—*

24 *(1) be filed in the Alaska District of the Federal*
25 *District Court within 30 days after exhaustion of the*

1 *Forest Service administrative appeals process (36*
2 *C.F.R. 215) or within 30 days of enactment of this*
3 *Act if the administrative appeals process has been ex-*
4 *hausted prior to enactment of this Act, and the Forest*
5 *Service shall strictly comply with the schedule for*
6 *completion of administrative action;*

7 *(2) be completed and a decision rendered by the*
8 *court not later than 180 days from the date such re-*
9 *quest for review is filed; if a decision is not rendered*
10 *by the court within 180 days as required by this sub-*
11 *section, the Secretary of Agriculture shall petition the*
12 *court to proceed with the action.*

13 *SEC. 334. (a) IN GENERAL.—Notwithstanding any*
14 *other provision of law, the Secretary of Agriculture may*
15 *cancel, with the consent of the timber purchaser, any con-*
16 *tract for the sale of timber in Alaska if—*

17 *(1) the Secretary determines, in the Secretary's*
18 *sole discretion, that the sale is uneconomical to per-*
19 *form; and*

20 *(2) the timber purchaser agrees to—*

21 *(A) terminate its rights under the contract;*

22 *and*

23 *(B) release the United States from all liabil-*
24 *ity, including further consideration or compensa-*
25 *tion resulting from such cancellation.*

1 (b) *EFFECT OF CANCELLATION.*—

2 (1) *IN GENERAL.*—*The United States shall not*
3 *surrender any claim against a timber purchaser that*
4 *arose under a contract before cancellation under this*
5 *section not in connection with the cancellation.*

6 (2) *LIMITATION.*—*Cancellation of a contract*
7 *under this section shall release the timber purchaser*
8 *from liability for any damages resulting from can-*
9 *cellation of such contract.*

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

13 *SEC. 335. Funds appropriated for the Green Mountain*
14 *National Forest previously or in this Act may be used for*
15 *the acquisition of lands in the Blueberry Lake area.*

16 *SEC. 336. ELECTRIC THERMAL STORAGE TECH-*
17 *NOLOGY. Section 412(9) of the Energy Conservation in Ex-*
18 *isting Buildings Act of 1976 (42 U.S.C. 6862(9)) is*
19 *amended—*

20 (1) *in subparagraph (I), by striking “and” at*
21 *the end;*

22 (2) *by redesignating subparagraph (J) as sub-*
23 *paragraph (K); and*

24 (3) *by inserting after subparagraph (I) the fol-*
25 *lowing:*

1 “(J) *electric thermal storage technology;*
2 *and*”.

3 SEC. 337. ZORTMAN/LANDUSKY MINE RECLAMATION
4 TRUST FUND. (a) ESTABLISHMENT.—*There is established*
5 *in the Treasury of the United States a fund to be known*
6 *as the “Zortman/Landusky Mine Reclamation Trust Fund”*
7 *(referred to in this section as the “Fund”).*

8 (b) DEPOSIT.—*For the fiscal year during which this*
9 *Act is enacted and each fiscal year thereafter until the ag-*
10 *gregate amount deposited in the Fund under this subsection*
11 *is equal to at least \$22,500,000, the Secretary of the Treas-*
12 *ury shall deposit \$2,250,000 in the Fund.*

13 (c) INVESTMENTS.—*The Secretary of the Treasury*
14 *shall invest the amounts deposited under subsection (b) only*
15 *in interest-bearing obligations of the United States or in*
16 *obligations guaranteed by the United States as to both prin-*
17 *cipal and interest.*

18 (d) PAYMENTS.—

19 (1) IN GENERAL.—*All amounts credited as inter-*
20 *est under subsection (c) may be available, without fis-*
21 *cal year limitation, to the State of Montana for use*
22 *in accordance with paragraph (3) after the Fund has*
23 *been fully capitalized.*

24 (2) WITHDRAWAL AND TRANSFER OF FUNDS.—
25 *The Secretary of the Treasury shall withdraw*

1 *amounts credited as interest under paragraph (1) and*
2 *transfer the amounts to the State of Montana for use*
3 *as State funds in accordance with paragraph (3)*
4 *after the Fund has been fully capitalized.*

5 *(3) USE OF TRANSFERRED FUNDS.—The State of*
6 *Montana shall use the amounts transferred under*
7 *paragraph (2) only to supplement funding available*
8 *from the State Administered “Zortman/Landusky*
9 *Long-Term Water Treatment Trust Fund” to fund*
10 *annual operation and maintenance costs for water*
11 *treatment related to the Zortman/Landusky mine site*
12 *and reclamation areas.*

13 *(e) TRANSFERS AND WITHDRAWALS.—The Sec-*
14 *retary of the Treasury may not transfer or withdraw*
15 *any amount deposited under subsection (b).*

16 *(f) ADMINISTRATIVE EXPENSES.—There are au-*
17 *thorized to be appropriated to the Secretary of the*
18 *Treasury such sums as are necessary to pay the ad-*
19 *ministrative expenses of the Fund.*

20 *SEC. 338. LAKE TAHOE RESTORATION PROJECTS. Sec-*
21 *tion 4(e)(3)(A) of the Southern Nevada Public Land Man-*
22 *agement Act of 1998 (112 Stat. 2346; 116 Stat. 2007) is*
23 *amended—*

24 *(1) in clause (v), by striking “and” at the end;*

1 (2) *by redesignating clause (vi) as clause (vii);*

2 *and*

3 (3) *by inserting after clause (v) the following:*

4 “(vi) *environmental restoration*
5 *projects under sections 6 and 7 of the Lake*
6 *Tahoe Restoration Act (114 Stat. 2354) and*
7 *environmental improvement payments*
8 *under section 2(g) of Public Law 96–586*
9 *(94 Stat. 3382), in an amount equal to the*
10 *cumulative amounts authorized to be appro-*
11 *priated for such projects under those Acts*
12 *and in accordance with a revision to the*
13 *Southern Nevada Public Land Management*
14 *Act of 1998 Implementation Agreement to*
15 *implement this section, which shall include*
16 *a mechanism to ensure appropriate stake-*
17 *holders from the States of California and*
18 *Nevada participate in the process to rec-*
19 *ommend projects for funding; and”.*

20 *SEC. 339. ACQUISITION OF LAND IN NYE COUNTY, NE-*
21 *VADA. (a) IN GENERAL.—Subject to subsection (c), the Sec-*
22 *retary of the Interior (referred to in this section as the “Sec-*
23 *retary”)* *may acquire by donation all right, title, and inter-*
24 *est in and to the parcel of land (including improvements*
25 *to the land) described in subsection (b).*

1 (b) *DESCRIPTION OF LAND.*—*The land referred to in*
2 *subsection (a) is the parcel of land in Nye County,*
3 *Nevada—*

4 (1) *consisting of not more than 15 acres;*

5 (2) *comprising a portion of Tract 37 located*
6 *north of the center line of Nevada State Highway 374;*
7 *and*

8 (3) *located in the E^{1/2}NW^{1/4}, NW^{1/4}NE^{1/4} sec. 22,*
9 *T. 12 S., R. 46 E., Mount Diablo Base and Meridian.*
10 *(c) CONDITIONS.—*

11 (1) *IN GENERAL.*—*The Secretary shall not accept*
12 *for donation under subsection (a) any land or struc-*
13 *ture if the Secretary determines that the land or*
14 *structure, or a portion of the land or structure, has*
15 *or or may be contaminated with—*

16 (A) *hazardous substances, pollutants, or*
17 *contaminants, as defined in section 101 of the*
18 *Comprehensive Environmental Response, Com-*
19 *ensation, and Liability Act of 1980 (42 U.S.C.*
20 *9601); or*

21 (B) *any petroleum substance, fraction, or*
22 *derivative.*

23 (2) *CERTIFICATION.*—*Before accepting a dona-*
24 *tion of land under subsection (a), the Secretary shall*

1 *certify that any structures on the land to be*
2 *donated—*

3 *(A) meet all applicable building code re-*
4 *quirements, as determined by an independent*
5 *contractor; and*

6 *(B) are in good condition, as determined by*
7 *the Director of the National Park Service.*

8 *(d) USE OF LAND.—The parcel of land acquired under*
9 *subsection (a) shall be used by the Secretary for the develop-*
10 *ment, operation, and maintenance of administrative and*
11 *visitor facilities for Death Valley National Park.*

12 *SEC. 340. Section 301 of the Energy Policy Act of 1992*
13 *(42 U.S.C. 13211) is amended—*

14 *(1) by striking “or a dual fueled vehicle” at the*
15 *end of subparagraph (3) and inserting “, a dual*
16 *fueled vehicle, or a neighborhood electric vehicle”;*

17 *(2) by striking “and” at the end of subpara-*
18 *graph (13);*

19 *(3) by striking the period at the end of subpara-*
20 *graph (14) and inserting “; and”; and*

21 *(4) by adding at the end the following:*

22 *“(15) the term ‘neighborhood electric vehicle’*
23 *means a motor vehicle that qualifies as both—*

1 “(A) a low-speed vehicle, as such term is de-
2 fined in section 571.3(b) of title 49, Code of Fed-
3 eral Regulations; and

4 “(B) a zero-emission vehicle, as such term is
5 defined in section 86.1702–99 of title 40, Code of
6 Federal Regulations.”.

7 *SEC. 341. CONVEYANCE TO THE CITY OF LAS VEGAS,*
8 *NEVADA. Section 705(b) of the Clark County Conservation*
9 *of Public Land and Natural Resources Act of 2002 (116*
10 *Stat. 2015) is amended by striking “parcels of land” and*
11 *all that follows through the period at the end and inserting*
12 *the following: “parcel of land identified as ‘Tract C’ on the*
13 *map and the approximately 10 acres of land in Clark*
14 *County, Nevada, described as follows: in the NW¹/₄ SE¹/₄*
15 *SW¹/₄ of section 28, T. 20 S., R. 60 E., Mount Diablo Base*
16 *and Meridian.”.*

17 *SEC. 342. NORTHEAST HOME HEATING OIL RESERVE*
18 *REPORT. Not later than December 1, 2003, the Secretary*
19 *of Energy shall submit to the Committee on Energy and*
20 *Natural Resources of the Senate and the Committee on Re-*
21 *sources of the House of Representatives a report that—*

22 (1) describes—

23 (A) the various scenarios under which the
24 Northeast Home Heating Oil Reserve may be
25 used; and

1 (B) the underlying assumptions for each of
2 the scenarios; and

3 (2) includes recommendations for alternative for-
4 mulas to determine supply disruption.

5 SEC. 343. CONGAREE SWAMP NATIONAL MONUMENT
6 BOUNDARY REVISION. The first section of Public Law 94-
7 545 (90 Stat. 2517; 102 Stat. 2607) is amended—

8 (1) in subsection (b), by striking the last sen-
9 tence; and

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

11 “(c) ACQUISITION OF ADDITIONAL LAND.—

12 “(1) IN GENERAL.—The Secretary may acquire
13 by donation, by purchase from a willing seller with
14 donated or appropriated funds, by transfer, or by ex-
15 change, land or an interest in land described in para-
16 graph (2) for inclusion in the monument.

17 “(2) DESCRIPTION OF LAND.—The land referred
18 to in paragraph (1) is the approximately 4,576 acres
19 of land adjacent to the Monument, as depicted on the
20 map entitled “Congaree National Park Boundary
21 Map”, numbered 178/80015, and dated August 2003.

22 “(3) AVAILABILITY OF MAP.—The map referred
23 to in paragraph (2) shall be on file and available for
24 public inspection in the appropriate offices of the Na-
25 tional Park Service.

1 “(4) *BOUNDARY REVISION.*—*On acquisition of*
2 *the land or an interest in land under paragraph (1),*
3 *the Secretary shall revise the boundary of the monu-*
4 *ment to reflect the acquisition.*

5 “(5) *ADMINISTRATION.*—*Any land acquired by*
6 *the Secretary under paragraph (1) shall be adminis-*
7 *tered by the Secretary as part of the monument.*

8 “(6) *EFFECT.*—*Nothing in this section—*

9 “(A) *affects the use of private land adjacent*
10 *to the monument;*

11 “(B) *preempts the authority of the State*
12 *with respect to the regulation of hunting, fishing,*
13 *boating, and wildlife management on private*
14 *land or water outside the boundaries of the*
15 *monument; or*

16 “(C) *negatively affects the economic develop-*
17 *ment of the areas surrounding the monument.*

18 “(d) *ACREAGE LIMITATION.*—*The total acreage of the*
19 *monument shall not exceed 26,776 acres.”.*

20 *SEC. 344. Section 104 (16 U.S.C. 1374) is amended*
21 *in subsection (c)(5)(D) by striking “the date of the enact-*
22 *ment of the Marine Mammal Protection Act Amendments*
23 *of 1994” and inserting “February 18, 1997”.*

1 *SEC. 345. The business size restrictions for the rural*
2 *business enterprise grants for Oakridge, Oregon do not*
3 *apply.*

4 *TITLE IV—WILDLAND FIRE EMERGENCY*
5 *APPROPRIATIONS*

6 *DEPARTMENT OF THE INTERIOR*

7 *BUREAU OF LAND MANAGEMENT*

8 *WILDLAND FIRE MANAGEMENT*

9 *For necessary expenses to repay advances from other*
10 *appropriations transferred in fiscal year 2003 for emer-*
11 *gency rehabilitation and wildfire suppression activities of*
12 *the Department of the Interior, \$75,000,000 to remain*
13 *available until expended: Provided, That the entire amount*
14 *is designated by the Congress as an emergency requirement*
15 *pursuant to section 502 of House Concurrent Resolution 95,*
16 *the concurrent resolution on the budget for fiscal year 2004:*
17 *Provided further, That the entire amount shall be available*
18 *only to the extent that an official budget request for*
19 *\$75,000,000, that includes designation of the entire amount*
20 *of \$75,000,000 as an emergency requirement as defined in*
21 *House Concurrent Resolution 95, the concurrent resolution*
22 *on the budget for fiscal year 2004, is transmitted by the*
23 *President to the Congress.*

1 *RELATED AGENCY*
2 *DEPARTMENT OF AGRICULTURE*
3 *FOREST SERVICE*
4 *WILDLAND FIRE MANAGEMENT*

5 *For necessary expenses to repay advances from other*
6 *appropriations transferred in fiscal year 2003 for wildfire*
7 *suppression and emergency rehabilitation activities of the*
8 *Forest Service, \$325,000,000 to remain available until ex-*
9 *pended: Provided, That the entire amount is designated by*
10 *the Congress as an emergency requirement pursuant to sec-*
11 *tion 502 of House Concurrent Resolution 95, the concurrent*
12 *resolution on the budget for fiscal year 2004: Provided fur-*
13 *ther, That the entire amount shall be available only to the*
14 *extent that an official budget request for \$325,000,000, that*
15 *includes designation of the entire amount of \$325,000,000*
16 *as an emergency requirement as defined in House Concur-*
17 *rent Resolution 95, the concurrent resolution on the budget*
18 *for fiscal year 2004, is transmitted by the President to the*
19 *Congress.*

20 *TITLE V—THE FLATHEAD AND KOOTENAI*
21 *NATIONAL FOREST REHABILITATION ACT*

22 *SEC. 501. SHORT TITLE. This title may be cited as*
23 *the “Flathead and Kootenai National Forest Rehabilitation*
24 *Act of 2003”.*

1 *SEC. 502. FINDINGS AND PURPOSE. (a) FINDINGS.—*

2 *Congress finds that—*

3 *(1) the Robert Fire and Wedge Fire of 2003*
4 *caused extensive resource damage in the Flathead Na-*
5 *tional Forest;*

6 *(2) the fires of 2000 caused extensive resource*
7 *damage on the Kootenai National Forest and imple-*
8 *mentation of rehabilitation and recovery projects de-*
9 *veloped by the agency for the Forest is critical;*

10 *(3) the environmental planning and analysis to*
11 *restore areas affected by the Robert Fire and Wedge*
12 *Fire will be completed through a collaborative com-*
13 *munity process;*

14 *(4) the rehabilitation of burned areas needs to be*
15 *completed in a timely manner in order to reduce the*
16 *long-term environmental impacts; and*

17 *(5) wildlife and watershed resource values will be*
18 *maintained in areas affected by the Robert Fire and*
19 *Wedge Fire while exempting the rehabilitation effort*
20 *from certain applications of the National Environ-*
21 *mental Policy Act (NEPA) and the Clean Water Act*
22 *(CWA).*

23 *(b) The purpose of this title is to accomplish in a col-*
24 *laborative environment, the planning and rehabilitation of*
25 *the Robert Fire and Wedge Fire and to ensure timely imple-*

1 *mentation of recovery and rehabilitation projects on the*
2 *Kootenai National Forest.*

3 *SEC. 503. REHABILITATION PROJECTS. (a) IN GEN-*
4 *ERAL.—The Secretary of Agriculture (in this title referred*
5 *to as the “Secretary”) may conduct projects that the Sec-*
6 *retary determines are necessary to rehabilitate and restore,*
7 *and may conduct salvage harvests on, National Forest Sys-*
8 *tem lands in the North Fork drainage on the Flathead Na-*
9 *tional Forest, as generally depicted on a map entitled*
10 *“North Fork Drainage” which shall be on file and available*
11 *for public inspection in the Office of Chief, Forest Service,*
12 *Washington, D.C.*

13 *(b) PROCEDURE.—*

14 *(1) IN GENERAL.—Except as otherwise provided*
15 *by this title, the Secretary shall conduct projects*
16 *under this title in accordance with—*

17 *(A) the National Environmental Policy Act*

18 *(42 U.S.C. 4321 et seq.); and*

19 *(B) other applicable laws.*

20 *(2) ENVIRONMENTAL ASSESSMENT OR IMPACT*
21 *STATEMENT.—If an environmental assessment or an*
22 *environmental impact statement (pursuant to section*
23 *102(2) of the National Environmental Policy Act (42*
24 *U.S.C. 4332(2)) is required for a project under this*
25 *title, the Secretary shall not be required to study, de-*

1 *velop, or describe any alternative to the proposed*
2 *agency action in the environmental assessment or the*
3 *environmental impact statement.*

4 (3) *PUBLIC COLLABORATION.*—*To encourage*
5 *meaningful participation during preparation of a*
6 *project under this title, the Secretary shall facilitate*
7 *collaboration among the State of Montana, local gov-*
8 *ernments, and Indian tribes, and participation of in-*
9 *terested persons, during the preparation of each*
10 *project in a manner consistent with the Implementa-*
11 *tion Plan for the 10-year Comprehensive Strategy of*
12 *a Collaborative Approach for Reducing Wildland Fire*
13 *Risks to Communities and the Environment, dated*
14 *May 2002, which was developed pursuant to the con-*
15 *ference report for the Department of the Interior and*
16 *Related Agencies Appropriations Act, 2001 (House*
17 *Report 106–646).*

18 (4) *COMPLIANCE WITH CLEAN WATER ACT.*—
19 *Consistent with the Clean Water Act (33 U.S.C. 1251*
20 *et seq.) and Montana Code 75–5–703(10)(b), the Sec-*
21 *retary is not prohibited from implementing projects*
22 *under this title due to the lack of a Total Maximum*
23 *Daily Load as provided for under section 303(d) of*
24 *the Clean Water Act (33 U.S.C. 1313(d)), except that*

1 *the Secretary shall comply with any best management*
2 *practices required by the State of Montana.*

3 (5) *ENDANGERED SPECIES ACT CONSULTA-*
4 *TION.—If a consultation is required under section 7*
5 *of the Endangered Species Act (16 U.S.C. 1536) for*
6 *a project under this title, the Secretary of the Interior*
7 *shall expedite and give precedence to such consulta-*
8 *tion over any similar requests for consultation by the*
9 *Secretary.*

10 (6) *ADMINISTRATIVE APPEALS.—Section 322 of*
11 *the Department of the Interior and Related Agencies*
12 *Appropriations Act, 1993 (Public Law 102–381; 16*
13 *U.S.C. 1612 note) and section 215 of title 36, Code*
14 *of Federal Regulations shall apply to projects under*
15 *this title, except that—*

16 (A) *to be eligible to file an appeal, an indi-*
17 *vidual or organization shall submit specific and*
18 *substantive written comments during the com-*
19 *ment period; and*

20 (B) *a determination that an emergency sit-*
21 *uation exists pursuant to section 215.10 of title*
22 *36, Code of Federal Regulations, shall be made*
23 *where it is determined that implementation of*
24 *all or part of a decision for a project under this*
25 *title is necessary for relief from—*

- 1 (i) *adverse affects on soil stability and*
2 *water quality resulting from vegetation loss;*
3 *or*
4 (ii) *loss of fish and wildlife habitat.*

5 *SEC. 504. CONTRACTING AND COOPERATIVE AGREE-*
6 *MENTS. (a) IN GENERAL.—Notwithstanding chapter 63 of*
7 *title 31, United States Code, the Secretary may enter into*
8 *contract or cooperative agreements to carry out a project*
9 *under this title.*

10 (i) *EXEMPTION.—Notwithstanding any other provi-*
11 *sions of law, the Secretary may limit competition for a con-*
12 *tract or a cooperative agreement under subsection (a).*

13 *SEC. 505. MONITORING REQUIREMENTS. (a) IN GEN-*
14 *ERAL.—The Secretary shall establish a multiparty moni-*
15 *toring group consisting of a representative number of inter-*
16 *ested parties, as determined by the Secretary, to monitor*
17 *the performance and effectiveness of projects conducted*
18 *under this title.*

19 (i) *REPORTING REQUIREMENTS.—The multiparty*
20 *monitoring group shall prepare annually a report to the*
21 *Secretary on the progress of the projects conducted under*
22 *this title in rehabilitating and restoring the North Fork*
23 *drainage. The Secretary shall submit the report to the Sen-*
24 *ate Subcommittee on Interior Appropriations of the Senate*
25 *Committee on Appropriations.*

1 *SEC. 506. SUNSET. The authority for the Secretary to*
2 *issue a decision to carry out a project under this title shall*
3 *expire 5 years from the date of enactment.*

4 *SEC. 507. IMPLEMENTATION OF RECORDS OF DECI-*
5 *SION. The Secretary of Agriculture shall publish new infor-*
6 *mation regarding forest wide estimates of old growth from*
7 *volume 103 of the administrative record in the case cap-*
8 *tioned Ecology Center v. Castaneda, CV-02-200-M-DWM*
9 *(D. Mont.) for public comment for a 30-day period. The*
10 *Secretary shall review any comments received during the*
11 *comment period and decide whether to modify the Records*
12 *of Decision (hereinafter referred to as the “ROD’s”) for the*
13 *Pinkham, White Pine, Kelsey-Beaver, Gold/Boulder/Sul-*
14 *livan, and Pink Stone projects on the Kootenai National*
15 *Forest. The ROD’s, whether modified or not, shall not be*
16 *deemed arbitrary and capricious under the NFMA, NEPA*
17 *or other applicable law as long as each project area retains*
18 *10 percent designated old growth in the project area.*

19 *This Act may be cited as the “Department of the Inte-*
20 *rior and Related Agencies Appropriations Act, 2004”.*

Attest:

Secretary.

108TH CONGRESS
1ST SESSION

H. R. 2691

AMENDMENT