

Calendar No. **503**

107TH CONGRESS
2^D SESSION

H. R. 5093

IN THE SENATE OF THE UNITED STATES

JULY 18, 2002

Received; read twice and placed on the calendar

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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
4 fiscal year ending September 30, 2003, and for other pur-
5 poses, namely:

6 TITLE I—DEPARTMENT OF THE INTERIOR

7 BUREAU OF LAND MANAGEMENT

8 MANAGEMENT OF LANDS AND RESOURCES

9 For expenses necessary for protection, use, improve-
10 ment, development, disposal, cadastral surveying, classi-
11 fication, acquisition of easements and other interests in
12 lands, and performance of other functions, including main-
13 tenance of facilities, as authorized by law, in the manage-
14 ment of lands and their resources under the jurisdiction
15 of the Bureau of Land Management, including the general
16 administration of the Bureau, and assessment of mineral
17 potential of public lands pursuant to Public Law 96–487
18 (16 U.S.C. 3150(a)), \$826,932,000, to remain available
19 until expended, of which \$1,000,000 is for high priority
20 projects which shall be carried out by the Youth Conserva-
21 tion Corps, defined in section 250(c)(4)(E) of the Bal-
22 anced Budget and Emergency Deficit Control Act of 1985,
23 as amended, for the purposes of such Act; of which
24 \$2,228,000 shall be available for assessment of the min-
25 eral potential of public lands in Alaska pursuant to section

1 1010 of Public Law 96–487 (16 U.S.C. 3150); and of
2 which not to exceed \$1,000,000 shall be derived from the
3 special receipt account established by the Land and Water
4 Conservation Act of 1965, as amended (16 U.S.C. 460l–
5 6a(i)); and of which \$3,000,000 shall be available in fiscal
6 year 2003 subject to a match by at least an equal amount
7 by the National Fish and Wildlife Foundation, to such
8 Foundation for cost-shared projects supporting conserva-
9 tion of Bureau lands and such funds shall be advanced
10 to the Foundation as a lump sum grant without regard
11 to when expenses are incurred; in addition, \$32,696,000
12 for Mining Law Administration program operations, in-
13 cluding the cost of administering the mining claim fee pro-
14 gram; to remain available until expended, to be reduced
15 by amounts collected by the Bureau and credited to this
16 appropriation from annual mining claim fees so as to re-
17 sult in a final appropriation estimated at not more than
18 \$826,932,000, and \$2,000,000, to remain available until
19 expended, from communication site rental fees established
20 by the Bureau for the cost of administering communica-
21 tion site activities: *Provided*, That appropriations herein
22 made shall not be available for the destruction of healthy,
23 unadopted, wild horses and burros in the care of the Bu-
24 reau or its contractors: *Provided further*, That of the
25 amount provided, \$43,028,000 is for conservation spend-

1 ing category activities pursuant to 251(c) of the Balanced
2 Budget and Emergency Deficit Control Act of 1985, as
3 amended, for the purposes of discretionary spending lim-
4 its.

5 WILDLAND FIRE MANAGEMENT

6 For necessary expenses for fire preparedness, sup-
7 pression operations, fire science and research, emergency
8 rehabilitation, hazardous fuels reduction, and rural fire as-
9 sistance by the Department of the Interior, \$655,332,000,
10 to remain available until expended, of which not to exceed
11 \$12,374,000 shall be for the renovation or construction
12 of fire facilities: *Provided*, That such funds are also avail-
13 able for repayment of advances to other appropriation ac-
14 counts from which funds were previously transferred for
15 such purposes: *Provided further*, That persons hired pur-
16 suant to 43 U.S.C. 1469 may be furnished subsistence and
17 lodging without cost from funds available from this appro-
18 priation: *Provided further*, That notwithstanding 42
19 U.S.C. 1856d, sums received by a bureau or office of the
20 Department of the Interior for fire protection rendered
21 pursuant to 42 U.S.C. 1856 et seq., protection of United
22 States property, may be credited to the appropriation from
23 which funds were expended to provide that protection, and
24 are available without fiscal year limitation: *Provided fur-*
25 *ther*, That using the amounts designated under this title
26 of this Act, the Secretary of the Interior may enter into

1 procurement contracts, grants, or cooperative agreements,
2 for hazardous fuels reduction activities, and for training
3 and monitoring associated with such hazardous fuels re-
4 duction activities, on Federal land, or on adjacent non-
5 Federal land for activities that benefit resources on Fed-
6 eral land: *Provided further*, That the costs of implementing
7 any cooperative agreement between the Federal Govern-
8 ment and any non-Federal entity may be shared, as mutu-
9 ally agreed on by the affected parties: *Provided further*,
10 That in entering into such grants or cooperative agree-
11 ments, the Secretary may consider the enhancement of
12 local and small business employment opportunities for
13 rural communities, and that in entering into procurement
14 contracts under this section on a best value basis, the Sec-
15 retary may take into account the ability of an entity to
16 enhance local and small business employment opportuni-
17 ties in rural communities, and that the Secretary may
18 award procurement contracts, grants, or cooperative
19 agreements under this section to entities that include local
20 non-profit entities, Youth Conservation Corps or related
21 partnerships, or small or disadvantaged businesses: *Pro-*
22 *vided further*, That funds appropriated under this head
23 may be used to reimburse the United States Fish and
24 Wildlife Service and the National Marine Fisheries Service
25 for the costs of carrying out their responsibilities under

1 the Endangered Species Act of 1973 (16 U.S.C. 1531 et
2 seq.) to consult and conference, as required by section 7
3 of such Act in connection with wildland fire management
4 activities: *Provided further*, That the Secretary of the Inte-
5 rior may use wildland fire appropriations to enter into
6 non-competitive sole source leases of real property with
7 local governments, at or below fair market value, to con-
8 struct capitalized improvements for fire facilities on such
9 leased properties, including but not limited to fire guard
10 stations, retardant stations, and other initial attack and
11 fire support facilities, and to make advance payments for
12 any such lease or for construction activity associated with
13 the lease.

14 For an additional amount for “Wildland Fire Man-
15 agement” for fiscal year 2002 in addition to the amounts
16 made available by Public Law 107–63, \$200,000,000, to
17 remain available until December 31, 2002, for the cost
18 of fire suppression activities carried out by the Bureau of
19 Land Management and other Federal agencies related to
20 the 2002 fire season, including reimbursement of funds
21 borrowed from other Department of the Interior programs
22 to fight such fires: *Provided*, That the entire amount shall
23 be available only to the extent an official budget request,
24 that includes designation of the entire amount of the re-
25 quest as an emergency requirement as defined in the Bal-

1 anced Budget and Emergency Deficit Control Act of 1985,
2 as amended, is transmitted by the President to the Con-
3 gress: *Provided further*, That the entire amount is des-
4 ignated by the Congress as an emergency requirement
5 pursuant to section 251(b)(2)(A) of such Act.

6 CENTRAL HAZARDOUS MATERIALS FUND

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

1 CONSTRUCTION

2 For construction of buildings, recreation facilities,
3 roads, trails, and appurtenant facilities, \$10,976,000, to
4 remain available until expended.

5 PAYMENTS IN LIEU OF TAXES

6 For expenses necessary to implement the Act of Octo-
7 ber 20, 1976, as amended (31 U.S.C. 6901–6907),
8 \$230,000,000, of which not to exceed \$400,000 shall be
9 available for administrative expenses and of which
10 \$70,000,000 is for the conservation activities defined in
11 section 250(c)(4)(E) of the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985, as amended, for the
13 purposes of such Act: *Provided*, That no payment shall
14 be made to otherwise eligible units of local government if
15 the computed amount of the payment is less than \$100.

16 LAND ACQUISITION

17 For expenses necessary to carry out sections 205,
18 206, and 318(d) of Public Law 94–579, including admin-
19 istrative expenses and acquisition of lands or waters, or
20 interests therein, \$49,286,000 (reduced by \$1,800,00), to
21 be derived from the Land and Water Conservation Fund,
22 to remain available until expended, and to be for the con-
23 servation activities defined in section 250(c)(4)(E) of the
24 Balanced Budget and Emergency Deficit Control Act of
25 1985, as amended, for the purposes of such Act.

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 Or-
7 egon and California land-grant counties of Oregon, and
8 on adjacent rights-of-way; and acquisition of lands or in-
9 terests therein including existing connecting roads on or
10 adjacent to such grant lands; \$105,633,000, to remain
11 available until expended: *Provided*, That 25 percent of the
12 aggregate of all receipts during the current fiscal year
13 from the revested Oregon and California Railroad grant
14 lands is hereby made a charge against the Oregon and
15 California land-grant fund and shall be transferred to the
16 General Fund in the Treasury in accordance with the sec-
17 ond paragraph of subsection (b) of title II of the Act of
18 August 28, 1937 (50 Stat. 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
24 of planning, preparing, implementing, and monitoring sal-
25 vage timber sales and forest ecosystem health and recovery
26 activities such as release from competing vegetation and

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

7 RANGE IMPROVEMENTS

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

22 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

23 For administrative expenses and other costs related
24 to processing application documents and other authoriza-
25 tions for use and disposal of public lands and resources,
26 for costs of providing copies of official public land docu-

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

24 MISCELLANEOUS TRUST FUNDS

25 In addition to amounts authorized to be expended
26 under existing laws, there is hereby appropriated such

1 amounts as may be contributed under section 307 of the
2 Act of October 21, 1976 (43 U.S.C. 1701), and such
3 amounts as may be advanced for administrative costs, sur-
4 veys, appraisals, and costs of making conveyances of omit-
5 ted lands under section 211(b) of that Act, to remain
6 available until expended.

7 ADMINISTRATIVE PROVISIONS

8 Appropriations for the Bureau of Land Management
9 shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to
10 which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information
11 or evidence concerning violations of laws administered by
12 the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate,
13 not to exceed \$10,000: *Provided*, That notwithstanding 44
14 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with
15 jointly produced publications for which the cooperators
16 share the cost of printing either in cash or in services,
17 and the Bureau determines the cooperator is capable of
18 meeting accepted quality standards.
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1 UNITED STATES FISH AND WILDLIFE SERVICE
2 RESOURCE MANAGEMENT

3 For necessary expenses of the United States Fish and
4 Wildlife Service, for scientific and economic studies, con-
5 servation, management, investigations, protection, and
6 utilization of fishery and wildlife resources, except whales,
7 seals, and sea lions, maintenance of the herd of long-
8 horned cattle on the Wichita Mountains Wildlife Refuge,
9 general administration, and for the performance of other
10 authorized functions related to such resources by direct
11 expenditure, contracts, grants, cooperative agreements
12 and reimbursable agreements with public and private enti-
13 ties, \$918,359,000 to remain available until September
14 30, 2004, except as otherwise provided herein, of which
15 \$69,006,000 is for conservation spending category activi-
16 ties pursuant to section 251(c) of the Balanced Budget
17 and Emergency Deficit Control Act of 1985, as amended,
18 for the purposes of discretionary spending limits: *Pro-*
19 *vided*, That not less than \$2,000,000 shall be provided to
20 local governments in southern California for planning as-
21 sociated with the Natural Communities Conservation
22 Planning (NCCP) program and shall remain available
23 until expended: *Provided further*, That \$2,000,000 is for
24 high priority projects which shall be carried out by the
25 Youth Conservation Corps, defined in section

1 250(c)(4)(E) of the Balanced Budget and Emergency Def-
2 icit Control Act of 1985, as amended, for the purposes
3 of such Act: *Provided further*, That not to exceed
4 \$9,077,000 shall be used for implementing subsections
5 (a), (b), (c), and (e) of section 4 of the Endangered Spe-
6 cies Act, as amended, for species that are indigenous to
7 the United States (except for processing petitions, devel-
8 oping and issuing proposed and final regulations, and tak-
9 ing any other steps to implement actions described in sub-
10 section (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which
11 not to exceed \$5,000,000 shall be used for any activity
12 regarding the designation of critical habitat, pursuant to
13 subsection (a)(3), excluding litigation support, for species
14 already listed pursuant to subsection (a)(1) as of the date
15 of enactment this Act: *Provided further*, That of the
16 amount available for law enforcement, up to \$400,000 to
17 remain available until expended, may at the discretion of
18 the Secretary, be used for payment for information, re-
19 wards, or evidence concerning violations of laws adminis-
20 tered by the Service, and miscellaneous and emergency ex-
21 penses of enforcement activity, authorized or approved by
22 the Secretary and to be accounted for solely on her certifi-
23 cate: *Provided further*, That of the amount provided for
24 environmental contaminants, up to \$1,000,000 may re-

1 main available until expended for contaminant sample
2 analyses.

3 CONSTRUCTION

4 For construction, improvement, acquisition, or re-
5 moval of buildings and other facilities required in the con-
6 servation, management, investigation, protection, and uti-
7 lization of fishery and wildlife resources, and the acquisi-
8 tion of lands and interests therein; \$51,308,000 (increased
9 by \$1,800,000), to remain available until expended: *Pro-*
10 *vided*, That notwithstanding any other provision of law,
11 a single procurement for the expansion of the Clark R.
12 Bavin Forensics Laboratory in Oregon may be issued,
13 which includes the full scope of the project: *Provided fur-*
14 *ther*, That the solicitation and the contract shall contain
15 the clause “availability of funds” found at 48 CFR
16 52.232.18.

17 LAND ACQUISITION

18 For expenses necessary to carry out the Land and
19 Water Conservation Fund Act of 1965, as amended (16
20 U.S.C. 4601–4 through 11), including administrative ex-
21 penses, and for acquisition of land or waters, or interest
22 therein, in accordance with statutory authority applicable
23 to the United States Fish and Wildlife Service,
24 \$82,250,000, to be derived from the Land and Water Con-
25 servation Fund, to remain available until expended, and
26 to be for the conservation activities defined in section

1 250(c)(4)(E) of the Balanced Budget and Emergency Def-
2 icit Control Act of 1985, as amended, for the purposes
3 of such Act: *Provided*, That none of the funds appro-
4 priated for specific land acquisition projects can be used
5 to pay for any administrative overhead, planning or other
6 management costs.

7 LANDOWNER INCENTIVE PROGRAM

8 For expenses necessary to carry out the Land and
9 Water Conservation Fund Act of 1965, as amended (16
10 U.S.C. 4601–4 through 11), including administrative ex-
11 penses, and for private conservation efforts to be carried
12 out on private lands, \$40,000,000, to be derived from the
13 Land and Water Conservation Fund, to remain available
14 until expended, and to be for conservation spending cat-
15 egory activities pursuant to section 251(c) of the Balanced
16 Budget and Emergency Deficit Control Act of 1985, as
17 amended, for the purposes of discretionary spending lim-
18 its: *Provided*, That the amount provided herein is for a
19 Landowner Incentive Program established by the Sec-
20 retary that provides matching, competitively awarded
21 grants to States, the District of Columbia, Tribes, Puerto
22 Rico, Guam, the United States Virgin Islands, the North-
23 ern Mariana Islands, and American Samoa, to establish,
24 or supplement existing, landowner incentive programs that
25 provide technical and financial assistance, including habi-
26 tat protection and restoration, to private landowners for

1 the protection and management of habitat to benefit feder-
2 ally listed, proposed, or candidate species, or other at-risk
3 species on private lands.

4 STEWARDSHIP GRANTS

5 For expenses necessary to carry out the Land and
6 Water Conservation Fund Act of 1965, as amended (16
7 U.S.C. 4601–4 through 11), including administrative ex-
8 penses, and for private conservation efforts to be carried
9 out on private lands, \$10,000,000, to be derived from the
10 Land and Water Conservation Fund, to remain available
11 until expended, and to be for conservation spending cat-
12 egory activities pursuant to section 251(c) of the Balanced
13 Budget and Emergency Deficit Control Act of 1985, as
14 amended, for the purposes of discretionary spending lim-
15 its: *Provided*, That the amount provided herein is for the
16 Secretary to establish a Private Stewardship Grants Pro-
17 gram to provide grants and other assistance to individuals
18 and groups engaged in private conservation efforts that
19 benefit federally listed, proposed, or candidate species, or
20 other at-risk species.

21 COOPERATIVE ENDANGERED SPECIES CONSERVATION

22 FUND

23 For expenses necessary to carry out section 6 of the
24 Endangered Species Act of 1973 (16 U.S.C. 1531–1543),
25 as amended, \$121,400,000, of which \$42,929,000 is to be
26 derived from the Cooperative Endangered Species Con-

1 servation Fund and \$86,471,000 is to be derived from the
2 Land and Water Conservation Fund, to remain available
3 until expended, and to be for the conservation activities
4 defined in section 250(c)(4)(E) of the Balanced Budget
5 and Emergency Deficit Control Act of 1985, as amended,
6 for the purposes of such Act.

7 NATIONAL WILDLIFE REFUGE FUND

8 For expenses necessary to implement the Act of Octo-
9 ber 17, 1978 (16 U.S.C. 715s), \$19,414,000, of which
10 \$5,000,000 is for conservation spending category activities
11 pursuant to section 251(c) of the Balanced Budget and
12 Emergency Deficit Control Act of 1985, as amended, for
13 the purposes of discretionary spending limits.

14 NORTH AMERICAN WETLANDS CONSERVATION FUND

15 For expenses necessary to carry out the provisions
16 of the North American Wetlands Conservation Act, Public
17 Law 101-233, as amended, \$43,560,000, to remain avail-
18 able until expended and to be for the conservation activi-
19 ties defined in section 250(c)(4)(E) of the Balanced Budg-
20 et and Emergency Deficit Control Act of 1985, as amend-
21 ed, for the purposes of such Act: *Provided*, That, notwith-
22 standing any other provision of law, amounts in excess of
23 funds provided in fiscal year 2001 shall be used only for
24 projects in the United States.

1 NEOTROPICAL MIGRATORY BIRD CONSERVATION

2 For financial assistance for projects to promote the
3 conservation of neotropical migratory birds in accordance
4 with the Neotropical Migratory Bird Conservation Act,
5 Public Law 106–247 (16 U.S.C. 6101–6109), \$5,000,000,
6 to remain available until expended, and to be for conserva-
7 tion spending activities pursuant to section 251(c) of the
8 Balanced Budget and Emergency Deficit Control Act of
9 1985, as amended, for the purposes of discretionary
10 spending limits.

11 MULTINATIONAL SPECIES CONSERVATION FUND

12 For expenses necessary to carry out the African Ele-
13 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
14 4213, 4221–4225, 4241–4245, and 1538), the Asian Ele-
15 phant Conservation Act of 1997 (Public Law 105–96; 16
16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conserva-
17 tion Act of 1994 (16 U.S.C. 5301–5306), and the Great
18 Ape Conservation Act of 2000 (16 U.S.C. 6301),
19 \$4,800,000, to remain available until expended, and to be
20 for conservation spending activities pursuant to section
21 251(c) of the Balanced Budget and Emergency Deficit
22 Control Act of 1985, as amended, for the purposes of dis-
23 cretionary spending limits.

24 STATE WILDLIFE GRANTS

25 For wildlife conservation grants to States and to the
26 District of Columbia, Puerto Rico, Guam, the United

1 States Virgin Islands, the Northern Mariana Islands,
2 American Samoa, and federally recognized Indian tribes
3 under the provisions of the Fish and Wildlife Act of 1956
4 and the Fish and Wildlife Coordination Act, for the devel-
5 opment and implementation of programs for the benefit
6 of wildlife and their habitat, including species that are not
7 hunted or fished, \$100,000,000, to be derived from the
8 Land and Water Conservation Fund, to remain available
9 until expended, and to be for the conservation activities
10 defined in section 250(c)(4)(E) of the Balanced Budget
11 and Emergency Deficit Control Act of 1985, as amended,
12 for the purposes of such Act: *Provided*, That of the
13 amount provided herein, \$5,000,000 is for a competitive
14 grant program for Indian tribes not subject to the remain-
15 ing provisions of this appropriation: *Provided further*, That
16 the Secretary shall, after deducting said \$5,000,000 and
17 administrative expenses, apportion the amount provided
18 herein in the following manner: (A) to the District of Co-
19 lumbia and to the Commonwealth of Puerto Rico, each
20 a sum equal to not more than one-half of 1 percent there-
21 of; and (B) to Guam, American Samoa, the United States
22 Virgin Islands, and the Commonwealth of the Northern
23 Mariana Islands, each a sum equal to not more than one-
24 fourth of 1 percent thereof: *Provided further*, That the
25 Secretary shall apportion the remaining amount in the fol-

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

1 ation the relative level of funding available for the con-
2 servation of those species: *Provided further*, That any
3 amount apportioned in 2003 to any State, territory, or
4 other jurisdiction that remains unobligated as of Sep-
5 tember 30, 2004, shall be reapportioned, together with
6 funds appropriated in 2005, in the manner provided here-
7 in.

8 ADMINISTRATIVE PROVISIONS

9 Appropriations and funds available to the United
10 States Fish and Wildlife Service shall be available for pur-
11 chase of not to exceed 102 passenger motor vehicles, of
12 which 75 are for replacement only (including 39 for police-
13 type use); repair of damage to public roads within and
14 adjacent to reservation areas caused by operations of the
15 Service; options for the purchase of land at not to exceed
16 \$1 for each option; facilities incident to such public rec-
17 reational uses on conservation areas as are consistent with
18 their primary purpose; and the maintenance and improve-
19 ment of aquaria, buildings, and other facilities under the
20 jurisdiction of the Service and to which the United States
21 has title, and which are used pursuant to law in connection
22 with management and investigation of fish and wildlife re-
23 sources: *Provided*, That notwithstanding 44 U.S.C. 501,
24 the Service may, under cooperative cost sharing and part-
25 nership arrangements authorized by law, procure printing
26 services from cooperators in connection with jointly pro-

1 duced publications for which the cooperators share at least
2 one-half the cost of printing either in cash or services and
3 the Service determines the cooperator is capable of meet-
4 ing accepted quality standards: *Provided further*, That the
5 Service may accept donated aircraft as replacements for
6 existing aircraft: *Provided further*, That notwithstanding
7 any other provision of law, the Secretary of the Interior
8 may not spend any of the funds appropriated in this Act
9 for the purchase of lands or interests in lands to be used
10 in the establishment of any new unit of the National Wild-
11 life Refuge System unless the purchase is approved in ad-
12 vance by the House and Senate Committees on Appropria-
13 tions in compliance with the reprogramming procedures
14 contained in Senate Report 105-56.

15 NATIONAL PARK SERVICE

16 OPERATION OF THE NATIONAL PARK SYSTEM

17 For expenses necessary for the management, oper-
18 ation, and maintenance of areas and facilities adminis-
19 tered by the National Park Service (including special road
20 maintenance service to trucking permittees on a reimburs-
21 able basis), and for the general administration of the Na-
22 tional Park Service, \$1,605,593,000, of which \$9,000,000
23 is for conservation spending category activities pursuant
24 to section 251(c) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985, as amended, for the purposes

1 of discretionary spending limits and of which \$10,892,000
2 for research, planning and interagency coordination in
3 support of Everglades restoration shall remain available
4 until expended; and of which \$90,280,000 to remain avail-
5 able until September 30, 2004, is for maintenance repair
6 or rehabilitation projects for constructed assets, operation
7 of the National Park Service automated facility manage-
8 ment software system, and comprehensive facility condi-
9 tion assessments; and of which \$2,000,000 is for the
10 Youth Conservation Corps, defined in section
11 250(c)(4)(E) of the Balanced Budget and Emergency Def-
12 icit Control Act of 1985, as amended, for the purposes
13 of such Act, for high priority projects: *Provided*, That the
14 only funds in this account which may be made available
15 to support United States Park Police are those funds ap-
16 proved for emergency law and order incidents pursuant
17 to established National Park Service procedures, those
18 funds needed to maintain and repair United States Park
19 Police administrative facilities, and those funds necessary
20 to reimburse the United States Park Police account for
21 the unbudgeted overtime and travel costs associated with
22 special events for an amount not to exceed \$10,000 per
23 event subject to the review and concurrence of the Wash-
24 ington headquarters office: *Provided further*, That none of
25 the funds in this or any other Act may be used to fund

1 a new Associate Director position for Law Enforcement,
2 Protection, and Emergency Services.

3 UNITED STATES PARK POLICE

4 For expenses necessary to carry out the programs of
5 the United States Park Police, \$78,431,000.

6 NATIONAL RECREATION AND PRESERVATION

7 For expenses necessary to carry out recreation pro-
8 grams, natural programs, cultural programs, heritage
9 partnership programs, environmental compliance and re-
10 view, international park affairs, statutory or contractual
11 aid for other activities, and grant administration, not oth-
12 erwise provided for, \$56,330,000.

13 URBAN PARK AND RECREATION FUND

14 For expenses necessary to carry out the provisions
15 of the Urban Park and Recreation Recovery Act of 1978
16 (16 U.S.C. 2501 et seq.), \$30,000,000, to remain available
17 until expended and to be for the conservation activities
18 defined in section 250(c)(4)(E) of the Balanced Budget
19 and Emergency Deficit Control Act of 1985, as amended,
20 for the purposes of such Act.

21 HISTORIC PRESERVATION FUND

22 For expenses necessary in carrying out the Historic
23 Preservation Act of 1966, as amended (16 U.S.C. 470),
24 and the Omnibus Parks and Public Lands Management
25 Act of 1996 (Public Law 104–333), \$76,500,000, to be
26 derived from the Historic Preservation Fund, to remain

1 available until September 30, 2004, and to be for the con-
2 servation activities defined in section 250(c)(4)(E) of the
3 Balanced Budget and Emergency Deficit Control Act of
4 1985, as amended, for the purposes of such Act: *Provided*,
5 That, of the amount provided herein, \$2,500,000, to re-
6 main available until expended, is for a grant for the per-
7 petual care and maintenance of National Trust Historic
8 Sites, as authorized under 16 U.S.C. 470a(e)(2), to be
9 made available in full upon signing of a grant agreement:
10 *Provided further*, That, notwithstanding any other provi-
11 sion of law, these funds shall be available for investment
12 with the proceeds to be used for the same purpose as set
13 out herein: *Provided further*, That of the total amount pro-
14 vided, \$30,000,000 shall be for Save America's Treasures
15 for priority preservation projects, of nationally significant
16 sites, structures, and artifacts: *Provided further*, That any
17 individual Save America's Treasures grant shall be
18 matched by non-Federal funds: *Provided further*, That in-
19 dividual projects shall only be eligible for one grant, and
20 all projects to be funded shall be approved by the House
21 and Senate Committees on Appropriations and the Sec-
22 retary of the Interior in consultation with the President's
23 Committee on the Arts and Humanities prior to the com-
24 mitment of grant funds: *Provided further*, That Save
25 America's Treasures funds allocated for Federal projects

1 shall be available by transfer to appropriate accounts of
2 individual agencies, after approval of such projects by the
3 Secretary of the Interior, in consultation with the House
4 and Senate Committees on Appropriations and the Presi-
5 dent's Committee on the Arts and Humanities.

6 CONSTRUCTION

7 For construction, improvements, repair or replace-
8 ment of physical facilities, including the modifications au-
9 thorized by section 104 of the Everglades National Park
10 Protection and Expansion Act of 1989, \$325,186,000, to
11 remain available until expended, of which \$53,736,000 is
12 for conservation activities defined in section 250(c)(4)(E)
13 of the Balanced Budget and Emergency Deficit Control
14 Act of 1985, as amended, for the purposes of such Act:
15 *Provided*, That none of the funds in this or any other Act,
16 may be used to pay the salaries and expenses of more than
17 160 Full Time Equivalent personnel working for the Na-
18 tional Park Service's Denver Service Center funded under
19 the construction program management and operations ac-
20 tivity: *Provided further*, That none of the funds provided
21 in this or any other Act may be used to pre-design, plan,
22 or construct any new facility (including visitor centers, cu-
23 ratorial facilities, administrative buildings), for which ap-
24 propriations have not been specifically provided if the net
25 construction cost of such facility is in excess of
26 \$5,000,000, without prior approval of the House and Sen-

1 ate Committees on Appropriations: *Provided further*, That
2 this restriction applies to all funds available to the Na-
3 tional Park Service, including partnership and fee dem-
4 onstration projects: *Provided further*, That the National
5 Park Service may transfer to the City of Carlsbad, New
6 Mexico, funds for the construction of the National Cave
7 and Karst Research Institute to be built and operated in
8 accordance with provisions in Public Law 105–325 and
9 all other applicable laws and regulations. Title to the Insti-
10 tute will be held by the City of Carlsbad.

11 LAND AND WATER CONSERVATION FUND

12 (RESCISSION)

13 The contract authority provided for fiscal year 2003
14 by 16 U.S.C. 4601–10a is rescinded.

15 LAND ACQUISITION AND STATE ASSISTANCE

16 For expenses necessary to carry out the Land and
17 Water Conservation Act of 1965, as amended (16 U.S.C.
18 4601–4 through 11), including administrative expenses,
19 and for acquisition of lands or waters, or interest therein,
20 in accordance with the statutory authority applicable to
21 the National Park Service, \$253,099,000, to be derived
22 from the Land and Water Conservation Fund, to remain
23 available until expended, and to be for the conservation
24 activities defined in section 250(c)(4)(E) of the Balanced
25 Budget and Emergency Deficit Control Act of 1985, as
26 amended, for the purposes of such Act, of which

1 \$150,000,000 is for the State assistance program includ-
2 ing \$4,000,000 to administer the State assistance pro-
3 gram: *Provided*, That of the amounts provided under this
4 heading, \$20,000,000 may be for Federal grants, includ-
5 ing Federal administrative expenses, to the State of Flor-
6 ida for the acquisition of lands or waters, or interests
7 therein, within the Everglades watershed (consisting of
8 lands and waters within the boundaries of the South Flor-
9 ida Water Management District, Florida Bay and the
10 Florida Keys, including the areas known as the Frog
11 Pond, the Rocky Glades and the Eight and One-Half
12 Square Mile Area) under terms and conditions deemed
13 necessary by the Secretary to improve and restore the
14 hydrological function of the Everglades watershed: *Pro-*
15 *vided further*, That funds provided under this heading for
16 assistance to the State of Florida to acquire lands within
17 the Everglades watershed are contingent upon new match-
18 ing non-Federal funds by the State, or are matched by
19 the State pursuant to the cost-sharing provisions of sec-
20 tion 316(b) of Public Law 104–303, and shall be subject
21 to an agreement that the lands to be acquired will be man-
22 aged in perpetuity for the restoration of the Everglades:
23 *Provided further*, That none of the funds provided for the
24 State assistance program may be used to establish a con-
25 tingency fund.

1 ADMINISTRATIVE PROVISIONS

2 Appropriations for the National Park Service shall be
3 available for the purchase of not to exceed 301 passenger
4 motor vehicles, of which 273 shall be for replacement only,
5 including not to exceed 226 for police-type use, 10 buses,
6 and 8 ambulances: *Provided*, That none of the funds ap-
7 propriated to the National Park Service may be used to
8 process any grant or contract documents which do not in-
9 clude the text of 18 U.S.C. 1913: *Provided further*, That
10 none of the funds appropriated to the National Park Serv-
11 ice may be used to implement an agreement for the rede-
12 velopment of the southern end of Ellis Island until such
13 agreement has been submitted to the Congress and shall
14 not be implemented prior to the expiration of 30 calendar
15 days (not including any day in which either House of Con-
16 gress is not in session because of adjournment of more
17 than 3 calendar days to a day certain) from the receipt
18 by the Speaker of the House of Representatives and the
19 President of the Senate of a full and comprehensive report
20 on the development of the southern end of Ellis Island,
21 including the facts and circumstances relied upon in sup-
22 port of the proposed project.

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

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

8 Notwithstanding any other provision of law, in fiscal
9 year 2003 and thereafter, sums provided to the National
10 Park Service by private entities for utility services shall
11 be credited to the appropriate account and remain avail-
12 able until expended. Heretofore and hereafter, in carrying
13 out the work under reimbursable agreements with any
14 State, local or tribal government, the National Park Serv-
15 ice may, without regard to 31 U.S.C. 1341 or any other
16 provision of law or regulation, record obligations against
17 accounts receivable from such entities, and shall credit
18 amounts received from such entities to the appropriate ac-
19 count, such credit to occur within 90 days of the date of
20 the original request by the National Park Service for pay-
21 ment.

22 UNITED STATES GEOLOGICAL SURVEY

23 SURVEYS, INVESTIGATIONS, AND RESEARCH

24 For expenses necessary for the United States Geo-
25 logical Survey to perform surveys, investigations, and re-

1 search covering topography, geology, hydrology, biology,
2 and the mineral and water resources of the United States,
3 its territories and possessions, and other areas as author-
4 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
5 to their mineral and water resources; give engineering su-
6 pervision to power permittees and Federal Energy Regu-
7 latory Commission licensees; administer the minerals ex-
8 ploration program (30 U.S.C. 641); and publish and dis-
9 seminate data relative to the foregoing activities; and to
10 conduct inquiries into the economic conditions affecting
11 mining and materials processing industries (30 U.S.C. 3,
12 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes
13 as authorized by law and to publish and disseminate data;
14 \$928,405,000, of which \$64,855,000 shall be available
15 only for cooperation with States or municipalities for
16 water resources investigations; of which \$15,650,000 shall
17 remain available until expended for conducting inquiries
18 into the economic conditions affecting mining and mate-
19 rials processing industries; of which \$24,448,000 shall be
20 available until September 30, 2004 for the operation and
21 maintenance of facilities and deferred maintenance; and
22 of which \$170,414,000 shall be available until September
23 30, 2004 for the biological research activity and the oper-
24 ation of the Cooperative Research Units: *Provided*, That
25 none of these funds provided for the biological research

1 activity shall be used to conduct new surveys on private
2 property, unless specifically authorized in writing by the
3 property owner: *Provided further*, That of the amount pro-
4 vided herein, \$25,000,000 is for the conservation activities
5 defined in section 250(c)(4)(E) of the Balanced Budget
6 and Emergency Deficit Control Act of 1985, as amended,
7 for the purposes of such Act: *Provided further*, That no
8 part of this appropriation shall be used to pay more than
9 one-half the cost of topographic mapping or water re-
10 sources data collection and investigations carried on in co-
11 operation with States and municipalities.

12 ADMINISTRATIVE PROVISIONS

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

1 represent the United States in the negotiation and admin-
2 istration of interstate compacts: *Provided*, That activities
3 funded by appropriations herein made may be accom-
4 plished through the use of contracts, grants, or coopera-
5 tive agreements as defined in 31 U.S.C. 6302 et seq.: *Pro-*
6 *vided further*, That the United States Geological Survey
7 may use cooperative agreements for joint research and
8 data collection programs with Federal, State, and aca-
9 demic partners and may obtain space in cooperator facili-
10 ties incident to such cooperative agreements.

11 MINERAL MANAGEMENT SERVICE

12 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

13 For expenses necessary for minerals leasing and envi-
14 ronmental studies, regulation of industry operations, and
15 collection of royalties, as authorized by law; for enforcing
16 laws and regulations applicable to oil, gas, and other min-
17 erals leases, permits, licenses and operating contracts; and
18 for matching grants or cooperative agreements; including
19 the purchase of not to exceed eight passenger motor vehi-
20 cles for replacement only, \$164,721,000, of which
21 \$83,284,000, shall be available for royalty management
22 activities; and an amount not to exceed \$100,230,000, to
23 be credited to this appropriation and to remain available
24 until expended, from additions to receipts resulting from
25 increases to rates in effect on August 5, 1993, from rate

1 increases to fee collections for Outer Continental Shelf ad-
2 ministrative activities performed by the Minerals Manage-
3 ment Service over and above the rates in effect on Sep-
4 tember 30, 1993, and from additional fees for Outer Con-
5 tinental Shelf administrative activities established after
6 September 30, 1993: *Provided*, That to the extent
7 \$100,230,000 in additions to receipts are not realized
8 from the sources of receipts stated above, the amount
9 needed to reach \$100,230,000 shall be credited to this ap-
10 propriation from receipts resulting from rental rates for
11 Outer Continental Shelf leases in effect before August 5,
12 1993: *Provided further*, That \$3,000,000 for computer ac-
13 quisitions shall remain available until September 30,
14 2004: *Provided further*, That funds appropriated under
15 this Act shall be available for the payment of interest in
16 accordance with 30 U.S.C. 1721(b) and (d): *Provided fur-*
17 *ther*, That not to exceed \$3,000 shall be available for rea-
18 sonable expenses related to promoting volunteer beach and
19 marine cleanup activities: *Provided further*, That notwith-
20 standing any other provision of law, \$15,000 under this
21 heading shall be available for refunds of overpayments in
22 connection with certain Indian leases in which the Direc-
23 tor of the Minerals Management Service (MMS) concurred
24 with the claimed refund due, to pay amounts owed to In-
25 dian allottees or tribes, or to correct prior unrecoverable

1 erroneous payments: *Provided further*, That MMS may
2 under the royalty-in-kind pilot program, or under its au-
3 thority to transfer oil to the Strategic Petroleum Reserve,
4 use a portion of the revenues from royalty-in-kind sales,
5 without regard to fiscal year limitation, to pay for trans-
6 portation to wholesale market centers or upstream pooling
7 points, to process or otherwise dispose of royalty produc-
8 tion taken in kind, and to recover MMS transportation
9 costs, salaries, and other administrative costs directly re-
10 lated to filling the Strategic Petroleum Reserve: *Provided*
11 *further*, That MMS shall analyze and document the ex-
12 pected return in advance of any royalty-in-kind sales to
13 assure to the maximum extent practicable that royalty in-
14 come under the pilot program is equal to or greater than
15 royalty income recognized under a comparable royalty-in-
16 value program.

17 OIL SPILL RESEARCH

18 For necessary expenses to carry out title I, section
19 1016, title IV, sections 4202 and 4303, title VII, and title
20 VIII, section 8201 of the Oil Pollution Act of 1990,
21 \$6,105,000, which shall be derived from the Oil Spill Li-
22 ability Trust Fund, to remain available until expended.

1 OFFICE OF SURFACE MINING RECLAMATION AND
2 ENFORCEMENT
3 REGULATION AND TECHNOLOGY

4 For necessary expenses to carry out the provisions
5 of the Surface Mining Control and Reclamation Act of
6 1977, Public Law 95–87, as amended, including the pur-
7 chase of not to exceed 10 passenger motor vehicles, for
8 replacement only; \$105,367,000: *Provided*, That the Sec-
9 retary of the Interior, pursuant to regulations, may use
10 directly or through grants to States, moneys collected in
11 fiscal year 2003 for civil penalties assessed under section
12 518 of the Surface Mining Control and Reclamation Act
13 of 1977 (30 U.S.C. 1268), to reclaim lands adversely af-
14 fected by coal mining practices after August 3, 1977, to
15 remain available until expended: *Provided further*, That
16 appropriations for the Office of Surface Mining Reclama-
17 tion and Enforcement may provide for the travel and per
18 diem expenses of State and tribal personnel attending Of-
19 fice of Surface Mining Reclamation and Enforcement
20 sponsored training.

21 ABANDONED MINE RECLAMATION FUND

22 For necessary expenses to carry out title IV of the
23 Surface Mining Control and Reclamation Act of 1977,
24 Public Law 95–87, as amended, including the purchase
25 of not more than 10 passenger motor vehicles for replace-
26 ment only, \$184,745,000, to be derived from receipts of

1 the Abandoned Mine Reclamation Fund and to remain
2 available until expended; of which up to \$10,000,000, to
3 be derived from the Federal Expenses Share of the Fund,
4 shall be for supplemental grants to States for the reclama-
5 tion of abandoned sites with acid mine rock drainage from
6 coal mines, and for associated activities, through the Ap-
7 palachian Clean Streams Initiative: *Provided*, That grants
8 to minimum program States will be \$1,500,000 per State
9 in fiscal year 2003: *Provided further*, That of the funds
10 herein provided up to \$18,000,000 may be used for the
11 emergency program authorized by section 410 of Public
12 Law 95–87, as amended, of which no more than 25 per-
13 cent shall be used for emergency reclamation projects in
14 any one State and funds for federally administered emer-
15 gency reclamation projects under this proviso shall not ex-
16 ceed \$11,000,000: *Provided further*, That prior year unob-
17 ligated funds appropriated for the emergency reclamation
18 program shall not be subject to the 25 percent limitation
19 per State and may be used without fiscal year limitation
20 for emergency projects: *Provided further*, That pursuant
21 to Public Law 97–365, the Department of the Interior is
22 authorized to use up to 20 percent from the recovery of
23 the delinquent debt owed to the United States Government
24 to pay for contracts to collect these debts: *Provided fur-*
25 *ther*, That funds made available under title IV of Public

1 Law 95–87 may be used for any required non-Federal
2 share of the cost of projects funded by the Federal Gov-
3 ernment for the purpose of environmental restoration re-
4 lated to treatment or abatement of acid mine drainage
5 from abandoned mines: *Provided further*, That such
6 projects must be consistent with the purposes and prior-
7 ities of the Surface Mining Control and Reclamation Act.

8 BUREAU OF INDIAN AFFAIRS

9 OPERATION OF INDIAN PROGRAMS

10 For expenses necessary for the operation of Indian
11 programs, as authorized by law, including the Snyder Act
12 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
13 termination and Education Assistance Act of 1975 (25
14 U.S.C. 450 et seq.), as amended, the Education Amend-
15 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
16 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
17 as amended, \$1,859,064,000, to remain available until
18 September 30, 2004 except as otherwise provided herein,
19 of which not to exceed \$89,857,000 shall be for welfare
20 assistance payments and notwithstanding any other provi-
21 sion of law, including but not limited to the Indian Self-
22 Determination Act of 1975, as amended, not to exceed
23 \$133,209,000 shall be available for payments to tribes and
24 tribal organizations for contract support costs associated
25 with ongoing contracts, grants, compacts, or annual fund-

1 ing agreements entered into with the Bureau prior to or
2 during fiscal year 2003, as authorized by such Act, except
3 that tribes and tribal organizations may use their tribal
4 priority allocations for unmet indirect costs of ongoing
5 contracts, grants, or compacts, or annual funding agree-
6 ments and for unmet welfare assistance costs; and up to
7 \$2,000,000 shall be for the Indian Self-Determination
8 Fund which shall be available for the transitional cost of
9 initial or expanded tribal contracts, grants, compacts or
10 cooperative agreements with the Bureau under such Act;
11 and of which not to exceed \$454,985,000 for school oper-
12 ations costs of Bureau-funded schools and other education
13 programs shall become available on July 1, 2003, and
14 shall remain available until September 30, 2004; and of
15 which not to exceed \$57,536,000 shall remain available
16 until expended for housing improvement, road mainte-
17 nance, attorney fees, litigation support, the Indian Self-
18 Determination Fund, land records improvement, and the
19 Navajo-Hopi Settlement Program: *Provided*, That not-
20 withstanding any other provision of law, including but not
21 limited to the Indian Self-Determination Act of 1975, as
22 amended, and 25 U.S.C. 2008, not to exceed \$49,065,000
23 within and only from such amounts made available for
24 school operations shall be available to tribes and tribal or-
25 ganizations for administrative cost grants associated with

1 the operation of Bureau-funded schools: *Provided further*,
2 That any forestry funds allocated to a tribe which remain
3 unobligated as of September 30, 2004, may be transferred
4 during fiscal year 2005 to an Indian forest land assistance
5 account established for the benefit of such tribe within the
6 tribe's trust fund account: *Provided further*, That any such
7 unobligated balances not so transferred shall expire on
8 September 30, 2005.

9 CONSTRUCTION

10 For construction, repair, improvement, and mainte-
11 nance of irrigation and power systems, buildings, utilities,
12 and other facilities, including architectural and engineer-
13 ing services by contract; acquisition of lands, and interests
14 in lands; and preparation of lands for farming, and for
15 construction of the Navajo Indian Irrigation Project pur-
16 suant to Public Law 87-483, \$345,252,000, to remain
17 available until expended: *Provided*, That such amounts as
18 may be available for the construction of the Navajo Indian
19 Irrigation Project may be transferred to the Bureau of
20 Reclamation: *Provided further*, That not to exceed 6 per-
21 cent of contract authority available to the Bureau of In-
22 dian Affairs from the Federal Highway Trust Fund may
23 be used to cover the road program management costs of
24 the Bureau: *Provided further*, That any funds provided for
25 the Safety of Dams program pursuant to 25 U.S.C. 13
26 shall be made available on a nonreimbursable basis: *Pro-*

1 *vided further*, That for fiscal year 2003, in implementing
2 new construction or facilities improvement and repair
3 project grants in excess of \$100,000 that are provided to
4 tribally controlled grant schools under Public Law 100–
5 297, as amended, the Secretary of the Interior shall use
6 the Administrative and Audit Requirements and Cost
7 Principles for Assistance Programs contained in 43 CFR
8 part 12 as the regulatory requirements: *Provided further*,
9 That such grants shall not be subject to section 12.61 of
10 43 CFR; the Secretary and the grantee shall negotiate and
11 determine a schedule of payments for the work to be per-
12 formed: *Provided further*, That in considering applications,
13 the Secretary shall consider whether the Indian tribe or
14 tribal organization would be deficient in assuring that the
15 construction projects conform to applicable building stand-
16 ards and codes and Federal, tribal, or State health and
17 safety standards as required by 25 U.S.C. 2005(a), with
18 respect to organizational and financial management capa-
19 bilities: *Provided further*, That if the Secretary declines an
20 application, the Secretary shall follow the requirements
21 contained in 25 U.S.C. 2505(f): *Provided further*, That
22 any disputes between the Secretary and any grantee con-
23 cerning a grant shall be subject to the disputes provision
24 in 25 U.S.C. 2508(e).

1 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
2 MISCELLANEOUS PAYMENTS TO INDIANS

3 For miscellaneous payments to Indian tribes and in-
4 dividuals and for necessary administrative expenses,
5 \$60,949,000, to remain available until expended; of which
6 \$24,870,000 shall be available for implementation of en-
7 acted Indian land and water claim settlements pursuant
8 to Public Laws 101–618 and 102–575, and for implemen-
9 tation of other enacted water rights settlements; of which
10 \$5,068,000 shall be available for future water supplies fa-
11 cilities under Public Law 106–163; of which \$31,011,000
12 shall be available pursuant to Public Laws 99–264, 100–
13 580, 106–263, 106–425, and 106–554: *Provided*, That of
14 the amount provided for implementation of Public Law
15 106–263, \$3,000,000 for a water rights and habitat acqui-
16 sition program shall be derived from the Land and Water
17 Conservation Fund.

18 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

19 For the cost of guaranteed and insured loans,
20 \$5,000,000, as authorized by the Indian Financing Act
21 of 1974, as amended: *Provided*, That such costs, including
22 the cost of modifying such loans, shall be as defined in
23 section 502 of the Congressional Budget Act of 1974: *Pro-*
24 *vided further*, That these funds are available to subsidize
25 total loan principal, any part of which is to be guaranteed,
26 not to exceed \$72,424,000.

1 In addition, for administrative expenses to carry out
2 the guaranteed and insured loan programs, \$493,000.

3 ADMINISTRATIVE PROVISIONS

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

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

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

20 Notwithstanding any other provision of law, no funds
21 available to the Bureau of Indian Affairs for central office
22 operations, pooled overhead general administration (except
23 facilities operations and maintenance), or provided to im-
24 plement the recommendations of the National Academy of
25 Public Administration's August 1999 report shall be avail-
26 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–
4 413).

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

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

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

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

21 DEPARTMENTAL OFFICES

22 INSULAR AFFAIRS

23 ASSISTANCE TO TERRITORIES

24 For expenses necessary for assistance to territories
25 under the jurisdiction of the Department of the Interior,

1 \$73,217,000, of which: (1) \$67,922,000 shall be available
2 until expended for technical assistance, including mainte-
3 nance assistance, disaster assistance, insular management
4 controls, coral reef initiative activities, and brown tree
5 snake control and research; grants to the judiciary in
6 American Samoa for compensation and expenses, as au-
7 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
8 ment of American Samoa, in addition to current local rev-
9 enues, for construction and support of governmental func-
10 tions; grants to the Government of the Virgin Islands as
11 authorized by law; grants to the Government of Guam,
12 as authorized by law; and grants to the Government of
13 the Northern Mariana Islands as authorized by law (Pub-
14 lic Law 94-241; 90 Stat. 272); and (2) \$5,295,000 shall
15 be available for salaries and expenses of the Office of Insu-
16 lar Affairs: *Provided*, That all financial transactions of the
17 territorial and local governments herein provided for, in-
18 cluding such transactions of all agencies or instrumental-
19 ities established or used by such governments, may be au-
20 dited by the General Accounting Office, at its discretion,
21 in accordance with chapter 35 of title 31, United States
22 Code: *Provided further*, That Northern Mariana Islands
23 Covenant grant funding shall be provided according to
24 those terms of the Agreement of the Special Representa-
25 tives on Future United States Financial Assistance for the

1 Northern Mariana Islands approved by Public Law 104–
2 134: *Provided further*, That of the amounts provided for
3 Northern Mariana Islands Covenant grant funding,
4 \$1,000,000 shall be granted to the Prior Service Benefits
5 Administration: *Provided further*, That of the amounts
6 provided for technical assistance, sufficient funding shall
7 be made available for a grant to the Close Up Foundation:
8 *Provided further*, That the funds for the program of oper-
9 ations and maintenance improvement are appropriated to
10 institutionalize routine operations and maintenance im-
11 provement of capital infrastructure, with territorial par-
12 ticipation and cost sharing to be determined by the Sec-
13 retary based on the grantee’s commitment to timely main-
14 tenance of its capital assets: *Provided further*, That any
15 appropriation for disaster assistance under this heading
16 in this Act or previous appropriations Acts may be used
17 as non-Federal matching funds for the purpose of hazard
18 mitigation grants provided pursuant to section 404 of the
19 Robert T. Stafford Disaster Relief and Emergency Assist-
20 ance Act (42 U.S.C. 5170c).

21 COMPACT OF FREE ASSOCIATION

22 For economic assistance and necessary expenses for
23 the Federated States of Micronesia and the Republic of
24 the Marshall Islands as provided for in sections 122, 221,
25 223, 232, and 233 of the Compact of Free Association,
26 and for economic assistance and necessary expenses for

1 the Republic of Palau as provided for in sections 122, 221,
2 223, 232, and 233 of the Compact of Free Association,
3 \$21,045,000, to remain available until expended, as au-
4 thorized by Public Law 99–239 and Public Law 99–658.

5 DEPARTMENTAL MANAGEMENT

6 SALARIES AND EXPENSES

7 For necessary expenses for management of the De-
8 partment of the Interior, \$72,533,000 (reduced by
9 \$15,000,000), of which not to exceed \$8,500 may be for
10 official reception and representation expenses, and of
11 which up to \$1,000,000 shall be available for workers com-
12 pensation payments and unemployment compensation pay-
13 ments associated with the orderly closure of the United
14 States Bureau of Mines.

15 OFFICE OF THE SOLICITOR

16 SALARIES AND EXPENSES

17 For necessary expenses of the Office of the Solicitor,
18 \$47,473,000.

19 OFFICE OF INSPECTOR GENERAL

20 SALARIES AND EXPENSES

21 For necessary expenses of the Office of Inspector
22 General, \$36,239,000, of which \$3,812,000 shall be for
23 procurement by contract of independent auditing services
24 to audit the consolidated Department of the Interior an-
25 nual financial statement and the annual financial state-

1 ment of the Department of the Interior bureaus and of-
2 fices funded in this Act.

3 NATIONAL INDIAN GAMING COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses of the National Indian Gam-
6 ing Commission, pursuant to Public Law 100-497,
7 \$2,000,000, to remain available until expended.

8 OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

9 FEDERAL TRUST PROGRAMS

10 For operation of trust programs for Indians by direct
11 expenditure, contracts, cooperative agreements, compacts,
12 and grants, \$141,277,000, to remain available until ex-
13 pended: *Provided*, That funds for trust management im-
14 provements may be transferred, as needed, to the Bureau
15 of Indian Affairs “Operation of Indian Programs” account
16 and to the Departmental Management “Salaries and Ex-
17 penses” account: *Provided further*, That funds made avail-
18 able to Tribes and Tribal organizations through contracts
19 or grants obligated during fiscal year 2003, as authorized
20 by the Indian Self-Determination Act of 1975 (25 U.S.C.
21 450 et seq.), shall remain available until expended by the
22 contractor or grantee: *Provided further*, That notwith-
23 standing any other provision of law, the statute of limita-
24 tions shall not commence to run on any claim, including
25 any claim in litigation pending on the date of the enact-

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

21 INDIAN LAND CONSOLIDATION

22 For consolidation of fractional interests in Indian
23 lands and expenses associated with redetermining and re-
24 distributing escheated interests in allotted lands, and for
25 necessary expenses to carry out the Indian Land Consoli-
26 dation Act of 1983, as amended, by direct expenditure or

1 cooperative agreement, \$7,980,000, to remain available
2 until expended and which may be transferred to the Bu-
3 reau of Indian Affairs and Departmental Management.

4 NATURAL RESOURCE DAMAGE ASSESSMENT AND
5 RESTORATION

6 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

7 To conduct natural resource damage assessment and
8 restoration activities by the Department of the Interior
9 necessary to carry out the provisions of the Comprehensive
10 Environmental Response, Compensation, and Liability
11 Act, as amended (42 U.S.C. 9601 et seq.), Federal Water
12 Pollution Control Act, as amended (33 U.S.C. 1251 et
13 seq.), the Oil Pollution Act of 1990 (Public Law 101–380)
14 (33 U.S.C. 2701 et seq.), and Public Law 101–337, as
15 amended (16 U.S.C. 19jj et seq.), \$5,538,000, to remain
16 available until expended.

17 ADMINISTRATIVE PROVISIONS

18 There is hereby authorized for acquisition from avail-
19 able resources within the Working Capital Fund, 15 air-
20 craft, 10 of which shall be for replacement and which may
21 be obtained by donation, purchase or through available ex-
22 cess surplus property: *Provided*, That notwithstanding any
23 other provision of law, existing aircraft being replaced may
24 be sold, with proceeds derived or trade-in value used to
25 offset the purchase price for the replacement aircraft: *Pro-*
26 *vided further*, That no programs funded with appropriated

1 funds in the “Departmental Management”, “Office of the
2 Solicitor”, and “Office of Inspector General” may be aug-
3 mented through the Working Capital Fund or the Consoli-
4 dated Working Fund.

5 GENERAL PROVISIONS, DEPARTMENT OF THE
6 INTERIOR

7 SEC. 101. Appropriations made in this title shall be
8 available for expenditure or transfer (within each bureau
9 or office), with the approval of the Secretary, for the emer-
10 gency reconstruction, replacement, or repair of aircraft,
11 buildings, utilities, or other facilities or equipment dam-
12 aged or destroyed by fire, flood, storm, or other unavoid-
13 able causes: *Provided*, That no funds shall be made avail-
14 able under this authority until funds specifically made
15 available to the Department of the Interior for emer-
16 gencies shall have been exhausted: *Provided further*, That
17 all funds used pursuant to this section are hereby des-
18 ignated by Congress to be “emergency requirements” pur-
19 suant to section 251(b)(2)(A) of the Balanced Budget and
20 Emergency Deficit Control Act of 1985, and must be re-
21 plenished by a supplemental appropriation which must be
22 requested as promptly as possible.

23 SEC. 102. The Secretary may authorize the expendi-
24 ture or transfer of any no year appropriation in this title,
25 in addition to the amounts included in the budget pro-

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

1 their use for wildland fire operations, such reimbursement
2 to be credited to appropriations currently available at the
3 time of receipt thereof: *Provided further*, That for wildland
4 fire operations, no funds shall be made available under
5 this authority until the Secretary determines that funds
6 appropriated for “wildland fire operations” shall be ex-
7 hausted within 30 days: *Provided further*, That all funds
8 used pursuant to this section are hereby designated by
9 Congress to be “emergency requirements” pursuant to
10 section 251(b)(2)(A) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985, and must be replen-
12 ished by a supplemental appropriation which must be re-
13 quested as promptly as possible: *Provided further*, That
14 such replenishment funds shall be used to reimburse, on
15 a pro rata basis, accounts from which emergency funds
16 were transferred.

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

1 ited to the appropriation current at the time such reim-
2 bursements are received.

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

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

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

24 SEC. 107. No funds provided in this title may be ex-
25 pended by the Department of the Interior for the conduct

1 of offshore preleasing, leasing and related activities placed
2 under restriction in the President's moratorium statement
3 of June 12, 1998, in the areas of northern, central, and
4 southern California; the North Atlantic; Washington and
5 Oregon; and the eastern Gulf of Mexico south of 26 de-
6 grees north latitude and east of 86 degrees west longitude.

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

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

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

23 SEC. 111. Advance payments made under this title
24 to Indian tribes, tribal organizations, and tribal consortia
25 pursuant to the Indian Self-Determination and Education

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

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

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

19 SEC. 112. Notwithstanding any other provisions of
20 law, the National Park Service shall not develop or imple-
21 ment a reduced entrance fee program to accommodate
22 non-local travel through a unit. The Secretary may provide
23 for and regulate local non-recreational passage through
24 units of the National Park System, allowing each unit to

1 develop guidelines and permits for such activity appro-
2 priate to that unit.

3 SEC. 113. Appropriations made in this Act under the
4 headings Bureau of Indian Affairs and Office of Special
5 Trustee for American Indians and any available unobli-
6 gated balances from prior appropriations Acts made under
7 the same headings, shall be available for expenditure or
8 transfer for Indian trust management and reform activi-
9 ties.

10 SEC. 114. Notwithstanding any other provision of
11 law, the Secretary of the Interior hereafter has ongoing
12 authority to negotiate and enter into agreements and
13 leases, without regard to section 321 of chapter 314 of
14 the Act of June 30, 1932 (40 U.S.C. 303b), with any per-
15 son, firm, association, organization, corporation, or gov-
16 ernmental entity, for all or part of the property within
17 Fort Baker administered by the Secretary as part of the
18 Golden Gate National Recreation Area. The proceeds of
19 the agreements or leases shall be retained by the Secretary
20 and such proceeds shall remain available until expended,
21 without further appropriation, for the preservation, res-
22 toration, operation, maintenance, interpretation, public
23 programs, and related expenses of the National Park Serv-
24 ice and nonprofit park partners incurred with respect to
25 Fort Baker properties.

1 SEC. 115. Notwithstanding any other provision of
2 law, for the purpose of reducing the backlog of Indian pro-
3 bate cases in the Department of the Interior, the hearing
4 requirements of chapter 10 of title 25, United States
5 Code, are deemed satisfied by a proceeding conducted by
6 an Indian probate judge, appointed by the Secretary with-
7 out regard to the provisions of title 5, United States Code,
8 governing the appointments in the competitive service, for
9 such period of time as the Secretary determines necessary:
10 *Provided*, That the basic pay of an Indian probate judge
11 so appointed may be fixed by the Secretary without regard
12 to the provisions of chapter 51, and subchapter III of
13 chapter 53 of title 5, United States Code, governing the
14 classification and pay of General Schedule employees, ex-
15 cept that no such Indian probate judge may be paid at
16 a level which exceeds the maximum rate payable for the
17 highest grade of the General Schedule, including locality
18 pay.

19 SEC. 116. Notwithstanding any other provision of
20 law, the Secretary of the Interior is authorized to redis-
21 tribute any Tribal Priority Allocation funds, including
22 tribal base funds, to alleviate tribal funding inequities by
23 transferring funds to address identified, unmet needs,
24 dual enrollment, overlapping service areas or inaccurate
25 distribution methodologies. No tribe shall receive a reduc-

1 tion in Tribal Priority Allocation funds of more than 10
2 percent in fiscal year 2003. Under circumstances of dual
3 enrollment, overlapping service areas or inaccurate dis-
4 tribution methodologies, the 10 percent limitation does not
5 apply.

6 SEC. 117. Funds appropriated for the Bureau of In-
7 dian Affairs for postsecondary schools for fiscal year 2003
8 shall be allocated among the schools proportionate to the
9 unmet need of the schools as determined by the Postsec-
10 ondary Funding Formula adopted by the Office of Indian
11 Education Programs.

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

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

21 SEC. 119. Notwithstanding any other provision of
22 law, in conveying the Twin Cities Research Center under
23 the authority provided by Public Law 104–134, as amend-
24 ed by Public Law 104–208, the Secretary may accept and
25 retain land and other forms of reimbursement: *Provided,*

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

7 SEC. 120. Section 412(b) of the National Parks Om-
8 nibus Management Act of 1998, as amended (16 U.S.C.
9 5961) is further amended by striking “2002” and insert-
10 ing “2003”.

11 SEC. 121. Notwithstanding other provisions of law,
12 the National Park Service may authorize, through cooper-
13 ative agreement, the Golden Gate National Parks Associa-
14 tion to provide fee-based education, interpretive and vis-
15 itor service functions within the Crissy Field and Fort
16 Point areas of the Presidio.

17 SEC. 122. Notwithstanding 31 U.S.C. 3302(b), sums
18 received by the Bureau of Land Management for the sale
19 of seeds or seedlings including those collected in fiscal year
20 2002, may be credited to the appropriation from which
21 funds were expended to acquire or grow the seeds or seed-
22 lings and are available without fiscal year limitation.

23 WHITE RIVER OIL SHALE MINE, UTAH—SALE

24 SEC. 123. Subject to the terms and conditions of sec-
25 tion 126 of the Department of the Interior and Related
26 Agencies Act, 2002, the Administrator of General Services

1 shall sell all right, title, and interest of the United States
2 in and to the improvements and equipment of the White
3 River Oil Shale Mine.

4 SEC. 124. The Secretary of the Interior may use or
5 contract for the use of helicopters or motor vehicles on
6 the Sheldon and Hart National Wildlife Refuges for the
7 purpose of capturing and transporting horses and burros.
8 The provisions of subsection (a) of the Act of September
9 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be appli-
10 cable to such use. Such use shall be in accordance with
11 humane procedures prescribed by the Secretary.

12 SEC. 125. Funds provided in this Act for Federal
13 land acquisition by the National Park Service for Shen-
14 andoah Valley Battlefields National Historic District, and
15 Ice Age National Scenic Trail may be used for a grant
16 to a State, a local government, or any other governmental
17 land management entity for the acquisition of lands with-
18 out regard to any restriction on the use of Federal land
19 acquisition funds provided through the Land and Water
20 Conservation Fund Act of 1965 as amended.

21 SEC. 126. 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. 127. None of the funds made available in this
2 Act may be used: (1) to demolish the bridge between Jer-
3 sey City, New Jersey, and Ellis Island; or (2) to prevent
4 pedestrian use of such bridge, when such pedestrian use
5 is consistent with generally accepted safety standards.

6 SEC. 128. None of the funds made available in this
7 or any other Act for any fiscal year may be used to des-
8 ignate, or to post any sign designating, any portion of Ca-
9 navaeral National Seashore in Brevard County, Florida, as
10 a clothing-optional area or as an area in which public nu-
11 dity is permitted, if such designation would be contrary
12 to county ordinance.

13 SEC. 129. Notwithstanding any other provision of
14 law, the United States Fish and Wildlife Service may use
15 funds appropriated in this Act for incidental expenses re-
16 lated to promoting and celebrating the Centennial of the
17 National Wildlife Refuge System.

18 SEC. 130. The National Park Service may in fiscal
19 year 2003 and thereafter enter into a cooperative agree-
20 ment with and transfer funds to Capital Concerts, a non-
21 profit organization, for the purpose of carrying out pro-
22 grams pursuant to 31 U.S.C. 6305.

23 SEC. 131. No later than 30 days after enactment of
24 this Act, the Secretary of the Interior shall provide to the
25 House and Senate Committees on Appropriations and the

1 House Committee on Resources and the Senate Com-
2 mittee on Indian Affairs a summary of the Ernst and
3 Young report on the historical accounting for the five
4 named plaintiffs in Cobell v. Norton. The summary shall
5 not provide individually identifiable financial information,
6 but shall fully describe the aggregate results of the histor-
7 ical accounting.

8 SEC. 132. None of the funds in this or any other Act
9 for the Department of the Interior or the Department of
10 Justice can be used to compensate the Special Master and
11 the Court Monitor appointed by the United States District
12 Court for the District of Columbia in the Cobell v. Norton
13 litigation at an annual rate that exceeds 200 percent of
14 the highest Senior Executive Service rate of pay for the
15 Washington-Baltimore locality pay area.

16 SEC. 133. Within 90 days of enactment of this Act
17 the Special Trustee for American Indians, in consultation
18 with the Secretary of the Interior and the Tribes, shall
19 appoint new members to the Special Trustee Advisory
20 Board.

21 SEC. 134. The Secretary of the Interior may use dis-
22 cretionary funds to pay private attorneys fees and costs
23 for employees and former employees of the Department
24 of the Interior reasonably incurred in connection with
25 Cobell v. Norton to the extent that such fees and costs

1 are not paid by the Department of Justice or by private
2 insurance. In no case shall the Secretary make payments
3 under this section that would result in payment of hourly
4 fees in excess of the highest hourly rate approved by the
5 District Court for the District of Columbia for counsel in
6 *Cobell v. Norton*.

7 SEC. 135. Section 124(a) of the Department of the
8 Interior and Related Agencies Appropriation Act, 1997
9 (16 U.S.C. 1011 (a)), as amended, is further amended by
10 inserting after the phrase “appropriations made for the
11 Bureau of Land Management” the phrase “including ap-
12 propriations for the Wildland Fire Management account
13 allocated to the National Park Service, Fish and Wildlife
14 Service, and Bureau of Indian Affairs”.

15 SEC. 136. Public Law 107–106 is amended as fol-
16 lows: in section 5(a) strike “9 months after the date of
17 enactment of the Act” and insert in lieu thereof “Sep-
18 tember 30, 2003”.

19 SEC. 137. Notwithstanding any other provision of
20 law, the funds provided in the Labor, Health and Human
21 Services, Education and Related Agencies Appropriations
22 Act of 2002, Public Law 107–116, for the National Mu-
23 seum of African American History and Culture Plan for
24 Action Presidential Commission shall remain available
25 until expended.

1 SEC. 138. The United States Fish and Wildlife Serv-
2 ice shall, in carrying out its responsibilities to protect
3 threatened and endangered species of salmon, implement
4 a system of mass marking of salmonid stocks released
5 from federally operated or federally financed hatcheries in-
6 cluding but not limited to fish releases of the coho, chi-
7 nook, and steelhead species. The requirements of this sec-
8 tion shall not be applicable when the hatchery fish are pro-
9 duced for conservation purposes.

10 SEC. 139. The visitor center at the Bitter Lake Na-
11 tional Wildlife Refuge in New Mexico shall be named for
12 Joseph R. Skeen and, hereafter, shall be referred to in
13 any law, document, or record of the United States as the
14 “Joseph R. Skeen Visitor Center”.

15 TITLE II—RELATED AGENCIES

16 DEPARTMENT OF AGRICULTURE

17 FOREST SERVICE

18 FOREST AND RANGELAND RESEARCH

19 For necessary expenses of forest and rangeland re-
20 search as authorized by law, \$252,000,000 to remain
21 available until expended.

22 STATE AND PRIVATE FORESTRY

23 For necessary expenses of cooperating with and pro-
24 viding technical and financial assistance to States, terri-
25 tories, possessions, and others, and for forest health man-
26 agement including treatments of pests, pathogens and

1 invasive or noxious plants, cooperative forestry, and edu-
2 cation and land conservation activities and conducting an
3 international program as authorized, \$279,828,000, to re-
4 main available until expended, as authorized by law, of
5 which \$60,000,000 is for the Forest Legacy Program, to
6 be derived from the land and water conservation fund;
7 \$36,235,000 is for the Urban and Community Forestry
8 Program, defined in section 250(c)(4)(E) of the Balanced
9 Budget and Emergency Deficit Control Act of 1985, as
10 amended, for the purposes of such Act: *Provided*, That
11 none of the funds provided under this heading for the ac-
12 quisition of lands or interests in lands shall be available
13 until the Forest Service notifies the House Committee on
14 Appropriations and the Senate Committee on Appropria-
15 tions, in writing, of specific acquisition of lands or inter-
16 ests in lands to be undertaken with such funds: *Provided*
17 *further*, That each forest legacy grant shall be for a spe-
18 cific project: *Provided further*, That a grant shall not be
19 released to a State unless the Secretary determines that
20 the State has demonstrated that 25 percent of the total
21 value of the project is comprised of a non-Federal cost
22 share.

23 NATIONAL FOREST SYSTEM

24 For necessary expenses of the Forest Service, not
25 otherwise provided for, for management, protection, im-
26 provement, and utilization of the National Forest System,

1 \$1,370,567,000 (reduced by \$5,000,000) (increased by
2 \$5,000,000), to remain available until expended, which
3 shall include 50 percent of all moneys received during
4 prior fiscal years as fees collected under the Land and
5 Water Conservation Fund Act of 1965, as amended, in
6 accordance with section 4 of the Act (16 U.S.C. 460l–
7 6a(i)): *Provided*, That unobligated balances available at
8 the start of fiscal year 2003 shall be displayed by budget
9 line item in the fiscal year 2004 budget justification: *Pro-*
10 *vided further*, That the Secretary may authorize the ex-
11 penditure or transfer of such sums as necessary to the
12 Department of the Interior, Bureau of Land Management
13 for removal, preparation, and adoption of excess wild
14 horses and burros from National Forest System lands.

15 WILDLAND FIRE MANAGEMENT

16 For necessary expenses for forest fire presuppression
17 activities on National Forest System lands, for emergency
18 fire suppression on or adjacent to such lands or other
19 lands under fire protection agreement, hazardous fuel re-
20 duction on or adjacent to such lands, and for emergency
21 rehabilitation of burned-over National Forest System
22 lands and water, \$1,513,449,000, to remain available until
23 expended: *Provided*, That such funds including unobli-
24 gated balances under this head, are available for repay-
25 ment of advances from other appropriations accounts pre-
26 viously transferred for such purposes: *Provided further*,

1 That not less than 50 percent of any unobligated balances
2 remaining (exclusive of amounts for hazardous fuels re-
3 duction) at the end of fiscal year 2002 shall be trans-
4 ferred, as repayment for past advances that have not been
5 repaid, to the fund established pursuant to section 3 of
6 Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided fur-*
7 *ther*, That notwithstanding any other provision of law,
8 \$8,000,000 of funds appropriated under this appropria-
9 tion shall be used for Fire Science Research in support
10 of the Joint Fire Science Program: *Provided further*, That
11 all authorities for the use of funds, including the use of
12 contracts, grants, and cooperative agreements, available to
13 execute the Forest and Rangeland Research appropria-
14 tion, are also available in the utilization of these funds
15 for the Joint Fire Science Program: *Provided further*,
16 That funds provided shall be available for emergency reha-
17 bilitation and restoration, hazard reduction activities in
18 the urban-wildland interface, support to Federal emer-
19 gency response, and wildfire suppression activities of the
20 Forest Service: *Provided further*, That of the funds pro-
21 vided, \$640,000,000 is for preparedness, \$420,699,000 is
22 for wildfire suppression operations, \$228,109,000 is for
23 hazardous fuel treatment, \$63,000,000 is for rehabilita-
24 tion and restoration, \$20,376,000 is for capital improve-
25 ment and maintenance of fire facilities, \$27,265,000 is for

1 research activities and to make competitive research
2 grants pursuant to the Forest and Rangeland Renewable
3 Resources Research Act, as amended (16 U.S.C. 1641 et
4 seq.), \$58,000,000 is for state fire assistance, \$8,500,000
5 is for volunteer fire assistance, \$27,000,000 is for forest
6 health activities on State, private, and Federal lands, and
7 \$12,500,000 is for economic action programs: *Provided*
8 *further*, That amounts in this paragraph may be trans-
9 ferred to the “State and Private Forestry”, “National
10 Forest System”, “Forest and Rangeland Research”, and
11 “Capital Improvement and Maintenance” accounts to
12 fund state fire assistance, volunteer fire assistance, and
13 forest health management, vegetation and watershed man-
14 agement, heritage site rehabilitation, wildlife and fish
15 habitat management, trails and facilities maintenance and
16 restoration: *Provided further*, That transfers of any
17 amounts in excess of those authorized in this paragraph,
18 shall require approval of the House and Senate Commit-
19 tees on Appropriations in compliance with reprogramming
20 procedures contained in House Report No. 105–163: *Pro-*
21 *vided further*, That the costs of implementing any coopera-
22 tive agreement between the Federal Government and any
23 non-Federal entity may be shared, as mutually agreed on
24 by the affected parties: *Provided further*, That in entering
25 into such grants or cooperative agreements, the Secretary

1 may consider the enhancement of local and small business
2 employment opportunities for rural communities, and that
3 in entering into procurement contracts under this section
4 on a best value basis, the Secretary may take into account
5 the ability of an entity to enhance local and small business
6 employment opportunities in rural communities, and that
7 the Secretary may award procurement contracts, grants,
8 or cooperative agreements under this section to entities
9 that include local non-profit entities, Youth Conservation
10 Corps or related partnerships with State, local or non-
11 profit youth groups, or small or disadvantaged businesses:
12 *Provided further*, That in addition to funds provided for
13 State Fire Assistance programs, and subject to all au-
14 thorities available to the Forest Service under the State
15 and Private Forestry Appropriations, up to \$15,000,000
16 may be used on adjacent non-Federal lands for the pur-
17 pose of protecting communities when hazard reduction ac-
18 tivities are planned on national forest lands that have the
19 potential to place such communities at risk: *Provided fur-*
20 *ther*, That included in funding for hazardous fuel reduc-
21 tion is \$5,000,000 for implementing the Community For-
22 est Restoration Act, Public Law 106–393, title VI, and
23 any portion of such funds shall be available for use on
24 non-Federal lands in accordance with authorities available
25 to the Forest Service under the State and Private Forestry

1 Appropriation: *Provided further*, That in expending the
2 funds provided with respect to this Act for hazardous fuels
3 reduction, the Secretary of the Interior and the Secretary
4 of Agriculture may conduct fuel reduction treatments on
5 Federal lands using all contracting and hiring authorities
6 available to the Secretaries applicable to hazardous fuel
7 reduction activities under the wildland fire management
8 accounts: *Provided further*, That notwithstanding Federal
9 Government procurement and contracting laws, the Secre-
10 taries may conduct fuel reduction treatments, rehabilita-
11 tion and restoration, and other activities authorized under
12 this heading on and adjacent to Federal lands using
13 grants and cooperative agreements: *Provided further*, That
14 notwithstanding Federal Government procurement and
15 contracting laws, in order to provide employment and
16 training opportunities to people in rural communities, the
17 Secretaries may award contracts, including contracts for
18 monitoring activities, to local private, nonprofit, or cooper-
19 ative entities; Youth Conservation Corps crews or related
20 partnerships, with State, local and non-profit youth
21 groups; small or micro-businesses; or other entities that
22 will hire or train a significant percentage of local people
23 to complete such contracts: *Provided further*, That the au-
24 thorities described above relating to contracts, grants, and
25 cooperative agreements are available until all funds pro-

1 vided in this title for hazardous fuels reduction activities
2 in the urban wildland interface are obligated: *Provided fur-*
3 *ther*, That the Secretary of Agriculture may transfer or
4 reimburse funds, not to exceed \$7,000,000, to the United
5 States Fish and Wildlife Service of the Department of the
6 Interior, or the National Marine Fisheries Service of the
7 Department of Commerce, for the costs of carrying out
8 their responsibilities under the Endangered Species Act of
9 1973 (16 U.S.C. 1531 et seq.) to consult and conference
10 as required by section 7 of such Act in connection with
11 wildland fire management activities in fiscal years 2002
12 and 2003: *Provided further*, That the amount of the trans-
13 fer of reimbursement shall be as mutually agreed by the
14 Secretary of Agriculture and the Secretary of the Interior
15 or Secretary of Commerce, as applicable, or their des-
16 ignees. The amount shall in no case exceed the actual costs
17 of consultation and conferencing in connection with
18 wildland fire management activities affecting National
19 Forest System lands.

20 For an additional amount for “Wildland Fire Man-
21 agement” for fiscal year 2002 in addition to the amounts
22 made available by Public Law 107–63, \$500,000,000, to
23 remain available until December 31, 2002, for the cost
24 of fire suppression activities carried out by the Forest
25 Service and other Federal agencies related to the 2002

1 fire season, including reimbursement of funds borrowed
2 from other Department of Agriculture programs to fight
3 such fires: *Provided*, That the entire amount shall be avail-
4 able only to the extent an official budget request, that in-
5 cludes designation of the entire amount of the request as
6 an emergency requirement as defined in the Balanced
7 Budget and Emergency Deficit Control Act of 1985, as
8 amended, is transmitted by the President to the Congress:
9 *Provided further*, That the entire amount is designated by
10 the Congress as an emergency requirement pursuant to
11 section 251(b)(2)(A) of such Act.

12 CAPITAL IMPROVEMENT AND MAINTENANCE

13 For necessary expenses of the Forest Service, not
14 otherwise provided for, \$572,731,000, to remain available
15 until expended for construction, reconstruction, mainte-
16 nance, and acquisition of buildings and other facilities,
17 and for construction, reconstruction, repair, and mainte-
18 nance of forest roads and trails by the Forest Service as
19 authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and
20 205, of which, \$64,866,000 is for conservation activities
21 defined in section 250(c)(4)(E) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985, as amended,
23 for the purposes of such Act: *Provided further*, That up
24 to \$15,000,000 of the funds provided herein for road
25 maintenance shall be available for the decommissioning of
26 roads, including unauthorized roads not part of the trans-

1 portation system, which are no longer needed: *Provided*
2 *further*, That no funds shall be expended to decommission
3 any system road until notice and an opportunity for public
4 comment has been provided on each decommissioning
5 project.

6 LAND ACQUISITION

7 For expenses necessary to carry out the provisions
8 of the Land and Water Conservation Fund Act of 1965,
9 as amended (16 U.S.C. 4601–4 through 11), including ad-
10 ministrative expenses, and for acquisition of land or wa-
11 ters, or interest therein, in accordance with statutory au-
12 thority applicable to the Forest Service, \$146,336,000, to
13 be derived from the Land and Water Conservation Fund,
14 to remain available until expended, and to be for the con-
15 servation activities defined in section 250(c)(4)(E) of the
16 Balanced Budget and Emergency Deficit Control Act of
17 1985, as amended, for the purposes of such Act.

18 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
19 ACTS

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

1 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

2 For acquisition of lands, such sums, to be derived
3 from funds deposited by State, county, or municipal gov-
4 ernments, public school districts, or other public school au-
5 thorities pursuant to the Act of December 4, 1967, as
6 amended (16 U.S.C. 484a), to remain available until ex-
7 pended.

8 RANGE BETTERMENT FUND

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

18 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND

19 RANGELAND RESEARCH

20 For expenses authorized by 16 U.S.C. 1643(b),
21 \$92,000, to remain available until expended, to be derived
22 from the fund established pursuant to the above Act.

23 MANAGEMENT OF NATIONAL FOREST LANDS FOR

24 SUBSISTENCE USES

25 For necessary expenses of the Forest Service to man-
26 age federal lands in Alaska for subsistence uses under title

1 VIII of the Alaska National Interest Lands Conservation
2 Act (Public Law 96–487), \$5,542,000, to remain available
3 until expended.

4 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

5 Appropriations to the Forest Service for the current
6 fiscal year shall be available for: (1) purchase of not to
7 exceed 113 passenger motor vehicles, of which 10 will be
8 used primarily for law enforcement purposes and of which
9 113 shall be for replacement; acquisition of 25 passenger
10 motor vehicles from excess sources, and hire of such vehi-
11 cles; operation and maintenance of aircraft, the purchase
12 of not to exceed seven for replacement only, and acquisi-
13 tion of sufficient aircraft from excess sources to maintain
14 the operable fleet at 195 aircraft for use in Forest Service
15 wildland fire programs and other Forest Service programs;
16 notwithstanding other provisions of law, existing aircraft
17 being replaced may be sold, with proceeds derived or
18 trade-in value used to offset the purchase price for the
19 replacement aircraft; (2) services pursuant to 7 U.S.C.
20 2225, and not to exceed \$100,000 for employment under
21 5 U.S.C. 3109; (3) purchase, erection, and alteration of
22 buildings and other public improvements (7 U.S.C. 2250);
23 (4) acquisition of land, waters, and interests therein, pur-
24 suant to 7 U.S.C. 428a; (5) for expenses pursuant to the
25 Volunteers in the National Forest Act of 1972 (16 U.S.C.
26 558a, 558d, and 558a note); (6) the cost of uniforms as

1 authorized by 5 U.S.C. 5901–5902; and (7) for debt col-
2 lection contracts in accordance with 31 U.S.C. 3718(c).

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

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

23 None of the funds made available to the Forest Serv-
24 ice under this Act shall be subject to transfer under the
25 provisions of section 702(b) of the Department of Agri-

1 culture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C.
2 147b unless the proposed transfer is approved in advance
3 by the House and Senate Committees on Appropriations
4 in compliance with the reprogramming procedures con-
5 tained in House Report No. 105–163.

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

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

17 Funds available to the Forest Service shall be avail-
18 able to conduct a program of not less than \$2,000,000
19 for high priority projects within the scope of the approved
20 budget which shall be carried out by the Youth Conserva-
21 tion Corps, defined in section 250(c)(4)(E) of the Bal-
22 anced Budget and Emergency Deficit Control Act of 1985,
23 as amended, for the purposes of such Act.

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

4 Pursuant to sections 405(b) and 410(b) of Public
5 Law 101–593, of the funds available to the Forest Service,
6 up to \$2,500,000 may be advanced in a lump sum as Fed-
7 eral financial assistance to the National Forest Founda-
8 tion, without regard to when the Foundation incurs ex-
9 penses, for administrative expenses or projects on or bene-
10 fitting National Forest System lands or related to Forest
11 Service programs: *Provided*, That of the Federal funds
12 made available to the Foundation, no more than \$300,000
13 shall be available for administrative expenses: *Provided*
14 *further*, That the Foundation shall obtain, by the end of
15 the period of Federal financial assistance, private con-
16 tributions to match on at least one-for-one basis funds
17 made available by the Forest Service: *Provided further*,
18 That the Foundation may transfer Federal funds to a
19 non-Federal recipient for a project at the same rate that
20 the recipient has obtained the non-Federal matching
21 funds: *Provided further*, That authorized investments of
22 Federal funds held by the Foundation may be made only
23 in interest-bearing obligations of the United States or in
24 obligations guaranteed as to both principal and interest
25 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
3 shall be available for matching funds to the National Fish
4 and Wildlife Foundation, as authorized by 16 U.S.C.
5 3701–3709, and may be advanced in a lump sum as Fed-
6 eral financial assistance, without regard to when expenses
7 are incurred, for projects on or benefitting National For-
8 est System lands or related to Forest Service programs:
9 *Provided*, That the Foundation shall obtain, by the end
10 of the period of Federal financial assistance, private con-
11 tributions to match on at least one-for-one basis funds ad-
12 vanced by the Forest Service: *Provided further*, That the
13 Foundation may transfer Federal funds to a non-Federal
14 recipient for a project at the same rate that the recipient
15 has obtained the non-Federal matching funds.

16 Funds appropriated to the Forest Service shall be
17 available for interactions with and providing technical as-
18 sistance to rural communities for sustainable rural devel-
19 opment purposes.

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

1 ington may be granted directly to the Washington State
2 Department of Fish and Wildlife for accomplishment of
3 planned projects. Twenty percent of said funds shall be
4 retained by the Forest Service for planning and admin-
5 istering projects. Project selection and prioritization shall
6 be accomplished by the Forest Service with such consulta-
7 tion with the State of Washington as the Forest Service
8 deems appropriate.

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

14 For fiscal years 2003 through 2007, the Secretary
15 of Agriculture is authorized to enter into grants, con-
16 tracts, and cooperative agreements as appropriate with the
17 Pinchot Institute for Conservation, as well as with public
18 and other private agencies, organizations, institutions, and
19 individuals, to provide for the development, administra-
20 tion, maintenance, or restoration of land, facilities, or For-
21 est Service programs, at the Grey Towers National His-
22 toric Landmark: *Provided*, That, subject to such terms
23 and conditions as the Secretary of Agriculture may pre-
24 scribe, any such public or private agency, organization, in-
25 stitution, or individual may solicit, accept, and administer

1 private gifts of money and real or personal property for
2 the benefit of, or in connection with, the activities and
3 services at the Grey Towers National Historic Landmark:
4 *Provided further*, That such gifts may be accepted notwith-
5 standing the fact that a donor conducts business with the
6 Department of Agriculture in any capacity.

7 Funds appropriated to the Forest Service shall be
8 available, as determined by the Secretary, for payments
9 to Del Norte County, California, pursuant to sections
10 13(e) and 14 of the Smith River National Recreation Area
11 Act (Public Law 101-612).

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
15 of the General Counsel (OGC), Department of Agri-
16 culture, for travel and related expenses incurred as a re-
17 sult of OGC assistance or participation requested by the
18 Forest Service at meetings, training sessions, management
19 reviews, land purchase negotiations and similar non-litiga-
20 tion related matters. Future budget justifications for both
21 the Forest Service and the Department of Agriculture
22 should clearly display the sums previously transferred and
23 the requested funding transfers.

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

1 of law enforcement emergencies as necessary to protect
2 natural resources and public or employee safety: *Provided*,
3 That such amounts shall not exceed \$750,000.

4 DEPARTMENT OF ENERGY

5 CLEAN COAL TECHNOLOGY

6 (DEFERRAL)

7 Of the funds made available under this heading for
8 obligation in prior years, \$50,000,000 shall not be avail-
9 able until October 1, 2003: *Provided*, That funds made
10 available in previous appropriations Acts shall be available
11 for any ongoing project regardless of the separate request
12 for proposal under which the project was selected.

13 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

14 For necessary expenses in carrying out fossil energy
15 research and development activities, under the authority
16 of the Department of Energy Organization Act (Public
17 Law 95–91), including the acquisition of interest, includ-
18 ing defeasible and equitable interests in any real property
19 or any facility or for plant or facility acquisition or expan-
20 sion, and for conducting inquiries, technological investiga-
21 tions and research concerning the extraction, processing,
22 use, and disposal of mineral substances without objection-
23 able social and environmental costs (30 U.S.C. 3, 1602,
24 and 1603), \$664,205,000, to remain available until ex-
25 pended, of which \$11,000,000 is for construction, renova-
26 tion, furnishing, and demolition or removal of buildings

1 at National Energy Technology Laboratory facilities in
2 Morgantown, West Virginia and Pittsburgh, Pennsylvania;
3 and for acquisition of lands, and interests therein, in prox-
4 imity to the National Energy Technology Laboratory, and
5 of which \$150,000,000 are to be made available, after co-
6 ordination with the private sector, for a request for pro-
7 posals for a Clean Coal Power Initiative providing for com-
8 petitively-awarded demonstrations of commercial scale
9 technologies to reduce the barriers to continued and ex-
10 panded coal use: *Provided*, That no project may be se-
11 lected for which sufficient funding is not available to pro-
12 vide for the total project: *Provided further*, That funds
13 shall be expended in accordance with the provisions gov-
14 erning the use of funds contained under the heading
15 “Clean Coal Technology” in prior appropriations: *Pro-*
16 *vided further*, That the Department may include provisions
17 for repayment of Government contributions to individual
18 projects in an amount up to the Government contribution
19 to the project on terms and conditions that are acceptable
20 to the Department, including repayments from sale and
21 licensing of technologies from both domestic and foreign
22 transactions: *Provided further*, That such repayments shall
23 be retained by the Department for future coal-related re-
24 search, development and demonstration projects: *Provided*
25 *further*, That any technology selected under this program

1 shall be considered a Clean Coal Technology, and any
2 project selected under this program shall be considered a
3 Clean Coal Technology Project, for the purposes of 42
4 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40
5 of the Code of Federal Regulations: *Provided further*, That
6 no part of the sum herein made available shall be used
7 for the field testing of nuclear explosives in the recovery
8 of oil and gas: *Provided further*, That up to 4 percent of
9 program direction funds available to the National Energy
10 Technology Laboratory may be used to support Depart-
11 ment of Energy activities not included in this account.

12 NAVAL PETROLEUM AND OIL SHALE RESERVES

13 For expenses necessary to carry out naval petroleum
14 and oil shale reserve activities, \$20,831,000, to remain
15 available until expended: *Provided*, That, notwithstanding
16 any other provision of law, unobligated funds remaining
17 from prior years shall be available for all naval petroleum
18 and oil shale reserve activities.

19 ELK HILLS SCHOOL LANDS FUND

20 For necessary expenses in fulfilling installment pay-
21 ments under the Settlement Agreement entered into by
22 the United States and the State of California on October
23 11, 1996, as authorized by section 3415 of Public Law
24 104–106, \$36,000,000, to become available on October 1,
25 2003 for payment to the State of California for the State

1 Teachers' Retirement Fund from the Elk Hills School
2 Lands Fund.

3 ENERGY CONSERVATION

4 For necessary expenses in carrying out energy con-
5 servation activities, \$984,653,000 (reduced by
6 \$3,000,000) (increased by \$3,000,000), to remain avail-
7 able until expended: *Provided*, That \$300,000,000 shall be
8 for use in energy conservation grant programs as defined
9 in section 3008(3) of Public Law 99-509 (15 U.S.C.
10 4507): *Provided further*, That notwithstanding section
11 3003(d)(2) of Public Law 99-509, such sums shall be allo-
12 cated to the eligible programs as follows: \$250,000,000
13 for weatherization assistance grants and \$50,000,000 for
14 State energy conservation grants.

15 ECONOMIC REGULATION

16 For necessary expenses in carrying out the activities
17 of the Office of Hearings and Appeals, \$1,487,000, to re-
18 main available until expended.

19 STRATEGIC PETROLEUM RESERVE

20 For necessary expenses for Strategic Petroleum Re-
21 serve facility development and operations and program
22 management activities pursuant to the Energy Policy and
23 Conservation Act of 1975, as amended (42 U.S.C. 6201
24 et seq.), \$175,856,000, to remain available until expended.

1 SPR PETROLEUM ACCOUNT

2 For the acquisition and transportation of petroleum
3 and for other necessary expenses pursuant to the Energy
4 Policy and Conservation Act of 1975, as amended (42
5 U.S.C. 6201 et seq.), \$7,000,000, to remain available until
6 expended.

7 NORTHEAST HOME HEATING OIL RESERVE

8 For necessary expenses for Northeast Home Heating
9 Oil Reserve storage, operations, and management activi-
10 ties pursuant to the Energy Policy and Conservation Act
11 of 2000, \$8,000,000 to remain available until expended.

12 ENERGY INFORMATION ADMINISTRATION

13 For necessary expenses in carrying out the activities
14 of the Energy Information Administration, \$80,611,000,
15 to remain available until expended.

16 ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

17 Appropriations under this Act for the current fiscal
18 year shall be available for hire of passenger motor vehicles;
19 hire, maintenance, and operation of aircraft; purchase, re-
20 pair, and cleaning of uniforms; and reimbursement to the
21 General Services Administration for security guard serv-
22 ices.

23 From appropriations under this Act, transfers of
24 sums may be made to other agencies of the Government
25 for the performance of work for which the appropriation
26 is made.

1 None of the funds made available to the Department
2 of Energy under this Act shall be used to implement or
3 finance authorized price support or loan guarantee pro-
4 grams unless specific provision is made for such programs
5 in an appropriations Act.

6 The Secretary is authorized to accept lands, build-
7 ings, equipment, and other contributions from public and
8 private sources and to prosecute projects in cooperation
9 with other agencies, Federal, State, private or foreign:
10 *Provided*, That revenues and other moneys received by or
11 for the account of the Department of Energy or otherwise
12 generated by sale of products in connection with projects
13 of the Department appropriated under this Act may be
14 retained by the Secretary of Energy, to be available until
15 expended, and used only for plant construction, operation,
16 costs, and payments to cost-sharing entities as provided
17 in appropriate cost-sharing contracts or agreements: *Pro-*
18 *vided further*, That the remainder of revenues after the
19 making of such payments shall be covered into the Treas-
20 ury as miscellaneous receipts: *Provided further*, That any
21 contract, agreement, or provision thereof entered into by
22 the Secretary pursuant to this authority shall not be exe-
23 cuted prior to the expiration of 30 calendar days (not in-
24 cluding any day in which either House of Congress is not
25 in session because of adjournment of more than 3 calendar

1 days to a day certain) from the receipt by the Speaker
2 of the House of Representatives and the President of the
3 Senate of a full comprehensive report on such project, in-
4 cluding the facts and circumstances relied upon in support
5 of the proposed project.

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

10 In addition to other authorities set forth in this Act,
11 the Secretary may accept fees and contributions from pub-
12 lic and private sources, to be deposited in a contributed
13 funds account, and prosecute projects using such fees and
14 contributions in cooperation with other Federal, State or
15 private agencies or concerns.

16 DEPARTMENT OF HEALTH AND HUMAN
17 SERVICES

18 INDIAN HEALTH SERVICE

19 INDIAN HEALTH SERVICES

20 For expenses necessary to carry out the Act of Au-
21 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
22 tion Act, the Indian Health Care Improvement Act, and
23 titles II and III of the Public Health Service Act with re-
24 spect to the Indian Health Service, \$2,508,756,000, to-
25 gether with payments received during the fiscal year pur-

1 suant to 42 U.S.C. 238(b) for services furnished by the
2 Indian Health Service: *Provided*, That funds made avail-
3 able to tribes and tribal organizations through contracts,
4 grant agreements, or any other agreements or compacts
5 authorized by the Indian Self-Determination and Edu-
6 cation Assistance Act of 1975 (25 U.S.C. 450), shall be
7 deemed to be obligated at the time of the grant or contract
8 award and thereafter shall remain available to the tribe
9 or tribal organization without fiscal year limitation: *Pro-*
10 *vided further*, That \$15,000,000 shall remain available
11 until expended, for the Indian Catastrophic Health Emer-
12 gency Fund: *Provided further*, That \$468,130,000 for con-
13 tract medical care shall remain available for obligation
14 until September 30, 2004: *Provided further*, That of the
15 funds provided, up to \$25,000,000 shall be used to carry
16 out the loan repayment program under section 108 of the
17 Indian Health Care Improvement Act: *Provided further*,
18 That funds provided in this Act may be used for 1-year
19 contracts and grants which are to be performed in 2 fiscal
20 years, so long as the total obligation is recorded in the
21 year for which the funds are appropriated: *Provided fur-*
22 *ther*, That the amounts collected by the Secretary of
23 Health and Human Services under the authority of title
24 IV of the Indian Health Care Improvement Act shall re-
25 main available until expended for the purpose of achieving

1 compliance with the applicable conditions and require-
2 ments of titles XVIII and XIX of the Social Security Act
3 (exclusive of planning, design, or construction of new fa-
4 cilities): *Provided further*, That funding contained herein,
5 and in any earlier appropriations Acts for scholarship pro-
6 grams under the Indian Health Care Improvement Act
7 (25 U.S.C. 1613) shall remain available for obligation
8 until September 30, 2004: *Provided further*, That amounts
9 received by tribes and tribal organizations under title IV
10 of the Indian Health Care Improvement Act shall be re-
11 ported and accounted for and available to the receiving
12 tribes and tribal organizations until expended: *Provided*
13 *further*, That, notwithstanding any other provision of law,
14 of the amounts provided herein, not to exceed
15 \$270,734,000 shall be for payments to tribes and tribal
16 organizations for contract or grant support costs associ-
17 ated with contracts, grants, self-governance compacts or
18 annual funding agreements between the Indian Health
19 Service and a tribe or tribal organization pursuant to the
20 Indian Self-Determination Act of 1975, as amended, prior
21 to or during fiscal year 2003, of which not to exceed
22 \$2,500,000 may be used for contract support costs associ-
23 ated with new or expanded self-determination contracts,
24 grants, self-governance compacts or annual funding agree-
25 ments: *Provided further*, That funds available for the In-

1 dian Health Care Improvement Fund may be used, as
2 needed, to carry out activities typically funded under the
3 Indian Health Facilities account.

4 INDIAN HEALTH FACILITIES

5 For construction, repair, maintenance, improvement,
6 and equipment of health and related auxiliary facilities,
7 including quarters for personnel; preparation of plans,
8 specifications, and drawings; acquisition of sites, purchase
9 and erection of modular buildings, and purchases of trail-
10 ers; and for provision of domestic and community sanita-
11 tion facilities for Indians, as authorized by section 7 of
12 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
13 Self-Determination Act, and the Indian Health Care Im-
14 provement Act, and for expenses necessary to carry out
15 such Acts and titles II and III of the Public Health Serv-
16 ice Act with respect to environmental health and facilities
17 support activities of the Indian Health Service,
18 \$391,865,000, to remain available until expended: *Pro-*
19 *vided*, That notwithstanding any other provision of law,
20 funds appropriated for the planning, design, construction
21 or renovation of health facilities for the benefit of an In-
22 dian tribe or tribes may be used to purchase land for sites
23 to construct, improve, or enlarge health or related facili-
24 ties: *Provided further*, That from the funds appropriated
25 herein, \$5,000,000 shall be designated by the Indian
26 Health Service as a contribution to the Yukon-Kuskokwim

1 Health Corporation (YKHC) to continue a priority project
2 for the acquisition of land, planning, design and construc-
3 tion of 79 staff quarters in the Bethel service area, pursu-
4 ant to the negotiated project agreement between the
5 YKHC and the Indian Health Service: *Provided further*,
6 That this project shall not be subject to the construction
7 provisions of the Indian Self-Determination and Edu-
8 cation Assistance Act and shall be removed from the In-
9 dian Health Service priority list upon completion: *Provided*
10 *further*, That the Federal Government shall not be liable
11 for any property damages or other construction claims
12 that may arise from YKHC undertaking this project: *Pro-*
13 *vided further*, That the land shall be owned or leased by
14 the YKHC and title to quarters shall remain vested with
15 the YKHC: *Provided further*, That not to exceed \$500,000
16 shall be used by the Indian Health Service to purchase
17 TRANSAM equipment from the Department of Defense
18 for distribution to the Indian Health Service and tribal
19 facilities: *Provided further*, That not to exceed \$500,000
20 shall be used by the Indian Health Service to obtain ambu-
21 lances for the Indian Health Service and tribal facilities
22 in conjunction with an existing interagency agreement be-
23 tween the Indian Health Service and the General Services
24 Administration: *Provided further*, That not to exceed
25 \$500,000 shall be placed in a Demolition Fund, available

1 until expended, to be used by the Indian Health Service
2 for demolition of Federal buildings: *Provided further*, That
3 notwithstanding the provisions of title III, section 306, of
4 the Indian Health Care Improvement Act (Public Law 94–
5 437, as amended), construction contracts authorized
6 under title I of the Indian Self-Determination and Edu-
7 cation Assistance Act of 1975, as amended, may be used
8 rather than grants to fund small ambulatory facility con-
9 struction projects: *Provided further*, That if a contract is
10 used, the IHS is authorized to improve municipal, private,
11 or tribal lands, and that at no time, during construction
12 or after completion of the project will the Federal Govern-
13 ment have any rights or title to any real or personal prop-
14 erty acquired as a part of the contract: *Provided further*,
15 That notwithstanding any other provision of law or regula-
16 tion, for purposes of acquiring sites for a new clinic and
17 staff quarters in St. Paul Island, Alaska, the Secretary
18 of Health and Human Services may accept land donated
19 by the Tanadgusix Corporation.

20 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

21 Appropriations in this Act to the Indian Health Serv-
22 ice shall be available for services as authorized by 5 U.S.C.
23 3109 but at rates not to exceed the per diem rate equiva-
24 lent to the maximum rate payable for senior-level positions
25 under 5 U.S.C. 5376; hire of passenger motor vehicles and
26 aircraft; purchase of medical equipment; purchase of re-

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

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

24 Funds appropriated to the Indian Health Service in
25 this Act, except those used for administrative and program

1 direction purposes, shall not be subject to limitations di-
2 rected at curtailing Federal travel and transportation.

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

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

23 Funds made available in this Act are to be appor-
24 tioned to the Indian Health Service as appropriated in this

1 Act, and accounted for in the appropriation structure set
2 forth in this Act.

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

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

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

21 OTHER RELATED AGENCIES

22 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

23 SALARIES AND EXPENSES

24 For necessary expenses of the Office of Navajo and
25 Hopi Indian Relocation as authorized by Public Law 93-

1 531, \$14,491,000, to remain available until expended:
2 *Provided*, That funds provided in this or any other appro-
3 priations Act are to be used to relocate eligible individuals
4 and groups including evictees from District 6, Hopi-parti-
5 tioned lands residents, those in significantly substandard
6 housing, and all others certified as eligible and not in-
7 cluded in the preceding categories: *Provided further*, That
8 none of the funds contained in this or any other Act may
9 be used by the Office of Navajo and Hopi Indian Reloca-
10 tion to evict any single Navajo or Navajo family who, as
11 of November 30, 1985, was physically domiciled on the
12 lands partitioned to the Hopi Tribe unless a new or re-
13 placement home is provided for such household: *Provided*
14 *further*, That no relocatee will be provided with more than
15 one new or replacement home: *Provided further*, That the
16 Office shall relocate any certified eligible relocatees who
17 have selected and received an approved homesite on the
18 Navajo reservation or selected a replacement residence off
19 the Navajo reservation or on the land acquired pursuant
20 to 25 U.S.C. 640d-10.

21 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
22 CULTURE AND ARTS DEVELOPMENT
23 PAYMENT TO THE INSTITUTE

24 For payment to the Institute of American Indian and
25 Alaska Native Culture and Arts Development, as author-

1 ized by title XV of Public Law 99–498, as amended (20
2 U.S.C. 56 part A), \$5,130,000, of which \$1,000,000 shall
3 remain available until expended for construction of the Li-
4 brary Technology Center.

5 SMITHSONIAN INSTITUTION

6 SALARIES AND EXPENSES

7 (INCLUDING RESCISSION)

8 For necessary expenses of the Smithsonian Institu-
9 tion, as authorized by law, including research in the fields
10 of art, science, and history; development, preservation, and
11 documentation of the National Collections; presentation of
12 public exhibits and performances; collection, preparation,
13 dissemination, and exchange of information and publica-
14 tions; conduct of education, training, and museum assist-
15 ance programs; maintenance, alteration, operation, lease
16 (for terms not to exceed 30 years), and protection of build-
17 ings, facilities, and approaches; not to exceed \$100,000
18 for services as authorized by 5 U.S.C. 3109; up to five
19 replacement passenger vehicles; purchase, rental, repair,
20 and cleaning of uniforms for employees, \$450,760,000, of
21 which not to exceed \$41,884,000 for the instrumentation
22 program, collections acquisition, exhibition reinstallation,
23 the National Museum of the American Indian, security im-
24 provements, and the repatriation of skeletal remains pro-
25 gram shall remain available until expended, and including
26 such funds as may be necessary to support American over-

1 seas research centers and a total of \$125,000 for the
2 Council of American Overseas Research Centers: *Provided*,
3 That funds appropriated herein are available for advance
4 payments to independent contractors performing research
5 services or participating in official Smithsonian presen-
6 tations: *Provided further*, That the Smithsonian Institu-
7 tion may expend Federal appropriations designated in this
8 Act for lease or rent payments for long term and swing
9 space, as rent payable to the Smithsonian Institution, and
10 such rent payments may be deposited into the general
11 trust funds of the Institution to the extent that federally
12 supported activities are housed in the 900 H Street, N.W.
13 building in the District of Columbia: *Provided further*,
14 That this use of Federal appropriations shall not be con-
15 strued as debt service, a Federal guarantee of, a transfer
16 of risk to, or an obligation of, the Federal Government:
17 *Provided further*, That no appropriated funds may be used
18 to service debt which is incurred to finance the costs of
19 acquiring the 900 H Street building or of planning, de-
20 signing, and constructing improvements to such building.

21 From unobligated balances of prior year appropria-
22 tions \$14,100,000 is rescinded.

23 REPAIR, RESTORATION AND ALTERATION OF FACILITIES

24 For necessary expenses of maintenance, repair, res-
25 toration, and alteration of facilities owned or occupied by
26 the Smithsonian Institution, by contract or otherwise, as

1 authorized by section 2 of the Act of August 22, 1949
2 (63 Stat. 623), including necessary personnel, including
3 not to exceed \$10,000 for services as authorized by 5
4 U.S.C. 3109, \$81,300,000, to remain available until ex-
5 pended, of which \$16,750,000 is provided for mainte-
6 nance, repair, rehabilitation and alteration of facilities at
7 the National Zoological Park: *Provided*, That contracts
8 awarded for environmental systems, protection systems,
9 and repair or restoration of facilities of the Smithsonian
10 Institution may be negotiated with selected contractors
11 and awarded on the basis of contractor qualifications as
12 well as price.

13 CONSTRUCTION

14 For necessary expenses for construction, including
15 necessary personnel, \$10,000,000, to remain available
16 until expended.

17 ADMINISTRATIVE PROVISIONS, SMITHSONIAN

18 INSTITUTION

19 None of the funds in this or any other Act may be
20 used to make any changes to the existing Smithsonian
21 science programs including closure of facilities, relocation,
22 of staff or redirection of functions and programs without
23 approval by the Board of Regents of recommendations re-
24 ceived from the Science Commission.

25 None of the funds in this or any other Act may be
26 used to initiate the design for any proposed expansion of

1 current space or new facility without consultation with the
2 House and Senate Appropriations Committees.

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

8 NATIONAL GALLERY OF ART

9 SALARIES AND EXPENSES

10 For the upkeep and operations of the National Gal-
11 lery of Art, the protection and care of the works of art
12 therein, and administrative expenses incident thereto, as
13 authorized by the Act of March 24, 1937 (50 Stat. 51),
14 as amended by the public resolution of April 13, 1939
15 (Public Resolution 9, Seventy-sixth Congress), including
16 services as authorized by 5 U.S.C. 3109; payment in ad-
17 vance when authorized by the treasurer of the Gallery for
18 membership in library, museum, and art associations or
19 societies whose publications or services are available to
20 members only, or to members at a price lower than to the
21 general public; purchase, repair, and cleaning of uniforms
22 for guards, and uniforms, or allowances therefor, for other
23 employees as authorized by law (5 U.S.C. 5901–5902);
24 purchase or rental of devices and services for protecting
25 buildings and contents thereof, and maintenance, alter-

1 ation, improvement, and repair of buildings, approaches,
2 and grounds; and purchase of services for restoration and
3 repair of works of art for the National Gallery of Art by
4 contracts made, without advertising, with individuals,
5 firms, or organizations at such rates or prices and under
6 such terms and conditions as the Gallery may deem prop-
7 er, \$78,219,000, of which not to exceed \$3,026,000 for
8 the special exhibition program shall remain available until
9 expended.

10 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

11 For necessary expenses of repair, restoration and
12 renovation of buildings, grounds and facilities owned or
13 occupied by the National Gallery of Art, by contract or
14 otherwise, as authorized, \$16,230,000, to remain available
15 until expended: *Provided*, That contracts awarded for envi-
16 ronmental systems, protection systems, and exterior repair
17 or renovation of buildings of the National Gallery of Art
18 may be negotiated with selected contractors and awarded
19 on the basis of contractor qualifications as well as price.

20 JOHN F. KENNEDY CENTER FOR THE PERFORMING
21 ARTS

22 OPERATIONS AND MAINTENANCE

23 For necessary expenses for the operation, mainte-
24 nance and security of the John F. Kennedy Center for
25 the Performing Arts, \$16,310,000.

1 CONSTRUCTION

2 For necessary expenses for capital repair and restora-
3 tion of the existing features of the building and site of
4 the John F. Kennedy Center for the Performing Arts,
5 \$17,600,000, to remain available until expended.

6 WOODROW WILSON INTERNATIONAL CENTER FOR

7 SCHOLARS

8 SALARIES AND EXPENSES

9 For expenses necessary in carrying out the provisions
10 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
11 1356) including hire of passenger vehicles and services as
12 authorized by 5 U.S.C. 3109, \$8,488,000.

13 NATIONAL FOUNDATION ON THE ARTS AND THE

14 HUMANITIES

15 NATIONAL ENDOWMENT FOR THE ARTS

16 GRANTS AND ADMINISTRATION

17 For necessary expenses to carry out the National
18 Foundation on the Arts and the Humanities Act of 1965,
19 as amended, \$99,489,000 shall be available to the Na-
20 tional Endowment for the Arts for the support of projects
21 and productions in the arts through assistance to organi-
22 zations and individuals pursuant to sections 5(c) and 5(g)
23 of the Act, for program support, and for administering
24 the functions of the Act, to remain available until ex-
25 pended.

1 NATIONAL ENDOWMENT FOR THE HUMANITIES
2 GRANTS AND ADMINISTRATION

3 For necessary expenses to carry out the National
4 Foundation on the Arts and the Humanities Act of 1965,
5 as amended, \$109,932,000 (increased by \$5,000,000),
6 shall be available to the National Endowment for the Hu-
7 manities for support of activities in the humanities, pursu-
8 ant to section 7(c) of the Act, and for administering the
9 functions of the Act, to remain available until expended.

10 MATCHING GRANTS

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

1 CHALLENGE AMERICA ARTS FUND

2 CHALLENGE AMERICA GRANTS

3 For necessary expenses as authorized by Public Law
4 89–209, as amended, \$17,000,000 (increased by
5 \$10,000,000) for support for arts education and public
6 outreach activities, to be administered by the National En-
7 dowment for the Arts, to remain available until expended.

8 ADMINISTRATIVE PROVISIONS

9 None of the funds appropriated to the National
10 Foundation on the Arts and the Humanities may be used
11 to process any grant or contract documents which do not
12 include the text of 18 U.S.C. 1913: *Provided*, That none
13 of the funds appropriated to the National Foundation on
14 the Arts and the Humanities may be used for official re-
15 ception and representation expenses: *Provided further*,
16 That funds from nonappropriated sources may be used as
17 necessary for official reception and representation ex-
18 penses: *Provided further*, That the Chairperson of the Na-
19 tional Endowment for the Arts may approve grants up to
20 \$10,000, if in aggregate this amount does not exceed 5
21 percent of the sums appropriated for grant making pur-
22 poses per year: *Provided further*, That such small grant
23 actions are taken pursuant to the terms of an expressed
24 and direct delegation of authority from the National Coun-
25 cil on the Arts to the Chairperson.

1 COMMISSION OF FINE ARTS

2 SALARIES AND EXPENSES

3 For expenses made necessary by the Act establishing
4 a Commission of Fine Arts (40 U.S.C. 104), \$1,255,000:
5 *Provided*, That the Commission is authorized to charge
6 fees to cover the full costs of its publications, and such
7 fees shall be credited to this account as an offsetting col-
8 lection, to remain available until expended without further
9 appropriation.

10 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

11 For necessary expenses as authorized by Public Law
12 99–190 (20 U.S.C. 956(a)), as amended, \$7,000,000.

13 ADMINISTRATIVE PROVISION

14 None of the funds appropriated in this or any other
15 Act, except funds appropriated to the Office of Manage-
16 ment and Budget, shall be available to study the alteration
17 or transfer of the National Capital Arts and Cultural Af-
18 fairs program.

19 ADVISORY COUNCIL ON HISTORIC PRESERVATION

20 SALARIES AND EXPENSES

21 For necessary expenses of the Advisory Council on
22 Historic Preservation (Public Law 89–665, as amended),
23 \$3,667,000: *Provided*, That none of these funds shall be
24 available for compensation of level V of the Executive
25 Schedule or higher positions.

1 NATIONAL CAPITAL PLANNING COMMISSION
2 SALARIES AND EXPENSES

3 For necessary expenses, as authorized by the Na-
4 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
5 including services as authorized by 5 U.S.C. 3109,
6 \$7,553,000: *Provided*, That all appointed members of the
7 Commission will be compensated at a rate not to exceed
8 the daily equivalent of the annual rate of pay for positions
9 at level IV of the Executive Schedule for each day such
10 member is engaged in the actual performance of duties.

11 UNITED STATES HOLOCAUST MEMORIAL MUSEUM
12 HOLOCAUST MEMORIAL MUSEUM

13 For expenses of the Holocaust Memorial Museum, as
14 authorized by Public Law 106–292 (36 U.S.C. 2301–
15 2310), \$38,663,000, of which \$1,900,000 for the muse-
16 um’s repair and rehabilitation program and \$1,264,000
17 for the museum’s exhibitions program shall remain avail-
18 able until expended.

19 PRESIDIO TRUST
20 PRESIDIO TRUST FUND

21 For necessary expenses to carry out title I of the Om-
22 nibus Parks and Public Lands Management Act of 1996,
23 \$21,327,000 shall be available to the Presidio Trust, to
24 remain available until expended.

1 TITLE III—GENERAL PROVISIONS

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

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

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

17 SEC. 304. None of the funds provided in this Act to
18 any department or agency shall be obligated or expended
19 to provide a personal cook, chauffeur, or other personal
20 servants to any officer or employee of such department
21 or agency except as otherwise provided by law.

22 SEC. 305. No assessments may be levied against any
23 program, budget activity, subactivity, or project funded by
24 this Act unless advance notice of such assessments and

1 the basis therefor are presented to the Committees on Ap-
2 propriations and are approved by such committees.

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

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

14 (b) EXCEPTIONS.—The provisions of subsection (a)
15 shall not apply if the Secretary of the Interior determines
16 that, for the claim concerned: (1) a patent application was
17 filed with the Secretary on or before September 30, 1994;
18 and (2) all requirements established under sections 2325
19 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)
20 for vein or lode claims and sections 2329, 2330, 2331,
21 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and
22 37) for placer claims, and section 2337 of the Revised
23 Statutes (30 U.S.C. 42) for mill site claims, as the case
24 may be, were fully complied with by the applicant by that
25 date.

1 (c) REPORT.—On September 30, 2003, the Secretary
2 of the Interior shall file with the House and Senate Com-
3 mittees on Appropriations and the Committee on Re-
4 sources of the House of Representatives and the Com-
5 mittee on Energy and Natural Resources of the Senate
6 a report on actions taken by the Department under the
7 plan submitted pursuant to section 314(e) of the Depart-
8 ment of the Interior and Related Agencies Appropriations
9 Act, 1997 (Public Law 104–208).

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

22 SEC. 308. Notwithstanding any other provision of
23 law, amounts appropriated to or earmarked in committee
24 reports for the Bureau of Indian Affairs and the Indian
25 Health Service by Public Laws 103–138, 103–332, 104–

1 134, 104–208, 105–83, 105–277, 106–113, 106–291, and
2 107–63 for payments to tribes and tribal organizations for
3 contract support costs associated with self-determination
4 or self-governance contracts, grants, compacts, or annual
5 funding agreements with the Bureau of Indian Affairs or
6 the Indian Health Service as funded by such Acts, are the
7 total amounts available for fiscal years 1994 through 2002
8 for such purposes, except that, for the Bureau of Indian
9 Affairs, tribes and tribal organizations may use their trib-
10 al priority allocations for unmet indirect costs of ongoing
11 contracts, grants, self-governance compacts or annual
12 funding agreements.

13 SEC. 309. Of the funds provided to the National En-
14 dowment for the Arts—

15 (1) The Chairperson shall only award a grant
16 to an individual if such grant is awarded to such in-
17 dividual for a literature fellowship, National Herit-
18 age Fellowship, or American Jazz Masters Fellow-
19 ship.

20 (2) The Chairperson shall establish procedures
21 to ensure that no funding provided through a grant,
22 except a grant made to a State or local arts agency,
23 or regional group, may be used to make a grant to
24 any other organization or individual to conduct ac-
25 tivity independent of the direct grant recipient.

1 Nothing in this subsection shall prohibit payments
2 made in exchange for goods and services.

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

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

21 SEC. 311. (a) In providing services or awarding fi-
22 nancial assistance under the National Foundation on the
23 Arts and the Humanities Act of 1965 from funds appro-
24 priated under this Act, the Chairperson of the National
25 Endowment for the Arts shall ensure that priority is given

1 to providing services or awarding financial assistance for
2 projects, productions, workshops, or programs that serve
3 underserved populations.

4 (b) In this section:

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

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

17 (c) In providing services and awarding financial as-
18 sistance under the National Foundation on the Arts and
19 Humanities Act of 1965 with funds appropriated by this
20 Act, the Chairperson of the National Endowment for the
21 Arts shall ensure that priority is given to providing serv-
22 ices or awarding financial assistance for projects, produc-
23 tions, workshops, or programs that will encourage public
24 knowledge, education, understanding, and appreciation of
25 the arts.

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

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

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

12 (3) the Chairperson shall report to the Con-
13 gress annually and by State, on grants awarded by
14 the Chairperson in each grant category under sec-
15 tion 5 of such Act; and

16 (4) the Chairperson shall encourage the use of
17 grants to improve and support community-based
18 music performance and education.

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

23 SEC. 313. None of the funds in this Act may be used
24 to support Government-wide administrative functions un-
25 less such functions are justified in the budget process and

1 funding is approved by the House and Senate Committees
2 on Appropriations.

3 SEC. 314. Amounts deposited during fiscal year 2002
4 in the roads and trails fund provided for in the 14th para-
5 graph under the heading “FOREST SERVICE” of the
6 Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall
7 be used by the Secretary of Agriculture, without regard
8 to the State in which the amounts were derived, to repair
9 or reconstruct roads, bridges, and trails on National For-
10 est System lands or to carry out and administer projects
11 to improve forest health conditions, which may include the
12 repair or reconstruction of roads, bridges, and trails on
13 National Forest System lands in the wildland-community
14 interface where there is an abnormally high risk of fire.
15 The projects shall emphasize reducing risks to human
16 safety and public health and property and enhancing eco-
17 logical functions, long-term forest productivity, and bio-
18 logical integrity. The projects may be completed in a sub-
19 sequent fiscal year. Funds shall not be expended under
20 this section to replace funds which would otherwise appro-
21 priately be expended from the timber salvage sale fund.
22 Nothing in this section shall be construed to exempt any
23 project from any environmental law.

24 SEC. 315. Other than in emergency situations, none
25 of the funds in this Act may be used to operate telephone

1 answering machines during core business hours unless
2 such answering machines include an option that enables
3 callers to reach promptly an individual on-duty with the
4 agency being contacted.

5 SEC. 316. No timber sale in Region 10 shall be adver-
6 tised if the indicated rate is deficit when appraised under
7 the transaction evidence appraisal system using domestic
8 Alaska values for western redcedar: *Provided*, That sales
9 which are deficit when appraised under the transaction
10 evidence appraisal system using domestic Alaska values
11 for western redcedar may be advertised upon receipt of
12 a written request by a prospective, informed bidder, who
13 has the opportunity to review the Forest Service's cruise
14 and harvest cost estimate for that timber. Program accom-
15 plishments shall be based on volume sold. Should Region
16 10 sell, in fiscal year 2002, the annual average portion
17 of the decadal allowable sale quantity called for in the cur-
18 rent Tongass Land Management Plan in sales which are
19 not deficit when appraised under the transaction evidence
20 appraisal system using domestic Alaska values for western
21 redcedar, all of the western redcedar timber from those
22 sales which is surplus to the needs of domestic processors
23 in Alaska, shall be made available to domestic processors
24 in the contiguous 48 United States at prevailing domestic
25 prices. Should Region 10 sell, in fiscal year 2002, less

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

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

7 SEC. 317. A project undertaken by the Forest Service
8 under the Recreation Fee Demonstration Program as au-
9 thorized by section 315 of the Department of the Interior
10 and Related Agencies Appropriations Act for Fiscal Year
11 1996, as amended, shall not result in—

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

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

1 (A) the private sector provider fails to bid
2 on such opportunities;

3 (B) the private sector provider terminates
4 its relationship with the agency; or

5 (C) the agency revokes the permit for non-
6 compliance with the terms and conditions of the
7 authorization.

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

12 SEC. 318. Prior to October 1, 2003, the Secretary
13 of Agriculture shall not be considered to be in violation
14 of subparagraph 6(f)(5)(A) of the Forest and Rangeland
15 Renewable Resources Planning Act of 1974 (16 U.S.C.
16 1604(f)(5)(A)) solely because more than 15 years have
17 passed without revision of the plan for a unit of the Na-
18 tional Forest System. Nothing in this section exempts the
19 Secretary from any other requirement of the Forest and
20 Rangeland Renewable Resources Planning Act (16 U.S.C.
21 1600 et seq.) or any other law: *Provided*, That if the Sec-
22 retary is not acting expeditiously and in good faith, within
23 the funding available, to revise a plan for a unit of the
24 National Forest System, this section shall be void with re-

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

3 SEC. 319. Until September 30, 2004, the authority
4 of the Secretary of Agriculture to enter into a cooperative
5 agreement under the first section of Public Law 94–148
6 (16 U.S.C. 565a–1) for a purpose described in such sec-
7 tion includes the authority to use that legal instrument
8 when the principal purpose of the resulting relationship
9 is to the mutually significant benefit of the Forest Service
10 and the other party or parties to the agreement, including
11 nonprofit entities.

12 SEC. 320. No funds provided in this Act may be ex-
13 pended to conduct preleasing, leasing, and related activi-
14 ties under either the Mineral Leasing Act (30 U.S.C. 181
15 et seq.) or the Outer Continental Shelf Lands Act (43
16 U.S.C. 1331 et seq.) within the boundaries of a National
17 Monument established pursuant to the Act of June 8,
18 1906 (16 U.S.C. 431 et seq.) as such boundary existed
19 on January 20, 2001, except where such activities are al-
20 lowed under the Presidential proclamation establishing
21 such monument.

22 SEC. 321. Section 347(a) of the Department of the
23 Interior and Related Agencies Appropriations Act, 1999,
24 as included in Public Law 105–277 as amended, is amend-
25 ed by striking “2004” and inserting “2005”. The author-

1 ity to enter into stewardship and end result contracts pro-
2 vided to the Forest Service in accordance with section 347
3 of title III of section 101(e) of division A of Public Law
4 105–277 is hereby expanded to authorize the Forest Serv-
5 ice to enter into an additional 12 contracts subject to the
6 same terms and conditions as provided in that section.

7 SEC. 322. TECHNICAL CORRECTION RELATED TO
8 CABIN USER FEES.—Section 608(b)(2) of the Cabin User
9 Fee Fairness Act of 2000 (16 U.S.C. 6207(b)(2); Public
10 Law 106–291) is amended by striking “value influences”
11 and inserting in lieu thereof “criteria” and striking “sec-
12 tion 606(b)(3)” and inserting in lieu thereof “section
13 606(b)(2)”.

14 SEC. 323. EXTENSION OF FOREST SERVICE CONVEY-
15 ANCES PILOT PROGRAM.—Section 329 of the Department
16 of the Interior and Related Agencies Appropriations Act,
17 2002 (16 U.S.C. 580d note; Public Law 107–63) is
18 amended—

19 (1) in subsection (b), by striking “10” and in-
20 serting “20”; and

21 (2) in subsection (d), by striking “2005” and
22 inserting “2006”.

23 SEC. 324. A grazing permit or lease issued by the
24 Secretary of the Interior or the Secretary of Agriculture
25 where National Forest System lands are involved that ex-

1 pires (or is transferred or waived) during fiscal year 2003
2 shall be renewed under section 402 of the Federal Land
3 Policy and Management Act of 1976, as amended (43
4 U.S.C. 1752), section 19 of the Granger-Thye Act, as
5 amended (16 U.S.C. 5801), or if applicable, section 510
6 of the California Desert Protection Act (16 U.S.C.
7 410aaa–50). The terms and conditions contained in the
8 expiring permit or lease shall continue in effect under the
9 new permit or lease until such time as the Secretary of
10 the Interior or the Secretary of Agriculture completes
11 processing of such permit or lease in compliance with all
12 applicable laws and regulations, at which time such permit
13 or lease may be canceled, suspended, or modified, in whole
14 or in part, to meet the requirements of such applicable
15 laws and regulations. Nothing in this section shall be
16 deemed to alter the statutory authority of the Secretary
17 of the Interior or the Secretary of Agriculture. Any Fed-
18 eral lands included within the boundary of Lake Roosevelt
19 National Recreation Area, as designated by the Secretary
20 of the Interior on April 5, 1990 (Lake Roosevelt Coopera-
21 tive Management Agreement), that were utilized as of
22 March 31, 1997, for grazing purposes pursuant to a per-
23 mit issued by the National Park Service, the person or
24 persons so utilizing such lands as of March 31, 1997, shall
25 be entitled to renew said permit under such terms and

1 conditions as the Secretary may prescribe, for the lifetime
2 of the permittee or 20 years, whichever is less.

3 SEC. 325. Notwithstanding any other provision of law
4 or regulation, employees of foundations established by
5 Acts of Congress to solicit private sector funds on behalf
6 of Federal land management agencies shall qualify for
7 General Services Administration contract airfare rates and
8 Federal Government hotel accommodation rates when
9 such employees are traveling on official foundation busi-
10 ness.

11 SEC. 326. Notwithstanding any other provision of law
12 or regulation, to promote the more efficient use of the
13 health care funding allocation for fiscal year 2003, the
14 Eagle Butte Service Unit of the Indian Health Service,
15 at the request of the Cheyenne River Sioux Tribe, may
16 pay base salary rates to health professionals up to the
17 highest grade and step available to a physician, phar-
18 macist, or other health professional and may pay a recruit-
19 ment or retention bonus of up to 25 percent above the
20 base pay rate.

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

1 SEC. 328. In entering into agreements with foreign
2 countries pursuant to the Wildfire Suppression Assistance
3 Act (42 U.S.C. 1856m) the Secretary of Agriculture and
4 the Secretary of the Interior are authorized to enter into
5 reciprocal agreements in which the individuals furnished
6 under said agreements to provide wildfire services are con-
7 sidered, for purposes of tort liability, employees of the
8 country receiving said services when the individuals are
9 fighting fires. The Secretary of Agriculture or the Sec-
10 retary of the Interior shall not enter into any agreement
11 under this provision unless the foreign country (either di-
12 rectly or through its fire organization) agrees to assume
13 any and all liability for the acts or omissions of American
14 firefighters engaged in firefighting in a foreign country.
15 When an agreement is reached for furnishing fire fighting
16 services, the only remedies for acts or omissions com-
17 mitted while fighting fires shall be those provided under
18 the laws of the host country and those remedies shall be
19 the exclusive remedies for any claim arising out of fighting
20 fires in a foreign country. Neither the sending country nor
21 any organization associated with the firefighter shall be
22 subject to any action whatsoever pertaining to or arising
23 out of fighting fires.

24 SEC. 329. PROHIBITION OF OIL AND GAS DRILLING
25 IN THE FINGER LAKES NATIONAL FOREST, NEW

1 YORK.—None of the funds in this Act may be used to
2 prepare or issue a permit or lease for oil or gas drilling
3 in the Finger Lakes National Forest, New York, during
4 fiscal year 2003.

5 SEC. 330. None of the funds provided in this Act may
6 be expended by the Department of the Interior to approve
7 any exploration plan, any development and production
8 plan, any application for permit to drill or to permit any
9 drilling on Outer Continental Shelf Southern California
10 Planning Area leases numbered OCS-P0443, OCS-
11 P0445, OCS-P0446, OCS-P0449, OCS-P0499, OCS-
12 P0500, OCS-P0210, OCS-P0527, OCS-P0460, OCS-
13 P0464, OCS-P0409, OCS-P0396, OCS-P0397, OCS-
14 P0402, OCS-P0403, OCS-P0408, OCS-P0414, OCS-
15 P0319, OCS-P0320, OCS-P0322, OCS-P0323-A, OCS-
16 P0426, OCS-P0427, OCS-P0432, OCS-P0435, OCS-
17 P0452, OCS-P0453, OCS-P0425, OCS-P0430, OCS-
18 P0431, OCS-P0433, OCS-P0434, OCS-P0415, OCS-
19 P0416, OCS-P0421, and OCS-P0422.

20 SEC. 331. None of the funds made available in this
21 Act may be used for the planning, design, or construction
22 of improvements to Pennsylvania Avenue in front of the
23 White House without the advance approval of the Commit-
24 tees on Appropriations.

Calendar No. 503

107TH CONGRESS
2^D SESSION

H. R. 5093

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

JULY 18, 2002

Received; read twice and placed on the calendar