

Calendar No. 478107TH CONGRESS
2^D SESSION**S. 2708****[Report No. 107-201]**

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

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2002

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

A BILL

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 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,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of the Interior and related agencies for the
6 fiscal year ending September 30, 2003, and for other pur-
7 poses, namely:

1 TITLE I—DEPARTMENT OF THE INTERIOR

2 BUREAU OF LAND MANAGEMENT

3 MANAGEMENT OF LANDS AND RESOURCES

4 For expenses necessary for protection, use, improve-
5 ment, development, disposal, cadastral surveying, classi-
6 fication, acquisition of easements and other interests in
7 lands, and performance of other functions, including main-
8 tenance of facilities, as authorized by law, in the manage-
9 ment of lands and their resources under the jurisdiction
10 of the Bureau of Land Management, including the general
11 administration of the Bureau, and assessment of mineral
12 potential of public lands pursuant to Public Law 96–487
13 (16 U.S.C. 3150(a)), \$816,062,000, to remain available
14 until expended, of which \$2,000,000 is for high priority
15 projects which shall be carried out by the Youth Conserva-
16 tion Corps, defined in section 250(c)(4)(E) of the Bal-
17 anced Budget and Emergency Deficit Control Act of 1985,
18 as amended, for the purposes of such Act; of which
19 \$4,000,000 shall be available for assessment of the min-
20 eral potential of public lands in Alaska pursuant to section
21 1010 of Public Law 96–487 (16 U.S.C. 3150); and of
22 which not to exceed \$1,000,000 shall be derived from the
23 special receipt account established by the Land and Water
24 Conservation Act of 1965, as amended (16 U.S.C. 460l–
25 6a(i)); and of which \$3,000,000 shall be available in fiscal

1 year 2003 subject to a match by at least an equal amount
2 by the National Fish and Wildlife Foundation, to such
3 Foundation for cost-shared projects supporting conserva-
4 tion of Bureau lands and such funds shall be advanced
5 to the Foundation as a lump sum grant without regard
6 to when expenses are incurred; in addition, \$32,696,000
7 for Mining Law Administration program operations, in-
8 cluding the cost of administering the mining claim fee pro-
9 gram; to remain available until expended, to be reduced
10 by amounts collected by the Bureau and credited to this
11 appropriation from annual mining claim fees so as to re-
12 sult in a final appropriation estimated at not more than
13 \$821,062,000, and \$2,000,000, to remain available until
14 expended, from communication site rental fees established
15 by the Bureau for the cost of administering communica-
16 tion site activities: *Provided*, That appropriations herein
17 made shall not be available for the destruction of healthy,
18 unadopted, wild horses and burros in the care of the Bu-
19 reau or its contractors: *Provided further*, That of the
20 amount provided, \$31,028,000 is for the conservation ac-
21 tivities defined in section 250(c)(4)(E) of the Balanced
22 Budget and Emergency Deficit Control Act of 1985, as
23 amended, for the purposes of such Act.

24

WILDLAND FIRE MANAGEMENT

25 For necessary expenses for fire preparedness, sup-
26 pression operations, fire science and research, emergency

1 rehabilitation, hazardous fuels reduction, and rural fire as-
2 sistance by the Department of the Interior, \$544,254,000,
3 to remain available until expended, of which not to exceed
4 \$12,374,000 shall be for the renovation or construction
5 of fire facilities: *Provided*, That such funds are also avail-
6 able for repayment of advances to other appropriation ac-
7 counts from which funds were previously transferred for
8 such purposes: *Provided further*, That persons hired pur-
9 suant to 43 U.S.C. 1469 may be furnished subsistence and
10 lodging without cost from funds available from this appro-
11 priation: *Provided further*, That notwithstanding 42
12 U.S.C. 1856d, sums received by a bureau or office of the
13 Department of the Interior for fire protection rendered
14 pursuant to 42 U.S.C. 1856 et seq., protection of United
15 States property, may be credited to the appropriation from
16 which funds were expended to provide that protection, and
17 are available without fiscal year limitation: *Provided fur-*
18 *ther*, That using the amounts designated under this title
19 of this Act, the Secretary of the Interior may enter into
20 procurement contracts, grants, or cooperative agreements,
21 for hazardous fuels reduction activities, and for training
22 and monitoring associated with such hazardous fuels re-
23 duction activities, on Federal land, or on adjacent non-
24 Federal land for activities that benefit resources on Fed-
25 eral land: *Provided further*, That the costs of implementing

1 any cooperative agreement between the Federal govern-
2 ment and any non-Federal entity may be shared, as mutu-
3 ally agreed on by the affected parties: *Provided further,*
4 That in entering into such grants or cooperative agree-
5 ments, the Secretary may consider the enhancement of
6 local and small business employment opportunities for
7 rural communities, and that in entering into procurement
8 contracts under this section on a best value basis, the Sec-
9 retary may take into account the ability of an entity to
10 enhance local and small business employment opportuni-
11 ties in rural communities, and that the Secretary may
12 award procurement contracts, grants, or cooperative
13 agreements under this section to entities that include local
14 non-profit entities, Youth Conservation Corps or related
15 partnerships, or small or disadvantaged businesses: *Pro-*
16 *vided further,* That funds appropriated under this head
17 may be used to reimburse the United States Fish and
18 Wildlife Service and the National Marine Fisheries Service
19 for the costs of carrying out their responsibilities under
20 the Endangered Species Act of 1973 (16 U.S.C. 1531 et
21 seq.) to consult and conference, as required by section 7
22 of such Act in connection with wildland fire management
23 activities.

24 For an additional amount to cover necessary expenses
25 for emergency rehabilitation and wildfire suppression by

1 the Department of the Interior, \$110,000,000, to remain
2 available until expended: *Provided*, That the Congress des-
3 ignates the entire amount as an emergency requirement
4 pursuant to section 251(b)(2)(A) of the Balanced Budget
5 and Emergency Deficit Control Act of 1985, as amended:
6 *Provided further*, That \$110,000,000 shall be available
7 only to the extent an official budget request, that includes
8 designation of the \$110,000,000 as an emergency require-
9 ment as defined in the Balanced Budget and Emergency
10 Deficit Control Act of 1985, as amended, is transmitted
11 by the President to the Congress.

12 CENTRAL HAZARDOUS MATERIALS FUND

13 For necessary expenses of the Department of the In-
14 terior and any of its component offices and bureaus for
15 the remedial action, including associated activities, of haz-
16 ardous waste substances, pollutants, or contaminants pur-
17 suant to the Comprehensive Environmental Response,
18 Compensation, and Liability Act, as amended (42 U.S.C.
19 9601 et seq.), \$9,978,000, to remain available until ex-
20 pended: *Provided*, That notwithstanding 31 U.S.C. 3302,
21 sums recovered from or paid by a party in advance of or
22 as reimbursement for remedial action or response activi-
23 ties conducted by the Department pursuant to section 107
24 or 113(f) of such Act, shall be credited to this account
25 to be available until expended without further appropria-
26 tion: *Provided further*, That such sums recovered from or

1 paid by any party are not limited to monetary payments
2 and may include stocks, bonds or other personal or real
3 property, which may be retained, liquidated, or otherwise
4 disposed of by the Secretary and which shall be credited
5 to this account.

6 CONSTRUCTION

7 For construction of buildings, recreation facilities,
8 roads, trails, and appurtenant facilities, \$12,976,000, to
9 remain available until expended.

10 PAYMENTS IN LIEU OF TAXES

11 For expenses necessary to implement the Act of Octo-
12 ber 20, 1976, as amended (31 U.S.C. 6901–6907),
13 \$220,000,000, of which not to exceed \$400,000 shall be
14 available for administrative expenses and of which
15 \$100,000,000 is for the conservation activities defined in
16 section 250(c)(4)(E) of the Balanced Budget and Emer-
17 gency Deficit Control Act of 1985, as amended, for the
18 purposes of such Act: *Provided*, That no payment shall
19 be made to otherwise eligible units of local government if
20 the computed amount of the payment is less than \$100.

21 LAND ACQUISITION

22 For expenses necessary to carry out sections 205,
23 206, and 318(d) of Public Law 94–579, including admin-
24 istrative expenses and acquisition of lands or waters, or
25 interests therein, \$38,734,000, to be derived from the
26 Land and Water Conservation Fund, to remain available

1 until expended, and to be for the conservation activities
 2 defined in section 250(c)(4)(E) of the Balanced Budget
 3 and Emergency Deficit Control Act of 1985, as amended,
 4 for the purposes of such Act.

5 OREGON AND CALIFORNIA GRANT LANDS

6 For expenses necessary for management, protection,
 7 and development of resources and for construction, oper-
 8 ation, and maintenance of access roads, reforestation, and
 9 other improvements on the revested Oregon and California
 10 Railroad grant lands, on other Federal lands in the Or-
 11 egon and California land-grant counties of Oregon, and
 12 on adjacent rights-of-way; and acquisition of lands or in-
 13 terests therein including existing connecting roads on or
 14 adjacent to such grant lands; \$105,633,000, to remain
 15 available until expended: *Provided*, That 25 percent of the
 16 aggregate of all receipts during the current fiscal year
 17 from the revested Oregon and California Railroad grant
 18 lands is hereby made a charge against the Oregon and
 19 California land-grant fund and shall be transferred to the
 20 General Fund in the Treasury in accordance with the sec-
 21 ond paragraph of subsection (b) of title II of the Act of
 22 August 28, 1937 (50 Stat. 876).

23 FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

24 (REVOLVING FUND, SPECIAL ACCOUNT)

25 In addition to the purposes authorized in Public Law
 26 102–381, funds made available in the Forest Ecosystem

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

11 RANGE IMPROVEMENTS

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

1 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

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

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

4 MISCELLANEOUS TRUST FUNDS

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

13 ADMINISTRATIVE PROVISIONS

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

1 cure printing services from cooperators in connection with
2 jointly produced publications for which the cooperators
3 share the cost of printing either in cash or in services,
4 and the Bureau determines the cooperator is capable of
5 meeting accepted quality standards.

6 UNITED STATES FISH AND WILDLIFE SERVICE

7 RESOURCE MANAGEMENT

8 For necessary expenses of the United States Fish and
9 Wildlife Service, for scientific and economic studies, con-
10 servation, management, investigations, protection, and
11 utilization of fishery and wildlife resources, except whales,
12 seals, and sea lions, maintenance of the herd of long-
13 horned cattle on the Wichita Mountains Wildlife Refuge,
14 general administration, and for the performance of other
15 authorized functions related to such resources by direct
16 expenditure, contracts, grants, cooperative agreements
17 and reimbursable agreements with public and private enti-
18 ties, \$924,620,000, to remain available until September
19 30, 2004, except as otherwise provided herein, of which
20 \$120,729,000 is for conservation activities defined in sec-
21 tion 250(c)(4)(E) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985, as amended, for the purposes
23 of such Act: *Provided*, That not less than \$2,000,000 shall
24 be provided to local governments in southern California
25 for planning associated with the Natural Communities

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

1 the Secretary and to be accounted for solely on her certifi-
2 cate: *Provided further*, That of the amount provided for
3 environmental contaminants, up to \$1,000,000 may re-
4 main available until expended for contaminant sample
5 analyses.

6 CONSTRUCTION

7 For construction, improvement, acquisition, or re-
8 moval of buildings and other facilities required in the con-
9 servation, management, investigation, protection, and uti-
10 lization of fishery and wildlife resources, and the acquisi-
11 tion of lands and interests therein; \$42,182,000, to remain
12 available until expended: *Provided*, That notwithstanding
13 any other provision of law, a single procurement for the
14 construction of the Kodiak National Wildlife Refuge vis-
15 itor center may be issued which includes the full scope
16 of the project: *Provided further*, That the solicitation and
17 the contract shall contain the clause “availability of
18 funds” found at 48 CFR 52.232.18.

19 LAND ACQUISITION

20 For expenses necessary to carry out the Land and
21 Water Conservation Fund Act of 1965, as amended (16
22 U.S.C. 4601–4 through 11), including administrative ex-
23 penses, and for acquisition of land or waters, or interest
24 therein, in accordance with statutory authority applicable
25 to the United States Fish and Wildlife Service,
26 \$89,055,000, to be derived from the Land and Water Con-

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

9 LANDOWNER INCENTIVE PROGRAM

10 For administrative expenses associated with a Land-
11 owner Incentive Program established in Public Law 107-
12 63, \$600,000, to be derived from the Land and Water
13 Conservation Fund, to remain available until expended,
14 and to be for conservation spending category activities
15 pursuant to section 251(c) of the Balanced Budget and
16 Emergency Deficit Control Act of 1985, as amended, for
17 the purposes of discretionary spending limits.

18 STEWARDSHIP GRANTS

19 For administrative expenses associated with a Private
20 Stewardship Program established in Public Law 107-63,
21 \$200,000, to be derived from the Land and Water Con-
22 servation Fund, to remain available until expended, and
23 to be for conservation spending category activities pursu-
24 ant to section 251(c) of the Balanced Budget and Emer-
25 gency Deficit Control Act of 1985, as amended, for the
26 purposes of discretionary spending limits.

1 COOPERATIVE ENDANGERED SPECIES CONSERVATION
2 FUND

3 For expenses necessary to carry out section 6 of the
4 Endangered Species Act of 1973 (16 U.S.C. 1531–1543),
5 as amended, \$99,400,000, to be derived from the Coopera-
6 tive Endangered Species Conservation Fund, to remain
7 available until expended, and to be for the conservation
8 activities 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.

11 NATIONAL WILDLIFE REFUGE FUND

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

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.

22 NEOTROPICAL MIGRATORY BIRD CONSERVATION

23 For financial assistance for projects to promote the
24 conservation of neotropical migratory birds in accordance
25 with the Neotropical Migratory Bird Conservation Act,

1 Public Law 106–247 (16 U.S.C. 6101–6109), \$3,000,000,
2 to remain available until expended.

3 MULTINATIONAL SPECIES CONSERVATION FUND

4 For expenses necessary to carry out the African Ele-
5 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
6 4213, 4221–4225, 4241–4245, and 1538), the Asian Ele-
7 phant Conservation Act of 1997 (Public Law 105–96; 16
8 U.S.C. 4261–4266), the Rhinoceros and Tiger Conserva-
9 tion Act of 1994 (16 U.S.C. 5301–5306), and the Great
10 Ape Conservation Act of 2000 (16 U.S.C. 6301),
11 \$5,500,000, to remain available until expended.

12 STATE AND TRIBAL WILDLIFE GRANTS

13 For wildlife conservation grants to States and to the
14 District of Columbia, Puerto Rico, Guam, the United
15 States Virgin Islands, the Northern Mariana Islands,
16 American Samoa, and federally recognized Indian tribes
17 under the provisions of the Fish and Wildlife Act of 1956
18 and the Fish and Wildlife Coordination Act, for the devel-
19 opment and implementation of programs for the benefit
20 of wildlife and their habitat, including species that are not
21 hunted or fished, \$60,000,000, to be derived from the
22 Land and Water Conservation Fund, to remain available
23 until expended, and to be for the conservation activities
24 defined in section 250(c)(4)(E) of the Balanced Budget
25 and Emergency Deficit Control Act of 1985, as amended,
26 for the purposes of such Act: *Provided*, That of the

1 amount provided herein, \$5,000,000 is for a competitive
2 grant program for Indian tribes not subject to the remain-
3 ing provisions of this appropriation: *Provided further*, That
4 the Secretary shall, after deducting said \$5,000,000 and
5 administrative expenses, apportion the amount provided
6 herein in the following manner: (A) to the District of Co-
7 lumbia and to the Commonwealth of Puerto Rico, each
8 a sum equal to not more than one-half of 1 percent there-
9 of: and (B) to Guam, American Samoa, the United States
10 Virgin Islands, and the Commonwealth of the Northern
11 Mariana Islands, each a sum equal to not more than one-
12 fourth of 1 percent thereof: *Provided further*, That the
13 Secretary shall apportion the remaining amount in the fol-
14 lowing manner: (A) one-third of which is based on the
15 ratio to which the land area of such State bears to the
16 total land area of all such States; and (B) two-thirds of
17 which is based on the ratio to which the population of such
18 State bears to the total population of all such States: *Pro-*
19 *vided further*, That the amounts apportioned under this
20 paragraph shall be adjusted equitably so that no State
21 shall be apportioned a sum which is less than 1 percent
22 of the amount available for apportionment under this
23 paragraph for any fiscal year or more than 5 percent of
24 such amount: *Provided further*, That the Federal share of
25 planning grants shall not exceed 75 percent of the total

1 costs of such projects and the Federal share of implemen-
2 tation grants shall not exceed 50 percent of the total costs
3 of such projects: *Provided further*, That the non-Federal
4 share of such projects may not be derived from Federal
5 grant programs: *Provided further*, That no State, territory,
6 or other jurisdiction shall receive a grant unless it has de-
7 veloped, or committed to develop by October 1, 2005, a
8 comprehensive wildlife conservation plan, consistent with
9 criteria established by the Secretary of the Interior, that
10 considers the broad range of the State, territory, or other
11 jurisdiction's wildlife and associated habitats, with appro-
12 priate priority placed on those species with the greatest
13 conservation need and taking into consideration the rel-
14 ative level of funding available for the conservation of
15 those species: *Provided further*, That any amount appor-
16 tioned in 2003 to any State, territory, or other jurisdiction
17 that remains unobligated as of September 30, 2004, shall
18 be reapportioned, together with funds appropriated in
19 2005, in the manner provided herein.

20 ADMINISTRATIVE PROVISIONS

21 Appropriations and funds available to the United
22 States Fish and Wildlife Service shall be available for pur-
23 chase of not to exceed 102 passenger motor vehicles, of
24 which 75 are for replacement only (including 39 for police-
25 type use); repair of damage to public roads within and
26 adjacent to reservation areas caused by operations of the

1 Service; options for the purchase of land at not to exceed
2 \$1 for each option; facilities incident to such public rec-
3 reational uses on conservation areas as are consistent with
4 their primary purpose; and the maintenance and improve-
5 ment of aquaria, buildings, and other facilities under the
6 jurisdiction of the Service and to which the United States
7 has title, and which are used pursuant to law in connection
8 with management and investigation of fish and wildlife re-
9 sources: *Provided*, That notwithstanding 44 U.S.C. 501,
10 the Service may, under cooperative cost sharing and part-
11 nership arrangements authorized by law, procure printing
12 services from cooperators in connection with jointly pro-
13 duced publications for which the cooperators share at least
14 one-half the cost of printing either in cash or services and
15 the Service determines the cooperator is capable of meet-
16 ing accepted quality standards: *Provided further*, That the
17 Service may accept donated aircraft as replacements for
18 existing aircraft: *Provided further*, That the United States
19 Fish and Wildlife Service is authorized to grant \$500,000
20 appropriated in Public Law 107-63 for land acquisition
21 to the Narragansett Indian Tribe for acquisition of the
22 Great Salt Pond burial tract: *Provided further*, That not-
23 withstanding any other provision of law, the Secretary of
24 the Interior may not spend any of the funds appropriated
25 in this Act for the purchase of lands or interests in lands

1 to be used in the establishment of any new unit of the
2 National Wildlife Refuge System unless the purchase is
3 approved in advance by the House and Senate Committees
4 on Appropriations in compliance with the reprogramming
5 procedures contained in House Report 107–63.

6 NATIONAL PARK SERVICE

7 OPERATION OF THE NATIONAL PARK SYSTEM

8 For expenses necessary for the management, oper-
9 ation, and maintenance of areas and facilities adminis-
10 tered by the National Park Service (including special road
11 maintenance service to trucking permittees on a reimburs-
12 able basis), and for the general administration of the Na-
13 tional Park Service, \$1,585,065,000, of which \$6,878,000
14 for planning and interagency coordination in support of
15 Everglades restoration shall remain available until ex-
16 pended; of which \$90,280,000, to remain available until
17 September 30, 2004, is for maintenance repair or rehabili-
18 tation projects for constructed assets, operation of the Na-
19 tional Park Service automated facility management soft-
20 ware system, and comprehensive facility condition assess-
21 ments; of which not less than \$9,000,000 is for reimburse-
22 ment of the United States Geological Survey for conduct
23 of National Park Service natural resource challenge activi-
24 ties; and of which \$4,000,000 is for the Youth Conserva-
25 tion Corps, defined in section 250(c)(4)(E) of the Bal-

1 anced Budget and Emergency Deficit Control Act of 1985,
2 as amended, for the purposes of such Act, for high priority
3 projects: *Provided*, That the only funds in this account
4 which may be made available to support United States
5 Park Police are those funds approved for emergency law
6 and order incidents pursuant to established National Park
7 Service procedures, those funds needed to maintain and
8 repair United States Park Police administrative facilities,
9 and those funds necessary to reimburse the United States
10 Park Police account for the unbudgeted overtime and trav-
11 el costs associated with special events for an amount not
12 to exceed \$10,000 per event subject to the review and con-
13 currence of the Washington headquarters office.

14 UNITED STATES PARK POLICE

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

17 NATIONAL RECREATION AND PRESERVATION

18 For expenses necessary to carry out recreation pro-
19 grams, natural programs, cultural programs, heritage
20 partnership programs, environmental compliance and re-
21 view, international park affairs, statutory or contractual
22 aid for other activities, and grant administration, not oth-
23 erwise provided for, \$62,828,000.

24 URBAN PARK AND RECREATION FUND

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

1 (16 U.S.C. 2501 et seq.), \$10,000,000, to remain available
2 until expended and to be for the conservation activities
3 defined in section 250(c)(4)(E) of the Balanced Budget
4 and Emergency Deficit Control Act of 1985, as amended,
5 for the purposes of such Act.

6 HISTORIC PRESERVATION FUND

7 For expenses necessary in carrying out the Historic
8 Preservation Act of 1966, as amended (16 U.S.C. 470),
9 and the Omnibus Parks and Public Lands Management
10 Act of 1996 (Public Law 104–333), \$67,000,000, to be
11 derived from the Historic Preservation Fund, to remain
12 available until September 30, 2004, and to be for the con-
13 servation activities defined in section 250(c)(4)(E) of the
14 Balanced Budget and Emergency Deficit Control Control
15 Act of 1985, as amended, for the purposes of such Act:
16 *Provided*, That of the total amount provided, \$30,000,000
17 shall be for Save America’s Treasures for priority preser-
18 vation projects of nationally significant sites, structures,
19 and artifacts: *Provided further*, That any individual Save
20 America’s Treasures grant shall be matched by non-Fed-
21 eral funds: *Provided further*, That individual projects shall
22 only be eligible for one grant, and all projects to be funded
23 shall be approved by the House and Senate Committees
24 on Appropriations prior to the commitment of grant
25 funds: *Provided further*, That Save America’s Treasures
26 funds allocated for Federal projects shall be available by

1 transfer to appropriate accounts of individual agencies,
2 after approval of such projects by the Secretary of the In-
3 terior, in consultation with the President's Committee on
4 the Arts and Humanities: *Provided further*, That none of
5 the funds provided for Save America's Treasures may be
6 used for administrative expenses, and staffing for the pro-
7 gram shall be available from the existing staffing levels
8 in the National Park Service.

9 CONSTRUCTION

10 For construction, improvements, repair or replace-
11 ment of physical facilities, including the modifications au-
12 thorized by section 104 of the Everglades National Park
13 Protection and Expansion Act of 1989, \$361,915,000, to
14 remain available until expended, of which \$1,250,000 for
15 the Eaker Site National Historic Landmark, \$2,500,000
16 for the Virginia City Historic District, and \$1,250,000 for
17 the Fort Osage National Historic Landmark shall be de-
18 rived from the Historic Preservation Fund pursuant to 16
19 U.S.C. 470a, and of which \$132,058,000 is for conserva-
20 tion activities defined in section 250(c)(4)(E) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985,
22 as amended, for the purposes of such Act.

23 LAND AND WATER CONSERVATION FUND

24 (RESCISSION)

25 The contract authority provided for fiscal year 2003
26 by 16 U.S.C. 460l-10a are rescinded.

1 LAND ACQUISITION AND STATE ASSISTANCE

2 For expenses necessary to carry out the Land and
3 Water Conservation Act of 1965, as amended (16 U.S.C.
4 4601–4 through 11), including administrative expenses,
5 and for acquisition of lands or waters, or interest therein,
6 in accordance with the statutory authority applicable to
7 the National Park Service, \$238,205,000, to be derived
8 from the Land and Water Conservation Fund, to remain
9 available until expended, and to be for the conservation
10 activities defined in section 250(c)(4)(E) of the Balanced
11 Budget and Emergency Deficit Control of 1985, as
12 amended, for the purposes of such Act, of which
13 \$144,000,000 is for the State assistance program includ-
14 ing \$4,000,000 to administer the State assistance pro-
15 gram: *Provided*, That of the amounts provided under this
16 heading, \$20,000,000 may be for Federal grants, includ-
17 ing Federal administrative expenses, to the State of Flor-
18 ida for the acquisition of lands or waters, or interests
19 therein, within the Everglades watershed (consisting of
20 lands and waters within the boundaries of the South Flor-
21 ida Water Management District, Florida Bay and the
22 Florida Keys, including the areas known as the Frog
23 Pond, the Rocky Glades and the Eight and One-Half
24 Square Mile Area) under terms and conditions deemed
25 necessary by the Secretary to improve and restore the

1 hydrological function of the Everglades watershed: *Pro-*
2 *vided further*, That funds provided under this heading for
3 assistance to the State of Florida to acquire lands within
4 the Everglades watershed are contingent upon new match-
5 ing non-Federal funds by the State, or are matched by
6 the State pursuant to the cost-sharing provisions of sec-
7 tion 316(b) of Public Law 104–303, and shall be subject
8 to an agreement that the lands to be acquired will be man-
9 aged in perpetuity for the restoration of the Everglades:
10 *Provided further*, That none of the funds provided for the
11 State Assistance program may be used to establish a con-
12 tingency fund.

13 ADMINISTRATIVE PROVISIONS

14 Appropriations for the National Park Service shall be
15 available for the purchase of not to exceed 315 passenger
16 motor vehicles, of which 273 shall be for replacement only,
17 including not to exceed 226 for police-type use, 10 buses,
18 and 8 ambulances: *Provided*, That none of the funds ap-
19 propriated to the National Park Service may be used to
20 process any grant or contract documents which do not in-
21 clude the text of 18 U.S.C. 1913: *Provided further*, That
22 none of the funds appropriated to the National Park Serv-
23 ice may be used to implement an agreement for the rede-
24 velopment of the southern end of Ellis Island until such
25 agreement has been submitted to the Congress and shall
26 not be implemented prior to the expiration of 30 calendar

1 days (not including any day in which either House of Con-
2 gress is not in session because of adjournment of more
3 than 3 calendar days to a day certain) from the receipt
4 by the Speaker of the House of Representatives and the
5 President of the Senate of a full and comprehensive report
6 on the development of the southern end of Ellis Island,
7 including the facts and circumstances relied upon in sup-
8 port of the proposed project.

9 The National Park Service may distribute to oper-
10 ating units based on the safety record of each unit the
11 costs of programs designed to improve workplace and em-
12 ployee safety, and to encourage employees receiving work-
13 ers' compensation benefits pursuant to chapter 81 of title
14 5, United States Code, to return to appropriate positions
15 for which they are medically able.

16 Notwithstanding any other provision of law, in fiscal
17 year 2003 and thereafter, sums provided to the National
18 Park Service by private entities for utility services shall
19 be credited to the appropriate account and remain avail-
20 able until expended: *Provided*, That heretofore and here-
21 after, in carrying out the work under reimbursable agree-
22 ments with any State, local or tribal government, the Na-
23 tional Park Service may, without regard to 31 U.S.C.
24 1341 or any other provision of law or regulation, record
25 obligations against accounts receivable from such entities,

1 and shall credit amounts received from such entities to
2 the appropriate account, such credit to occur within 90
3 days of the date of the original request by the National
4 Park Service for payment.

5 UNITED STATES GEOLOGICAL SURVEY

6 SURVEYS, INVESTIGATIONS, AND RESEARCH

7 For expenses necessary for the United States Geo-
8 logical Survey to perform surveys, investigations, and re-
9 search covering topography, geology, hydrology, biology,
10 and the mineral and water resources of the United States,
11 its territories and possessions, and other areas as author-
12 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
13 to their mineral and water resources; give engineering su-
14 pervision to power permittees and Federal Energy Regu-
15 latory Commission licensees; administer the minerals ex-
16 ploration program (30 U.S.C. 641); and publish and dis-
17 seminate data relative to the foregoing activities; and to
18 conduct inquiries into the economic conditions affecting
19 mining and materials processing industries (30 U.S.C. 3,
20 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes
21 as authorized by law and to publish and disseminate data;
22 \$926,667,000, of which \$64,974,000 shall be available
23 only for cooperation with States or municipalities for
24 water resources investigations; and of which \$16,400,000
25 shall remain available until expended for conducting in-

1 quires into the economic conditions affecting mining and
2 materials processing industries; and of which \$8,000,000
3 shall remain available until expended for satellite oper-
4 ations; and of which \$22,623,000 shall be available until
5 September 30, 2004, for the operation and maintenance
6 of facilities and deferred maintenance; and of which
7 \$172,227,000 shall be available until September 30, 2004,
8 for the biological research activity and the operation of
9 the Cooperative Research Units; and of which \$4,000,000
10 shall remain available until expended for interagency re-
11 search, planning, monitoring, and assessment, for ever-
12 glades restoration: *Provided*, That none of these funds
13 provided for the biological research activity shall be used
14 to conduct new surveys on private property, unless specifi-
15 cally authorized in writing by the property owner: *Pro-*
16 *vided further*, That of the amount provided herein,
17 \$35,000,000 is for the conservation activities defined in
18 section 250(c)(4)(E) of the Balanced Budget and Emer-
19 gency Deficit Control Act of 1985, as amended, for the
20 purposes of such Act: *Provided further*, That no part of
21 this appropriation shall be used to pay more than one-
22 half the cost of topographic mapping or water resources
23 data collection and investigations carried on in cooperation
24 with States and municipalities.

1 ADMINISTRATIVE PROVISION

2 The amount appropriated for the United States Geo-
3 logical Survey shall be available for the purchase of not
4 to exceed 53 passenger motor vehicles, of which 48 are
5 for replacement only; reimbursement to the General Serv-
6 ices Administration for security guard services; con-
7 tracting for the furnishing of topographic maps and for
8 the making of geophysical or other specialized surveys
9 when it is administratively determined that such proce-
10 dures are in the public interest; construction and mainte-
11 nance of necessary buildings and appurtenant facilities;
12 acquisition of lands for gauging stations and observation
13 wells; expenses of the United States National Committee
14 on Geology; and payment of compensation and expenses
15 of persons on the rolls of the Survey duly appointed to
16 represent the United States in the negotiation and admin-
17 istration of interstate compacts: *Provided*, That activities
18 funded by appropriations herein made may be accom-
19 plished through the use of contracts, grants, or coopera-
20 tive agreements as defined in 31 U.S.C. 6302 et seq.

21 MINERALS MANAGEMENT SERVICE

22 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

23 For expenses necessary for minerals leasing and envi-
24 ronmental studies, regulation of industry operations, and
25 collection of royalties, as authorized by law; for enforcing

1 laws and regulations applicable to oil, gas, and other min-
2 erals leases, permits, licenses and operating contracts; and
3 for matching grants or cooperative agreements; including
4 the purchase of not to exceed eight passenger motor vehi-
5 cles for replacement only, \$166,322,000, of which
6 \$83,284,000, shall be available for royalty management
7 activities; and an amount not to exceed \$100,230,000, to
8 be credited to this appropriation and to remain available
9 until expended, from additions to receipts resulting from
10 increases to rates in effect on August 5, 1993, from rate
11 increases to fee collections for Outer Continental Shelf ad-
12 ministrative activities performed by the Minerals Manage-
13 ment Service over and above the rates in effect on Sep-
14 tember 30, 1993, and from additional fees for Outer Con-
15 tinental Shelf administrative activities established after
16 September 30, 1993: *Provided*, That to the extent
17 \$100,230,000 in additions to receipts are not realized
18 from the sources of receipts stated above, the amount
19 needed to reach \$100,230,000 shall be credited to this ap-
20 propriation from receipts resulting from rental rates for
21 Outer Continental Shelf leases in effect before August 5,
22 1993: *Provided further*, That \$3,000,000 for computer ac-
23 quisitions shall remain available until September 30,
24 2004: *Provided further*, That funds appropriated under
25 this Act shall be available for the payment of interest in

1 accordance with 30 U.S.C. 1721(b) and (d): *Provided fur-*
2 *ther*, That not to exceed \$3,000 shall be available for rea-
3 sonable expenses related to promoting volunteer beach and
4 marine cleanup activities: *Provided further*, That notwith-
5 standing any other provision of law, \$15,000 under this
6 heading shall be available for refunds of overpayments in
7 connection with certain Indian leases in which the Direc-
8 tor of the Minerals Management Service (MMS) concurred
9 with the claimed refund due, to pay amounts owed to In-
10 dian allottees or tribes, or to correct prior unrecoverable
11 erroneous payments: *Provided further*, That MMS may
12 under the royalty-in-kind pilot program, or under its au-
13 thority to transfer oil to the Strategic Petroleum Reserve,
14 use a portion of the revenues from royalty-in-kind sales,
15 without regard to fiscal year limitation, to pay for trans-
16 portation to wholesale market centers or upstream pooling
17 points, to process or otherwise dispose of royalty produc-
18 tion taken in kind, and to recover MMS transportation
19 costs, salaries, and other administrative costs directly re-
20 lated to filling the Strategic Petroleum Reserve: *Provided*
21 *further*, That MMS shall analyze and document the ex-
22 pected return in advance of any royalty-in-kind sales to
23 assure to the maximum extent practicable that royalty in-
24 come under the pilot program is equal to or greater than

1 royalty income recognized under a comparable royalty-in-
2 value program.

3 OIL SPILL RESEARCH

4 For necessary expenses to carry out title I, section
5 1016, title IV, sections 4202 and 4303, title VII, and title
6 VIII, section 8201 of the Oil Pollution Act of 1990,
7 \$6,105,000, which shall be derived from the Oil Spill Li-
8 ability Trust Fund, to remain available until expended.

9 OFFICE OF SURFACE MINING RECLAMATION AND
10 ENFORCEMENT
11 REGULATION AND TECHNOLOGY

12 For necessary expenses to carry out the provisions
13 of the Surface Mining Control and Reclamation Act of
14 1977, Public Law 95–87, as amended, including the pur-
15 chase of not to exceed 10 passenger motor vehicles, for
16 replacement only; \$105,092,000: *Provided*, That the Sec-
17 retary of the Interior, pursuant to regulations, may use
18 directly or through grants to States, moneys collected in
19 fiscal year 2003 for civil penalties assessed under section
20 518 of the Surface Mining Control and Reclamation Act
21 of 1977 (30 U.S.C. 1268), to reclaim lands adversely af-
22 fected by coal mining practices after August 3, 1977, to
23 remain available until expended: *Provided further*, That
24 appropriations for the Office of Surface Mining Reclama-
25 tion and Enforcement may provide for the travel and per
26 diem expenses of State and tribal personnel attending Of-

1 fice of Surface Mining Reclamation and Enforcement
2 sponsored training.

3 ABANDONED MINE RECLAMATION FUND

4 For necessary expenses to carry out title IV of the
5 Surface Mining Control and Reclamation Act of 1977,
6 Public Law 95–87, as amended, including the purchase
7 of not more than 10 passenger motor vehicles for replace-
8 ment only, \$191,745,000, to be derived from receipts of
9 the Abandoned Mine Reclamation Fund and to remain
10 available until expended; of which up to \$10,000,000, to
11 be derived from the Federal Expenses Share of the Fund,
12 shall be for supplemental grants to States for the reclama-
13 tion of abandoned sites with acid mine rock drainage from
14 coal mines, and for associated activities, through the Ap-
15 palachian Clean Streams Initiative: *Provided*, That grants
16 to minimum program States will be \$1,500,000 per State
17 in fiscal year 2003: *Provided further*, That of the funds
18 herein provided up to \$18,000,000 may be used for the
19 emergency program authorized by section 410 of Public
20 Law 95–87, as amended, of which no more than 25 per-
21 cent shall be used for emergency reclamation projects in
22 any one State and funds for federally administered emer-
23 gency reclamation projects under this proviso shall not ex-
24 ceed \$11,000,000: *Provided further*, That prior year unob-
25 ligated funds appropriated for the emergency reclamation
26 program shall not be subject to the 25 percent limitation

1 per State and may be used without fiscal year limitation
2 for emergency projects: *Provided further*, That pursuant
3 to Public Law 97–365, the Department of the Interior is
4 authorized to use up to 20 percent from the recovery of
5 the delinquent debt owed to the United States Government
6 to pay for contracts to collect these debts: *Provided fur-*
7 *ther*, That funds made available under title IV of Public
8 Law 95–87 may be used for any required non-Federal
9 share of the cost of projects funded by the Federal Gov-
10 ernment for the purpose of environmental restoration re-
11 lated to treatment or abatement of acid mine drainage
12 from abandoned mines: *Provided further*, That such
13 projects must be consistent with the purposes and prior-
14 ities of the Surface Mining Control and Reclamation Act:
15 *Provided further*, That the State of Maryland may set
16 aside the greater of \$1,000,000 or 10 percent of the total
17 of the grants made available to the State under title IV
18 of the Surface Mining Control and Reclamation Act of
19 1977, as amended (30 U.S.C. 1231 et seq.), if the amount
20 set aside is deposited in an acid mine drainage abatement
21 and treatment fund established under a State law, pursu-
22 ant to which law the amount (together with all interest
23 earned on the amount) is expended by the State to under-
24 take acid mine drainage abatement and treatment
25 projects, except that before any amounts greater than 10

1 percent of its title IV grants are deposited in an acid mine
2 drainage abatement and treatment fund, the State of
3 Maryland must first complete all Surface Mining Control
4 and Reclamation Act priority one projects.

5 BUREAU OF INDIAN AFFAIRS

6 OPERATION OF INDIAN PROGRAMS

7 For expenses necessary for the operation of Indian
8 programs, as authorized by law, including the Snyder Act
9 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
10 termination and Education Assistance Act of 1975 (25
11 U.S.C. 450 et seq.), as amended, the Education Amend-
12 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
13 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
14 as amended, \$1,859,135,000, to remain available until
15 September 30, 2004 except as otherwise provided herein,
16 of which not to exceed \$85,857,000 shall be for welfare
17 assistance payments and notwithstanding any other provi-
18 sion of law, including but not limited to the Indian Self-
19 Determination Act of 1975, as amended, not to exceed
20 \$133,209,000 shall be available for payments to tribes and
21 tribal organizations for contract support costs associated
22 with ongoing contracts, grants, compacts, or annual fund-
23 ing agreements entered into with the Bureau prior to or
24 during fiscal year 2003, as authorized by such Act, except
25 that tribes and tribal organizations may use their tribal

1 priority allocations for unmet indirect costs of ongoing
2 contracts, grants, or compacts, or annual funding agree-
3 ments and for unmet welfare assistance costs; and up to
4 \$2,000,000 shall be for the Indian Self-Determination
5 Fund which shall be available for the transitional cost of
6 initial or expanded tribal contracts, grants, compacts or
7 cooperative agreements with the Bureau under such Act;
8 and of which not to exceed \$442,985,000 for school oper-
9 ations costs of Bureau-funded schools and other education
10 programs shall become available on July 1, 2003, and
11 shall remain available until September 30, 2004; and of
12 which not to exceed \$57,686,000 shall remain available
13 until expended for housing improvement, road mainte-
14 nance, attorney fees, litigation support, the Indian Self-
15 Determination Fund, land records improvement, and the
16 Navajo-Hopi Settlement Program: *Provided*, That not-
17 withstanding any other provision of law, including but not
18 limited to the Indian Self-Determination Act of 1975, as
19 amended, and 25 U.S.C. 2008, not to exceed \$43,065,000
20 within and only from such amounts made available for
21 school operations shall be available to tribes and tribal or-
22 ganizations for administrative cost grants associated with
23 the operation of Bureau-funded schools: *Provided further*,
24 That any forestry funds allocated to a tribe which remain
25 unobligated as of September 30, 2004, may be transferred

1 during fiscal year 2005 to an Indian forest land assistance
2 account established for the benefit of such tribe within the
3 tribe's trust fund account: *Provided further*, That any such
4 unobligated balances not so transferred shall expire on
5 September 30, 2005.

6 CONSTRUCTION

7 For construction, repair, improvement, and mainte-
8 nance of irrigation and power systems, buildings, utilities,
9 and other facilities, including architectural and engineer-
10 ing services by contract; acquisition of lands, and interests
11 in lands; and preparation of lands for farming, and for
12 construction of the Navajo Indian Irrigation Project pur-
13 suant to Public Law 87-483, \$348,252,000, to remain
14 available until expended: *Provided*, That such amounts as
15 may be available for the construction of the Navajo Indian
16 Irrigation Project may be transferred to the Bureau of
17 Reclamation: *Provided further*, That not to exceed 6 per-
18 cent of contract authority available to the Bureau of In-
19 dian Affairs from the Federal Highway Trust Fund may
20 be used to cover the road program management costs of
21 the Bureau: *Provided further*, That any funds provided for
22 the Safety of Dams program pursuant to 25 U.S.C. 13
23 shall be made available on a nonreimbursable basis: *Pro-*
24 *vided further*, That for fiscal year 2003, in implementing
25 new construction or facilities improvement and repair
26 project grants in excess of \$100,000 that are provided to

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

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

24 For miscellaneous payments to Indian tribes and in-
25 dividuals and for necessary administrative expenses,
26 \$57,949,000, to remain available until expended; of which

1 \$24,870,000 shall be available for implementation of en-
2 acted Indian land and water claim settlements pursuant
3 to Public Laws 101-618 and 102-575, and for implemen-
4 tation of other enacted water rights settlements; of which
5 \$5,068,000 shall be available for future water supplies fa-
6 cilities under Public Law 106-163; and of which
7 \$28,011,000 shall be available pursuant to Public Laws
8 99-264, 100-580, 106-263, 106-425 and 106-554.

9 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

10 For the cost of guaranteed and insured loans,
11 \$5,000,000, as authorized by the Indian Financing Act
12 of 1974, as amended: *Provided*, That such costs, including
13 the cost of modifying such loans, shall be as defined in
14 section 502 of the Congressional Budget Act of 1974: *Pro-*
15 *vided further*, That these funds are available to subsidize
16 total loan principal, any part of which is to be guaranteed,
17 not to exceed \$72,464,000.

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

20 ADMINISTRATIVE PROVISIONS

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

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

8 Notwithstanding any other provision of law, no funds
9 available to the Bureau of Indian Affairs for central office
10 operations, pooled overhead general administration (except
11 facilities operations and maintenance), or provided to im-
12 plement the recommendations of the National Academy of
13 Public Administration's August 1999 report shall be avail-
14 able for tribal contracts, grants, compacts, or cooperative
15 agreements with the Bureau of Indian Affairs under the
16 provisions of the Indian Self-Determination Act or the
17 Tribal Self-Governance Act of 1994 (Public Law 103-
18 413).

19 In the event any tribe returns appropriations made
20 available by this Act to the Bureau of Indian Affairs for
21 distribution to other tribes, this action shall not diminish
22 the Federal Government's trust responsibility to that
23 tribe, or the government-to-government relationship be-
24 tween the United States and that tribe, or that tribe's abil-
25 ity to access future appropriations.

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

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

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

10 DEPARTMENTAL OFFICES

11 INSULAR AFFAIRS

12 ASSISTANCE TO TERRITORIES

13 For expenses necessary for assistance to territories
14 under the jurisdiction of the Department of the Interior,
15 \$75,217,000, of which: (1) \$70,102,000 shall be available
16 until expended for technical assistance, including mainte-
17 nance assistance, disaster assistance, insular management
18 controls, coral reef initiative activities, and brown tree
19 snake control and research; grants to the judiciary in
20 American Samoa for compensation and expenses, as au-
21 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
22 ment of American Samoa, in addition to current local rev-
23 enues, for construction and support of governmental func-
24 tions; grants to the Government of the Virgin Islands as
25 authorized by law; grants to the Government of Guam,

1 as authorized by law; and grants to the Government of
2 the Northern Mariana Islands as authorized by law (Pub-
3 lic Law 94-241; 90 Stat. 272); and (2) \$5,295,000 shall
4 be available for salaries and expenses of the Office of Insu-
5 lar Affairs: *Provided*, That all financial transactions of the
6 territorial and local governments herein provided for, in-
7 cluding such transactions of all agencies or instrumental-
8 ities established or used by such governments, may be au-
9 dited by the General Accounting Office, at its discretion,
10 in accordance with chapter 35 of title 31, United States
11 Code: *Provided further*, That Northern Mariana Islands
12 Covenant grant funding shall be provided according to
13 those terms of the Agreement of the Special Representa-
14 tives on Future United States Financial Assistance for the
15 Northern Mariana Islands approved by Public Law 104-
16 134: *Provided further*, That of the amounts provided for
17 technical assistance, sufficient funding shall be made
18 available for a grant to the Close Up Foundation: *Provided*
19 *further*, That the funds for the program of operations and
20 maintenance improvement are appropriated to institu-
21 tionalize routine operations and maintenance improvement
22 of capital infrastructure with territorial participation and
23 cost sharing to be determined by the Secretary based on
24 the grantee's commitment to timely maintenance of its
25 capital assets: *Provided further*, That any appropriation

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

7 COMPACT OF FREE ASSOCIATION

8 For economic assistance and necessary expenses for
9 the Federated States of Micronesia and the Republic of
10 the Marshall Islands as provided for in sections 122, 221,
11 223, 232, and 233 of the Compact of Free Association,
12 and for economic assistance and necessary expenses for
13 the Republic of Palau as provided for in sections 122, 221,
14 223, 232, and 233 of the Compact of Free Association,
15 \$20,925,000, to remain available until expended, as au-
16 thorized by Public Law 99–239 and Public Law 99–658.

17 DEPARTMENTAL MANAGEMENT

18 SALARIES AND EXPENSES

19 For necessary expenses for management of the De-
20 partment of the Interior, \$75,695,000, of which not to ex-
21 ceed \$8,500 may be for official reception and representa-
22 tion expenses, and of which up to \$1,000,000 shall be
23 available for workers compensation payments and unem-
24 ployment compensation payments associated with the or-
25 derly closure of the United States Bureau of Mines.

1 OFFICE OF THE SOLICITOR

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of the Solicitor,
4 \$47,773,000.

5 OFFICE OF INSPECTOR GENERAL

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of Inspector
8 General, \$36,659,000, of which \$3,812,000 shall be for
9 procurement by contract of independent auditing services
10 to audit the consolidated Department of the Interior an-
11 nual financial statement and the annual financial state-
12 ment of the Department of the Interior bureaus and of-
13 fices funded in this Act.

14 OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

15 FEDERAL TRUST PROGRAMS

16 For operation of trust programs for Indians by direct
17 expenditure, contracts, cooperative agreements, compacts,
18 and grants, \$151,027,000, to remain available until ex-
19 pended: *Provided*, That funds for trust management im-
20 provements may be transferred, as needed, to the Bureau
21 of Indian Affairs "Operation of Indian Programs" account
22 and to the Departmental Management "Salaries and Ex-
23 penses" account: *Provided further*, That funds made avail-
24 able to Tribes and Tribal organizations through contracts
25 or grants obligated during fiscal year 2003, as authorized

1 by the Indian Self-Determination Act of 1975 (25 U.S.C.
2 450 et seq.), shall remain available until expended by the
3 contractor or grantee: *Provided further*, That notwith-
4 standing any other provision of law, the statute of limita-
5 tions shall not commence to run on any claim, including
6 any claim in litigation pending on the date of the enact-
7 ment of this Act, concerning losses to or mismanagement
8 of trust funds, until the affected tribe or individual Indian
9 has been furnished with an accounting of such funds from
10 which the beneficiary can determine whether there has
11 been a loss: *Provided further*, That notwithstanding any
12 other provision of law, the Secretary shall not be required
13 to provide a quarterly statement of performance for any
14 Indian trust account that has not had activity for at least
15 18 months and has a balance of \$1.00 or less: *Provided*
16 *further*, That the Secretary shall issue an annual account
17 statement and maintain a record of any such accounts and
18 shall permit the balance in each such account to be with-
19 drawn upon the express written request of the account
20 holder: *Provided further*, That not to exceed \$50,000 is
21 available for the Secretary to make payments to correct
22 administrative errors of either disbursements from or de-
23 posits to Individual Indian Money or Tribal accounts after
24 September 30, 2002: *Provided further*, That erroneous

1 payments that are recovered shall be credited to this ac-
2 count.

3 INDIAN LAND CONSOLIDATION

4 For consolidation of fractional interests in Indian
5 lands and expenses associated with redetermining and re-
6 distributing escheated interests in allotted lands, and for
7 necessary expenses to carry out the Indian Land Consoli-
8 dation Act of 1983, as amended, by direct expenditure or
9 cooperative agreement, \$7,980,000, to remain available
10 until expended and which may be transferred to the Bu-
11 reau of Indian Affairs and Departmental Management.

12 For implementation of a water rights and habitat ac-
13 quisition program pursuant to section 10 of Public Law
14 106-263, \$3,000,000, to remain available until expended,
15 to be derived from the Land and Water Conservation
16 Fund, and to be for conservation spending category activi-
17 ties pursuant to section 251(c) of the Balanced Budget
18 and Emergency Deficit Control Act of 1985, as amended,
19 for purposes of discretionary spending limits: *Provided*,
20 That these funds may be available for transfer to the Bu-
21 reau of Indian Affairs.

22 NATURAL RESOURCE DAMAGE ASSESSMENT AND
23 RESTORATION

24 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

25 To conduct natural resource damage assessment and
26 restoration activities by the Department of the Interior

1 necessary to carry out the provisions of the Comprehensive
2 Environmental Response, Compensation, and Liability
3 Act, as amended (42 U.S.C. 9601 et seq.), Federal Water
4 Pollution Control Act, as amended (33 U.S.C. 1251 et
5 seq.), the Oil Pollution Act of 1990 (Public Law 101–380)
6 (33 U.S.C. 2701 et seq.), and Public Law 101–337, as
7 amended (16 U.S.C. 19jj et seq.), \$5,538,000, to remain
8 available until expended.

9 ADMINISTRATIVE PROVISION

10 There is hereby authorized for acquisition from avail-
11 able resources within the Working Capital Fund, 15 air-
12 craft, 10 of which shall be for replacement and which may
13 be obtained by donation, purchase or through available ex-
14 cess surplus property: *Provided*, That notwithstanding any
15 other provision of law, existing aircraft being replaced may
16 be sold, with proceeds derived or trade-in value used to
17 offset the purchase price for the replacement aircraft: *Pro-*
18 *vided further*, That notwithstanding any other provision of
19 law, the Office of Aircraft Services shall transfer to the
20 Sheriff’s Office, Kane County, Utah, without restriction,
21 a Cessna U206G, identification number N211S, serial
22 number 20606916, for the purpose of facilitating more ef-
23 ficient law enforcement activities at Glen Canyon National
24 Recreation Area and the Grand Staircase Escalante Na-
25 tional Monument: *Provided further*, That no programs
26 funded with appropriated funds in the “Departmental

1 Management”, “Office of the Solicitor”, and “Office of In-
2 spector General” may be augmented through the Working
3 Capital Fund or the Consolidated Working Fund.

4 GENERAL PROVISIONS, DEPARTMENT OF THE
5 INTERIOR

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

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

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

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

16 SEC. 103. Appropriations made in this title shall be
17 available for operation of warehouses, garages, shops, and
18 similar facilities, wherever consolidation of activities will
19 contribute to efficiency or economy, and said appropria-
20 tions shall be reimbursed for services rendered to any
21 other activity in the same manner as authorized by sec-
22 tions 1535 and 1536 of title 31, United States Code: *Pro-*
23 *vided*, That reimbursements for costs and supplies, mate-
24 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. Appropriations made in this Act under the
20 headings Bureau of Indian Affairs and Office of the Spe-
21 cial Trustee for American Indians and any available unob-
22 ligated balances from prior appropriations Acts made
23 under the same headings, shall be available for expendi-
24 ture or transfer for Indian trust management activities

1 pursuant to the Trust Management Improvement Project
2 High Level Implementation Plan.

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

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

1 dual enrollment, overlapping service areas or inaccurate
2 distribution methodologies. No tribe shall receive a reduc-
3 tion in Tribal Priority Allocation funds of more than 10
4 percent in fiscal year 2003. Under circumstances of dual
5 enrollment, overlapping service areas or inaccurate dis-
6 tribution methodologies, the 10 percent limitation does not
7 apply.

8 SEC. 115. Funds appropriated for the Bureau of In-
9 dian Affairs for postsecondary schools for fiscal year 2003
10 shall be allocated among the schools proportionate to the
11 unmet need of the schools as determined by the Postsec-
12 ondary Funding Formula adopted by the Office of Indian
13 Education Programs.

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

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

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

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

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

15 SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums
16 received by the Bureau of Land Management for the sale
17 of seeds or seedlings including those collected in fiscal year
18 2002, may be credited to the appropriation from which
19 funds were expended to acquire or grow the seeds or seed-
20 lings and are available without fiscal year limitation.

21 SEC. 120. TRIBAL SCHOOL CONSTRUCTION DEM-
22 ONSTRATION PROGRAM. (a) DEFINITIONS.—In this sec-
23 tion:

1 (1) CONSTRUCTION.—The term “construction”,
2 with respect to a tribally controlled school, includes
3 the construction or renovation of that school.

4 (2) INDIAN TRIBE.—The term “Indian tribe”
5 has the meaning given that term in section 4(e) of
6 the Indian Self-Determination and Education Assist-
7 ance Act (25 U.S.C. 450b(e)).

8 (3) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (4) TRIBALLY CONTROLLED SCHOOL.—The
11 term “tribally controlled school” has the meaning
12 given that term in section 5212 of the Tribally Con-
13 trolled Schools Act of 1988 (25 U.S.C. 2511).

14 (5) DEPARTMENT.—The term “Department”
15 means the Department of the Interior.

16 (6) DEMONSTRATION PROGRAM.—The term
17 “demonstration program” means the Tribal School
18 Construction Demonstration Program.

19 (b) IN GENERAL.—The Secretary shall carry out a
20 demonstration program for fiscal years 2003 through
21 2007 to provide grants to Indian tribes for the construc-
22 tion of tribally controlled schools.

23 (1) IN GENERAL.—Subject to the availability of
24 appropriations, in carrying out the demonstration
25 program under subsection (b), the Secretary shall

1 award a grant to each Indian tribe that submits an
2 application that is approved by the Secretary under
3 paragraph (2). The Secretary shall ensure that an
4 Indian tribe that agrees to fund all future operation
5 and maintenance costs of the tribally controlled
6 school constructed under the demonstration program
7 from other than federal funds receives the highest
8 priority for a grant under this section.

9 (2) GRANT APPLICATIONS.—An application for
10 a grant under the section shall—

11 (A) include a proposal for the construction
12 of a tribally controlled school of the Indian tribe
13 that submits the application; and

14 (B) be in such form as the Secretary deter-
15 mines appropriate.

16 (3) GRANT AGREEMENT.—As a condition to re-
17 ceiving a grant under this section, the Indian tribe
18 shall enter into an agreement with the Secretary
19 that specifies—

20 (A) the costs of construction under the
21 grant;

22 (B) that the Indian tribe shall be required
23 to contribute towards the cost of the construc-
24 tion a tribal share equal to 50 percent of the
25 costs; and

1 (C) any other term or condition that the
2 Secretary determines to be appropriate.

3 (4) ELIGIBILITY.—Grants awarded under the
4 demonstration program shall be used only for con-
5 struction or replacement of a tribally controlled
6 school.

7 (c) EFFECT OF GRANT.—A grant received under this
8 section shall be in addition to any other funds received
9 by an Indian tribe under any other provision of law. The
10 receipt of a grant under this section shall not affect the
11 eligibility of an Indian tribe receiving funding, or the
12 amount of funding received by the Indian tribe, under the
13 Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501
14 et seq.) or the Indian Self-Determination and Education
15 Assistance Act (25 U.S.C. 450 et seq.).

16 (d) REPORT.—At the conclusion of the five-year dem-
17 onstration program, the Secretary shall report to Congress
18 as to whether the demonstration program has achieved its
19 purposes of providing additional tribes fair opportunities
20 to construct tribally controlled schools, accelerating con-
21 struction of needed educational facilities in Indian Coun-
22 try, and permitting additional funds to be provided for the
23 Department's priority list for construction of replacement
24 educational facilities.

1 SEC. 121. WHITE RIVER OIL SHALE MINE, UTAH.
2 SALE.—Subject to the terms and conditions of section 126
3 of the Department of the Interior and Related Agencies
4 Act, 2002, the Administrator of General Services shall sell
5 all right, title, and interest of the United States in and
6 to the improvements and equipment of the White River
7 Oil Shale Mine.

8 SEC. 122. The Secretary of the Interior may use or
9 contract for the use of helicopters or motor vehicles on
10 the Sheldon and Hart National Wildlife Refuges for the
11 purpose of capturing and transporting horses and burros.
12 The provisions of subsection (a) of the Act of September
13 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be appli-
14 cable to such use. Such use shall be in accordance with
15 humane procedures prescribed by the Secretary.

16 SEC. 123. No funds contained in this Act shall be
17 used to approve the transfer of lands on South Fox Island,
18 Michigan until Congress has authorized such transfer.

19 SEC. 124. In fiscal year 2003 and each fiscal year
20 thereafter, notwithstanding any other provision of law,
21 with respect to a service contract for the provision solely
22 of transportation services at Zion National Park, the Sec-
23 retary may obligate the expenditure of fees expected to
24 be received in that fiscal year before they are received,
25 provided that total obligations do not exceed fee collections

1 retained at Zion National Park by the end of that fiscal
2 year.

3 SEC. 125. Section 6(f) of Public Law 88-578 as
4 amended shall not apply to LWCF program #02-00010.

5 SEC. 126. None of the funds made available in this
6 Act or any other Act providing appropriations for the De-
7 partment of the Interior may be expended or obligated to
8 issue a Record of Decision or take any action to issue a
9 right-of-way grant for a pipeline or associated facilities re-
10 lated to the Cadiz groundwater storage and dry-year sup-
11 ply program.

12 SEC. 127. Notwithstanding section 1(d) of Public
13 Law 107-62, the National Park Service is authorized to
14 obligate \$1,000,000 made available in fiscal year 2002 to
15 plan the John Adams Presidential memorial in coopera-
16 tion with non-Federal partners.

17 SEC. 128. Notwithstanding any other provision of
18 law, funds appropriated and remaining available in the
19 Construction (Trust Fund) account of the National Park
20 Service at the completion of all authorized projects, shall
21 be available for the rehabilitation and improvement of
22 Going-to-the-Sun Road in Glacier National Park.

23 SEC. 129. Using funds appropriated by section
24 501(d) of the Emergency Supplemental Appropriations
25 Act, 1999 (Public Law 106-31), the Secretary shall pro-

1 vide interim compensation payments of up to \$10,000
 2 each within 30 days of the date of the enactment of this
 3 Act to all claimants who filed a claim for compensation
 4 under the Glacier Bay compensation plan and which has
 5 not been rejected or withdrawn and have not received a
 6 compensation payment. The amount of final compensation
 7 paid to any such claimant shall be reduced by the total
 8 dollar amount of any interim compensation payments re-
 9 ceived.

10 SEC. 130. None of the funds provided in this Act may
 11 be used in the Alaska region to prepare or enforce Com-
 12 pendia including any rule, regulation, policy or manage-
 13 ment tool that is not promulgated pursuant to the Admin-
 14 istrative Procedures Act, including the public comment pe-
 15 riod.

16 TITLE II—RELATED AGENCIES

17 DEPARTMENT OF AGRICULTURE

18 FOREST SERVICE

19 FOREST AND RANGELAND RESEARCH

20 For necessary expenses of forest and rangeland re-
 21 search as authorized by law, \$252,804,000, to remain
 22 available until expended.

23 STATE AND PRIVATE FORESTRY

24 For necessary expenses of cooperating with and pro-
 25 viding technical and financial assistance to States, terri-

1 tories, possessions, and others, and for forest health man-
2 agement, treatment of pests, pathogens, and invasive
3 plants, cooperative forestry, and education and land con-
4 servation activities and conducting an international pro-
5 gram as authorized, \$312,972,000, to remain available
6 until expended, as authorized by law, of which
7 \$85,000,000 is for the Forest Legacy Program, and
8 \$37,750,000 is for the Urban and Community Forestry
9 Program, defined in section 250(c)(4)(E) of the Balanced
10 Budget and Emergency Deficit Control Act of 1985, as
11 amended, for the purposes of such Act: *Provided further,*
12 That notwithstanding any other provision of law, of the
13 funds provided under this heading, \$2,000,000 shall be
14 made available to Kake Tribal Corporation as an advanced
15 direct lump sum payment to implement the Kake Tribal
16 Corporation Land Transfer Act (Public Law 106–283).

17 NATIONAL FOREST SYSTEM

18 For necessary expenses of the Forest Service, not
19 otherwise provided for, for management, protection, im-
20 provement, and utilization of the National Forest System,
21 \$1,359,139,000, to remain available until expended, which
22 shall include 50 percent of all moneys received during
23 prior fiscal years as fees collected under the Land and
24 Water Conservation Fund Act of 1965, as amended, in
25 accordance with section 4 of the Act (16 U.S.C. 460l–
26 6a(i)): *Provided,* That unobligated balances available at

1 the start of fiscal year 2003 shall be displayed by budget
2 line item in the fiscal year 2004 budget justification: *Pro-*
3 *vided further*, That the Secretary may authorize the ex-
4 penditure or transfer of such sums as necessary to the
5 Department of the Interior, Bureau of Land Management
6 for removal, preparation, and adoption of excess wild
7 horses and burros from National Forest System lands:
8 *Provided further*, That of the funds provided under this
9 heading for Forest Products, \$4,000,000 shall be allocated
10 to the Alaska Region, in addition to its normal allocation
11 for the purposes of preparing additional timber for sale,
12 to establish a 3-year timber supply and such funds may
13 be transferred to other appropriations accounts as nec-
14 essary to maximize accomplishment.

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, \$1,079,291,000, 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 Fire Science Research: *Provided further*, That funds
16 provided shall be available for emergency rehabilitation
17 and restoration, hazard reduction activities in the urban-
18 wildland interface, support to Federal emergency re-
19 sponse, and wildfire suppression activities of the Forest
20 Service; *Provided further*, That of the funds provided,
21 \$228,109,000 is for hazardous fuel treatment, \$3,624,000
22 is for rehabilitation and restoration, \$8,000,000 is for cap-
23 ital improvement and maintenance of fire facilities,
24 \$22,127,000 is for research activities and to make com-
25 petitive research grants pursuant to the Forest and

1 Rangeland Renewable Resources Research Act, as amend-
2 ed (16 U.S.C. 1641 et seq.), \$50,383,000 is for state fire
3 assistance, \$8,240,000 is for volunteer fire assistance,
4 \$11,934,000 is for forest health activities on state, pri-
5 vate, and Federal lands, and \$7,472,000 is for economic
6 action programs: *Provided further*, That amounts in this
7 paragraph may be transferred to the “State and Private
8 Forestry”, “National Forest System”, “Forest and
9 Rangeland Research”, and “Capital Improvement and
10 Maintenance” accounts to fund state fire assistance, vol-
11 unteer fire assistance, and forest health management,
12 vegetation and watershed management, heritage site reha-
13 bilitation, wildlife and fish habitat management, trails and
14 facilities maintenance and restoration: *Provided further*,
15 That transfers of any amounts in excess of those author-
16 ized in this paragraph, shall require approval of the House
17 and Senate Committees on Appropriations in compliance
18 with reprogramming procedures contained in House Re-
19 port No. 105–163: *Provided further*, That the costs of im-
20 plementing any cooperative agreement between the Fed-
21 eral government and any non-Federal entity may be
22 shared, as mutually agreed on by the affected parties: *Pro-*
23 *vided further*, That in entering into such grants or cooper-
24 ative agreements, the Secretary may consider the enhance-
25 ment of local and small business employment opportuni-

1 ties for rural communities, and that in entering into pro-
2 curement contracts under this section on a best value
3 basis, the Secretary may take into account the ability of
4 an entity to enhance local and small business employment
5 opportunities in rural communities, and that the Secretary
6 may award procurement contracts, grants, or cooperative
7 agreements under this section to entities that include local
8 non-profit entities, Youth Conservation Corps or related
9 partnerships with State, local or non-profit youth groups,
10 or small or disadvantaged businesses: *Provided further,*
11 That in addition to funds provided for State Fire Assist-
12 ance programs, and subject to all authorities available to
13 the Forest Service under the State and Private Forestry
14 Appropriation, up to \$15,000,000 may be used on adja-
15 cent non-Federal lands for the purpose of protecting com-
16 munities when hazard reduction activities are planned on
17 national forest lands that have the potential to place such
18 communities at risk: *Provided further,* That included in
19 funding for hazardous fuel reduction is \$5,000,000 for im-
20 plementing the Community Forest Restoration Act, Public
21 Law 106–393, title VI, and any portion of such funds
22 shall be available for use on non-Federal lands in accord-
23 ance with authorities available to the Forest Service under
24 the State and Private Forestry Appropriation: *Provided*
25 *further,* That in expending the funds provided with respect

1 to this Act for hazardous fuels reduction, the Secretary
2 of the Interior and the Secretary of Agriculture may con-
3 duct fuel reduction treatments on Federal lands using all
4 contracting and hiring authorities available to the Secre-
5 taries applicable to hazardous fuel reduction activities
6 under the wildland fire management accounts. Notwith-
7 standing Federal government procurement and con-
8 tracting laws, the Secretaries may conduct fuel reduction
9 treatments, rehabilitation and restoration, and other ac-
10 tivities authorized in this section, on and adjacent to Fed-
11 eral lands using grants and cooperative agreements. Not-
12 withstanding Federal government procurement and con-
13 tracting laws, in order to provide employment and training
14 opportunities to people in rural communities, the Secre-
15 taries may award contracts, including contracts for moni-
16 toring activities, to—

17 (1) local private, nonprofit, or cooperative enti-
18 ties;

19 (2) Youth Conservation Corps crews or related
20 partnerships, with State, local and non-profit youth
21 groups;

22 (3) small or micro-businesses; or

23 (4) other entities that will hire or train a sig-
24 nificant percentage of local people to complete such
25 contracts. The authorities described above relating

1 to contracts, grants, and cooperative agreements are
2 available until all funds provided in this title for haz-
3 ardous fuels reduction activities in the urban
4 wildland interface are obligated.

5 For an additional amount to cover necessary expenses
6 for emergency rehabilitation, presuppression due to emer-
7 gencies, and wildfire suppression activities of the Forest
8 Service, \$290,000,000, to remain available until expended:
9 *Provided*, That the entire amount is designated by the
10 Congress as an emergency requirement pursuant to sec-
11 tion 251(b)(2)(A) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985, as amended: *Provided further*,
13 That \$290,000,000 shall be available only to the extent
14 an official budget request for a specific dollar amount,
15 that includes designation of the entire amount of the re-
16 quest as an emergency requirement as defined in the Bal-
17 anced Budget and Emergency Deficit Control Act of 1985,
18 as amended, is transmitted by the President to the Con-
19 gress.

20 CAPITAL IMPROVEMENT AND MAINTENANCE

21 For necessary expenses of the Forest Service, not
22 otherwise provided for, \$565,656,000, to remain available
23 until expended for construction, reconstruction, mainte-
24 nance and acquisition of buildings and other facilities, and
25 for construction, reconstruction, repair and maintenance

1 of forest roads and trails by the Forest Service as author-
2 ized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205,
3 of which, \$84,866,000 is for conservation activities de-
4 fined in section 250(c)(4)(E) of the Balanced Budget and
5 Emergency Deficit Control Act of 1985, as amended, for
6 the purposes of such Act: *Provided*, That no funds shall
7 be expended to decommission any system road until notice
8 and an opportunity for public comment has been provided
9 on each decommissioning project: *Provided further*, That
10 the Forest Service shall transfer \$500,000 appropriated
11 in Public Law 107–63 within the Capital Improvement
12 and Maintenance appropriation, to the State and Private
13 Forestry appropriation, and shall provide these funds in
14 an advance direct lump sum payment to Purdue Univer-
15 sity for planning and construction of a hardwood tree im-
16 provement and generation facility: *Provided further*, That
17 notwithstanding any provision of law, funds provided for
18 construction of facilities at Purdue University in Indiana
19 in this Act, in the amount of \$3,100,000 shall be available
20 to the University.

21 LAND ACQUISITION

22 For expenses necessary to carry out the provisions
23 of the Land and Water Conservation Fund Act of 1965,
24 as amended (16 U.S.C. 4601–4 through 11), including ad-
25 ministrative expenses, and for acquisition of land or wa-
26 ters, or interest therein, in accordance with statutory au-

1 thority applicable to the Forest Service, \$157,679,000 to
 2 be derived from the Land and Water Conservation Fund,
 3 to remain available until expended, and to be for the con-
 4 servation activities defined in section 250(c)(4)(E) of the
 5 Balanced Budget and Emergency Deficit Control Act of
 6 1985, as amended, for the purposes of such Act.

7 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
 8 ACTS

9 For acquisition of lands within the exterior bound-
 10 aries of the Cache, Uinta, and Wasatch National Forests,
 11 Utah; the Toiyabe National Forest, Nevada; and the An-
 12 geles, San Bernardino, Sequoia, and Cleveland National
 13 Forests, California, as authorized by law, \$1,069,000, to
 14 be derived from forest receipts.

15 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

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

22 RANGE BETTERMENT FUND

23 For necessary expenses of range rehabilitation, pro-
 24 tection, and improvement, 50 percent of all moneys re-
 25 ceived during the prior fiscal year, as fees for grazing do-
 26 mestic livestock on lands in National Forests in the 16

1 Western States, pursuant to section 401(b)(1) of Public
2 Law 94–579, as amended, to remain available until ex-
3 pended, of which not to exceed 6 percent shall be available
4 for administrative expenses associated with on-the-ground
5 range rehabilitation, protection, and improvements.

6 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
7 RANGELAND RESEARCH

8 For expenses authorized by 16 U.S.C. 1643(b),
9 \$92,000, to remain available until expended, to be derived
10 from the fund established pursuant to the above Act.

11 MANAGEMENT OF NATIONAL FOREST LANDS FOR
12 SUBSISTENCE USES

13 For necessary expenses of the Forest Service to man-
14 age federal lands in Alaska for subsistence uses under title
15 VIII of the Alaska National Interest Lands Conservation
16 Act (Public Law 96–487), \$5,542,000, to remain available
17 until expended.

18 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

19 Appropriations to the Forest Service for the current
20 fiscal year shall be available for: (1) purchase of not to
21 exceed 113 passenger motor vehicles of which 10 will be
22 used primarily for law enforcement purposes and of which
23 113 shall be for replacement; acquisition of 25 passenger
24 motor vehicles from excess sources, and hire of such vehi-
25 cles; operation and maintenance of aircraft, the purchase
26 of not to exceed seven for replacement only, and acquisi-

1 tion of sufficient aircraft from excess sources to maintain
2 the operable fleet at 195 aircraft for use in Forest Service
3 wildland fire programs and other Forest Service programs;
4 notwithstanding other provisions of law, existing aircraft
5 being replaced may be sold, with proceeds derived or
6 trade-in value used to offset the purchase price for the
7 replacement aircraft; (2) services pursuant to 7 U.S.C.
8 2225, and not to exceed \$100,000 for employment under
9 5 U.S.C. 3109; (3) purchase, erection, and alteration of
10 buildings and other public improvements (7 U.S.C. 2250);
11 (4) acquisition of land, waters, and interests therein pur-
12 suant to 7 U.S.C. 428a; (5) for expenses pursuant to the
13 Volunteers in the National Forest Act of 1972 (16 U.S.C.
14 558a, 558d, and 558a note); (6) the cost of uniforms as
15 authorized by 5 U.S.C. 5901–5902; and (7) for debt col-
16 lection contracts in accordance with 31 U.S.C. 3718(c).

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

23 Any appropriations or funds available to the Forest
24 Service may be transferred to the Wildland Fire Manage-
25 ment appropriation for forest firefighting, emergency re-

1 habilitation of burned-over or damaged lands or waters
2 under its jurisdiction, and fire preparedness due to severe
3 burning conditions if and only if all previously appro-
4 priated emergency contingent funds under the heading
5 “Wildland Fire Management” have been released by the
6 President and apportioned.

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

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

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

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

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

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

22 Pursuant to sections 405(b) and 410(b) of Public
23 Law 101–593, of the funds available to the Forest Service,
24 up to \$2,250,000 may be advanced in a lump sum as Fed-
25 eral financial assistance to the National Forest Founda-

1 tion, without regard to when the Foundation incurs ex-
2 penses, for administrative expenses or projects on or bene-
3 fitting National Forest System lands or related to Forest
4 Service programs: *Provided*, That of the Federal funds
5 made available to the Foundation, no more than \$400,000
6 shall be available for administrative expenses: *Provided*
7 *further*, That the Foundation shall obtain, by the end of
8 the period of Federal financial assistance, private con-
9 tributions to match on at least one-for-one basis funds
10 made available by the Forest Service: *Provided further*,
11 That the Foundation may transfer Federal funds to a
12 non-Federal recipient for a project at the same rate that
13 the recipient has obtained the non-Federal matching
14 funds: *Provided further*, That authorized investments of
15 Federal funds held by the Foundation may be made only
16 in interest-bearing obligations of the United States or in
17 obligations guaranteed as to both principal and interest
18 by the United States.

19 Pursuant to section 2(b)(2) of Public Law 98-244,
20 \$2,650,000 of the funds available to the Forest Service
21 shall be available for matching funds to the National Fish
22 and Wildlife Foundation, as authorized by 16 U.S.C.
23 3701-3709, and may be advanced in a lump sum as Fed-
24 eral financial assistance, without regard to when expenses
25 are incurred, for projects on or benefitting National For-

1 est System lands or related to Forest Service programs:
2 *Provided*, That the Foundation shall obtain, by the end
3 of the period of Federal financial assistance, private con-
4 tributions to match on at least one-for-one basis funds ad-
5 vanced by the Forest Service: *Provided further*, That the
6 Foundation may transfer Federal funds to a non-Federal
7 recipient for a project at the same rate that the recipient
8 has obtained the non-Federal matching funds.

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

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

1 tion with the State of Washington as the Forest Service
2 deems appropriate.

3 Funds appropriated to the Forest Service shall be
4 available for payments to counties within the Columbia
5 River Gorge National Scenic Area, pursuant to sections
6 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–
7 663.

8 The Secretary of Agriculture is authorized to enter
9 into grants, contracts, and cooperative agreements as ap-
10 propriate with the Pinchot Institute for Conservation, as
11 well as with public and other private agencies, organiza-
12 tions, institutions, and individuals, to provide for the de-
13 velopment, administration, maintenance, or restoration of
14 land, facilities, or Forest Service programs, at the Grey
15 Towers National Historic Landmark: *Provided*, That, sub-
16 ject to such terms and conditions as the Secretary of Agri-
17 culture may prescribe, any such public or private agency,
18 organization, institution, or individual may solicit, accept,
19 and administer private gifts of money and real or personal
20 property for the benefit of, or in connection with, the ac-
21 tivities and services at the Grey Towers National Historic
22 Landmark: *Provided further*, That such gifts may be ac-
23 cepted notwithstanding the fact that a donor conducts
24 business with the Department of Agriculture in any capac-
25 ity.

1 Funds appropriated to the Forest Service shall be
2 available, as determined by the Secretary, for payments
3 to Del Norte County, California, pursuant to sections
4 13(e) and 14 of the Smith River National Recreation Area
5 Act (Public Law 101-612).

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

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

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

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

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

17 DEPARTMENT OF ENERGY

18 CLEAN COAL TECHNOLOGY

19 (DEFERRAL)

20 Of the funds made available under this heading for
21 obligation in prior years, \$60,000,000 shall not be avail-
22 able until October 1, 2003: *Provided*, That funds made
23 available in previous appropriations Acts shall be available
24 for any ongoing project regardless of the separate request
25 for proposal under which the project was selected.

1 FOSSIL ENERGY RESEARCH AND DEVELOPMENT
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses in carrying out fossil energy
4 research and development activities, under the authority
5 of the Department of Energy Organization Act (Public
6 Law 95–91), including the acquisition of interest, includ-
7 ing defeasible and equitable interests in any real property
8 or any facility or for plant or facility acquisition or expan-
9 sion, and for conducting inquiries, technological investiga-
10 tions and research concerning the extraction, processing,
11 use, and disposal of mineral substances without objection-
12 able social and environmental costs (30 U.S.C. 3, 1602,
13 and 1603), \$650,965,000, to remain available until ex-
14 pended, of which \$1,000,000 is to continue a multi-year
15 project for construction, renovation, furnishing, and demo-
16 lition or removal of buildings at National Energy Tech-
17 nology Laboratory facilities in Morgantown, West Virginia
18 and Pittsburgh, Pennsylvania; and of which \$150,000,000
19 are to be made available, after coordination with the pri-
20 vate sector, for a request for proposals for a Clean Coal
21 Power Initiative providing for competitively-awarded re-
22 search, development, and demonstration projects to reduce
23 the barriers to continued and expanded coal use: *Provided,*
24 That no project may be selected for which sufficient fund-
25 ing is not available to provide for the total project: *Pro-*
26 *vided further,* That funds shall be expended in accordance

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

1 NAVAL PETROLEUM AND OIL SHALE RESERVES

2 For expenses necessary to carry out naval petroleum
3 and oil shale reserve activities, \$20,831,000, to remain
4 available until expended: *Provided*, That, notwithstanding
5 any other provision of law, unobligated funds remaining
6 from prior years shall be available for all naval petroleum
7 and oil shale reserve activities.

8 ELK HILLS SCHOOL LANDS FUND

9 For necessary expenses in fulfilling installment pay-
10 ments under the Settlement Agreement entered into by
11 the United States and the State of California on October
12 11, 1996, as authorized by section 3415 of Public Law
13 104–106, \$36,000,000, to become available on October 1,
14 2003 for payment to the State of California for the State
15 Teachers' Retirement Fund from the Elk Hills School
16 Lands Fund.

17 ENERGY CONSERVATION

18 For necessary expenses in carrying out energy con-
19 servation activities, \$921,741,000, to remain available
20 until expended: *Provided*, That \$285,798,000 shall be for
21 use in energy conservation grant programs as defined in
22 section 3008(3) of Public Law 99–509 (15 U.S.C. 4507):
23 *Provided further*, That notwithstanding section 3003(d)(2)
24 of Public Law 99–509, such sums shall be allocated to
25 the eligible programs as follows: \$240,000,000 for weath-

1 erization assistance grants and \$45,798,000 for State en-
2 ergy conservation grants.

3 ECONOMIC REGULATION

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

7 STRATEGIC PETROLEUM RESERVE

8 For necessary expenses for Strategic Petroleum Re-
9 serve facility development and operations and program
10 management activities pursuant to the Energy Policy and
11 Conservation Act of 1975, as amended (42 U.S.C. 6201
12 et seq.), \$174,856,000, to remain available until expended.

13 SPR PETROLEUM ACCOUNT

14 For the acquisition and transportation of petroleum
15 and for other necessary expenses pursuant to the Energy
16 Policy and Conservation Act of 1975, as amended (42
17 U.S.C. 6201 et seq.), \$7,000,000, to remain available until
18 expended.

19 NORTHEAST HOME HEATING OIL RESERVE

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

1 ENERGY INFORMATION ADMINISTRATION

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

5 ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

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

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

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

21 The Secretary is authorized to accept lands, build-
22 ings, equipment, and other contributions from public and
23 private sources and to prosecute projects in cooperation
24 with other agencies, Federal, State, private or foreign:
25 *Provided*, That revenues and other moneys received by or

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

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

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

7 DEPARTMENT OF HEALTH AND HUMAN
8 SERVICES

9 INDIAN HEALTH SERVICE

10 INDIAN HEALTH SERVICES

11 For expenses necessary to carry out the Act of Au-
12 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
13 tion Act, the Indian Health Care Improvement Act, and
14 titles II and III of the Public Health Service Act with re-
15 spect to the Indian Health Service, \$2,466,280,000, to-
16 gether with payments received during the fiscal year pur-
17 suant to 42 U.S.C. 238(b) for services furnished by the
18 Indian Health Service: *Provided*, That funds made avail-
19 able to tribes and tribal organizations through contracts,
20 grant agreements, or any other agreements or compacts
21 authorized by the Indian Self-Determination and Edu-
22 cation Assistance Act of 1975 (25 U.S.C. 450), shall be
23 deemed to be obligated at the time of the grant or contract
24 award and thereafter shall remain available to the tribe
25 or tribal organization without fiscal year limitation: *Pro-*

1 *vided further*, That \$18,000,000 shall remain available
2 until expended, for the Indian Catastrophic Health Emer-
3 gency Fund: *Provided further*, That \$450,130,000 for con-
4 tract medical care shall remain available for obligation
5 until September 30, 2004: *Provided further*, That of the
6 funds provided, up to \$22,000,000 shall be used to carry
7 out the loan repayment program under section 108 of the
8 Indian Health Care Improvement Act: *Provided further*,
9 That funds provided in this Act may be used for one-year
10 contracts and grants which are to be performed in two
11 fiscal years, so long as the total obligation is recorded in
12 the year for which the funds are appropriated: *Provided*
13 *further*, That the amounts collected by the Secretary of
14 Health and Human Services under the authority of title
15 IV of the Indian Health Care Improvement Act shall re-
16 main available until expended for the purpose of achieving
17 compliance with the applicable conditions and require-
18 ments of titles XVIII and XIX of the Social Security Act
19 (exclusive of planning, design, or construction of new fa-
20 cilities): *Provided further*, That funding contained herein,
21 and in any earlier appropriations Acts for scholarship pro-
22 grams under the Indian Health Care Improvement Act
23 (25 U.S.C. 1613) shall remain available for obligation
24 until September 30, 2004: *Provided further*, That amounts
25 received by tribes and tribal organizations under title IV

1 of the Indian Health Care Improvement Act shall be re-
2 ported and accounted for and available to the receiving
3 tribes and tribal organizations until expended: *Provided*
4 *further*, That, notwithstanding any other provision of law,
5 of the amounts provided herein, not to exceed
6 \$270,734,000 shall be for payments to tribes and tribal
7 organizations for contract or grant support costs associ-
8 ated with contracts, grants, self-governance compacts or
9 annual funding agreements between the Indian Health
10 Service and a tribe or tribal organization pursuant to the
11 Indian Self-Determination Act of 1975, as amended, prior
12 to or during fiscal year 2003, of which not to exceed
13 \$2,500,000 may be used for contract support costs associ-
14 ated with new or expanded self-determination contracts,
15 grants, self-governance compacts or annual funding agree-
16 ments: *Provided further*, That notwithstanding any other
17 provision of law, annuity health benefits payments made
18 in previous years by the U.S. Department of Defense for
19 Indian Health Service commissioned corps retirees, will
20 continue to be paid in such manner in fiscal year 2003
21 without subsequent charges billed to the agency: *Provided*
22 *further*, That funds available for the Indian Health Care
23 Improvement Fund may be used, as needed, to carry out
24 activities typically funded under the Indian Health Facili-
25 ties account: *Provided further*, That of the amounts pro-

1 vided for Indian Health Services, \$15,000,000 is provided
2 to the Alaska Federation of Natives for alcohol control,
3 prevention, treatment, sobriety and wellness, of which at
4 least \$100,000 shall be available for an independent third
5 party to conduct an evaluation of the program: *Provided*
6 *further*, That no more than 5 percent may be used by any
7 entity receiving funding for administrative overhead in-
8 cluding indirect costs: *Provided further*, That prior to the
9 release of funds to a regional Native non-profit entity, it
10 must enter into an agreement with the regional Native
11 health corporation on allocation of resources to avoid du-
12 plication of effort and to foster cooperation.

13 INDIAN HEALTH FACILITIES

14 For construction, repair, maintenance, improvement,
15 and equipment of health and related auxiliary facilities,
16 including quarters for personnel; preparation of plans,
17 specifications, and drawings; acquisition of sites, purchase
18 and erection of modular buildings, and purchases of trail-
19 ers; and for provision of domestic and community sanita-
20 tion facilities for Indians, as authorized by section 7 of
21 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
22 Self-Determination Act, and the Indian Health Care Im-
23 provement Act, and for expenses necessary to carry out
24 such Acts and titles II and III of the Public Health Serv-
25 ice Act with respect to environmental health and facilities
26 support activities of the Indian Health Service,

1 \$374,765,000, to remain available until expended: *Pro-*
2 *vided*, That notwithstanding any other provision of law,
3 funds appropriated for the planning, design, construction
4 or renovation of health facilities for the benefit of an In-
5 dian tribe or tribes may be used to purchase land for sites
6 to construct, improve, or enlarge health or related facili-
7 ties: *Provided further*, That from the funds appropriated
8 herein, \$5,000,000 shall be designated by the Indian
9 Health Service as a contribution to the Yukon-Kuskokwim
10 Health Corporation (YKHC) to continue a priority project
11 for the acquisition of land, planning, design and construc-
12 tion of 79 staff quarters in the Bethel service area, pursu-
13 ant to the negotiated project agreement between the
14 YKHC and the Indian Health Service: *Provided further*,
15 That this project shall not be subject to the construction
16 provisions of the Indian Self-Determination and Edu-
17 cation Assistance Act and shall be removed from the In-
18 dian Health Service priority list upon completion: *Provided*
19 *further*, That the Federal Government shall not be liable
20 for any property damages or other construction claims
21 that may arise from YKHC undertaking this project: *Pro-*
22 *vided further*, That the land shall be owned or leased by
23 the YKHC and title to quarters shall remain vested with
24 the YKHC: *Provided further*, That \$5,000,000 shall re-
25 main available until expended for the purpose of funding

1 up to two joint venture health care facility projects author-
2 ized under the Indian Health Care Improvement Act, as
3 amended: *Provided further*, That priority, by rank order,
4 shall be given to tribes with outpatient projects on the ex-
5 isting Indian Health Services priority list that have Serv-
6 ice-approved planning documents, and can demonstrate by
7 March 1, 2003, the financial capability necessary to pro-
8 vide an appropriate facility: *Provided further*, That joint
9 venture funds unallocated after March 1, 2003, shall be
10 made available for joint venture projects on a competitive
11 basis giving priority to tribes that currently have no exist-
12 ing Federally-owned health care facility, have planning
13 documents meeting Indian Health Service requirements
14 prepared for approval by the Service and can demonstrate
15 the financial capability needed to provide an appropriate
16 facility: *Provided further*, That the Indian Health Service
17 shall request additional staffing, operation and mainte-
18 nance funds for these facilities in future budget requests:
19 *Provided further*, That not to exceed \$500,000 shall be
20 used by the Indian Health Service to purchase TRANSAM
21 equipment from the Department of Defense for distribu-
22 tion to the Indian Health Service and tribal facilities: *Pro-*
23 *vided further*, That none of the funds appropriated to the
24 Indian Health Service may be used for sanitation facilities
25 construction for new homes funded with grants by the

1 housing programs of the U.S. Department of Housing and
2 Urban Development: *Provided further*, That not to exceed
3 \$1,000,000 shall be used by the Indian Health Service to
4 obtain ambulances for the Indian Health Service and trib-
5 al facilities in conjunction with an existing interagency
6 agreement between the Indian Health Service and the
7 General Services Administration: *Provided further*, That
8 not to exceed \$500,000 shall be placed in a Demolition
9 Fund, available until expended, to be used by the Indian
10 Health Service for demolition of Federal buildings: *Pro-*
11 *vided further*, That notwithstanding the provisions of title
12 III, section 306, of the Indian Health Care Improvement
13 Act (Public Law 94-437, as amended), construction con-
14 tracts authorized under title I of the Indian Self-Deter-
15 mination and Education Assistance Act of 1975, as
16 amended, may be used rather than grants to fund small
17 ambulatory facility construction projects: *Provided further*,
18 That if a contract is used, the IHS is authorized to im-
19 prove municipal, private, or tribal lands, and that at no
20 time, during construction or after completion of the
21 project will the Federal Government have any rights or
22 title to any real or personal property acquired as a part
23 of the contract: *Provided further*, That notwithstanding
24 any other provision of law or regulation, for purposes of
25 acquiring sites for a new clinic and staff quarters in St.

1 Paul Island, Alaska, the Secretary of Health and Human
2 Services may accept land donated by the Tanadgusix Cor-
3 poration.

4 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

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

21 In accordance with the provisions of the Indian
22 Health Care Improvement Act, non-Indian patients may
23 be extended health care at all tribally administered or In-
24 dian Health Service facilities, subject to charges, and the
25 proceeds along with funds recovered under the Federal
26 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall

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

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

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

22 None of the funds made available to the Indian
23 Health Service in this Act shall be used to implement the
24 final rule published in the Federal Register on September
25 16, 1987, by the Department of Health and Human Serv-

1 ices, relating to the eligibility for the health care services
2 of the Indian Health Service until the Indian Health Serv-
3 ice has submitted a budget request reflecting the increased
4 costs associated with the proposed final rule, and such re-
5 quest has been included in an appropriations Act and en-
6 acted into law.

7 Funds made available in this Act are to be appor-
8 tioned to the Indian Health Service as appropriated in this
9 Act, and accounted for in the appropriation structure set
10 forth in this Act.

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

21 Reimbursements for training, technical assistance, or
22 services provided by the Indian Health Service will contain
23 total costs, including direct, administrative, and overhead
24 associated with the provision of goods, services, or tech-
25 nical assistance.

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

4 OTHER RELATED AGENCIES

5 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of Navajo and
8 Hopi Indian Relocation as authorized by Public Law 93–
9 531, \$14,491,000, to remain available until expended:
10 *Provided*, That funds provided in this or any other appro-
11 priations Act are to be used to relocate eligible individuals
12 and groups including evictees from District 6, Hopi-parti-
13 tioned lands residents, those in significantly substandard
14 housing, and all others certified as eligible and not in-
15 cluded in the preceding categories: *Provided further*, That
16 none of the funds contained in this or any other Act may
17 be used by the Office of Navajo and Hopi Indian Reloca-
18 tion to evict any single Navajo or Navajo family who, as
19 of November 30, 1985, was physically domiciled on the
20 lands partitioned to the Hopi Tribe unless a new or re-
21 placement home is provided for such household: *Provided*
22 *further*, That no relocatee will be provided with more than
23 one new or replacement home: *Provided further*, That the
24 Office shall relocate any certified eligible relocatees who
25 have selected and received an approved homesite on the

1 Navajo reservation or selected a replacement residence off
2 the Navajo reservation or on the land acquired pursuant
3 to 25 U.S.C. 640d–10.

4 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
5 CULTURE AND ARTS DEVELOPMENT

6 PAYMENT TO THE INSTITUTE

7 For payment to the Institute of American Indian and
8 Alaska Native Culture and Arts Development, as author-
9 ized by title XV of Public Law 99–498, as amended (20
10 U.S.C. 56 part A), \$5,130,000, of which \$1,000,000 shall
11 remain available until expended for construction of the Li-
12 brary Technology Center.

13 SMITHSONIAN INSTITUTION

14 SALARIES AND EXPENSES

15 (INCLUDING RESCISSION)

16 For necessary expenses of the Smithsonian Institu-
17 tion, as authorized by law, including research in the fields
18 of art, science, and history; development, preservation, and
19 documentation of the National Collections; presentation of
20 public exhibits and performances; collection, preparation,
21 dissemination, and exchange of information and publica-
22 tions; conduct of education, training, and museum assist-
23 ance programs; maintenance, alteration, operation, lease
24 (for terms not to exceed 30 years), and protection of build-
25 ings, facilities, and approaches; not to exceed \$100,000
26 for services as authorized by 5 U.S.C. 3109; up to five

1 replacement passenger vehicles; purchase, rental, repair,
2 and cleaning of uniforms for employees, \$450,760,000, of
3 which not to exceed \$43,884,000 for the instrumentation
4 program, collections acquisition, exhibition reinstallation,
5 the National Museum of the American Indian, and the re-
6 patriation of skeletal remains program shall remain avail-
7 able until expended, and including such funds as may be
8 necessary to support American overseas research centers
9 and a total of \$125,000 for the Council of American Over-
10 seas Research Centers: *Provided*, That funds appropriated
11 herein are available for advance payments to independent
12 contractors performing research services or participating
13 in official Smithsonian presentations: *Provided further*,
14 That the Smithsonian Institution may expend Federal ap-
15 propriations designated in this Act for lease or rent pay-
16 ments for long term and swing space, as rent payable to
17 the Smithsonian Institution, and such rent payments may
18 be deposited into the general trust funds of the Institution
19 to the extent that federally supported activities are housed
20 in the 900 H Street, N.W. building in the District of Co-
21 lumbia: *Provided further*, That this use of Federal appro-
22 priations shall not be construed as debt service, a Federal
23 guarantee of, a transfer of risk to, or an obligation of,
24 the Federal Government: *Provided further*, That no appro-
25 priated funds may be used to service debt which is in-

1 curred to finance the costs of acquiring the 900 H Street
2 building or of planning, designing, and constructing im-
3 provements to such building: *Provided further*, That from
4 unobligated balances of prior year appropriations,
5 \$14,100,000 is rescinded.

6 REPAIR, RESTORATION AND ALTERATION OF FACILITIES

7 For necessary expenses of maintenance, repair, res-
8 toration, and alteration of facilities owned or occupied by
9 the Smithsonian Institution, including necessary per-
10 sonnel, by contract or otherwise, as authorized by section
11 2 of the Act of August 22, 1949 (63 Stat. 623),
12 \$81,300,000, to remain available until expended, of which
13 \$16,750,000 is provided for maintenance, repair, rehabili-
14 tation and alteration of facilities at the National Zoolog-
15 ical Park, and of which not to exceed \$100,000 is for serv-
16 ices as authorized by 5 U.S.C. 3109: *Provided*, That con-
17 tracts awarded for environmental systems, protection sys-
18 tems, and repair or restoration of facilities of the Smithso-
19 nian Institution may be negotiated with selected contrac-
20 tors and awarded on the basis of contractor qualifications
21 as well as price.

22 CONSTRUCTION

23 For necessary expenses for construction of the Na-
24 tional Museum of the American Indian, including nec-
25 essary personnel, \$20,000,000, to remain available until
26 expended.

1 ADMINISTRATIVE PROVISIONS, SMITHSONIAN
2 INSTITUTION

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

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

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

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

1 NATIONAL GALLERY OF ART

2 SALARIES AND EXPENSES

3 For the upkeep and operations of the National Gal-
4 lery of Art, the protection and care of the works of art
5 therein, and administrative expenses incident thereto, as
6 authorized by the Act of March 24, 1937 (50 Stat. 51),
7 as amended by the public resolution of April 13, 1939
8 (Public Resolution 9, Seventy-sixth Congress), including
9 services as authorized by 5 U.S.C. 3109; payment in ad-
10 vance when authorized by the treasurer of the Gallery for
11 membership in library, museum, and art associations or
12 societies whose publications or services are available to
13 members only, or to members at a price lower than to the
14 general public; purchase, repair, and cleaning of uniforms
15 for guards, and uniforms, or allowances therefor, for other
16 employees as authorized by law (5 U.S.C. 5901–5902);
17 purchase or rental of devices and services for protecting
18 buildings and contents thereof, and maintenance, alter-
19 ation, improvement, and repair of buildings, approaches,
20 and grounds; and purchase of services for restoration and
21 repair of works of art for the National Gallery of Art by
22 contracts made, without advertising, with individuals,
23 firms, or organizations at such rates or prices and under
24 such terms and conditions as the Gallery may deem prop-
25 er, \$78,219,000, of which not to exceed \$3,026,000 for

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

3 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

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

13 JOHN F. KENNEDY CENTER FOR THE PERFORMING
14 ARTS

15 OPERATIONS AND MAINTENANCE

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

19 CONSTRUCTION

20 For necessary expenses for capital repair and restora-
21 tion of the existing features of the building and site of
22 the John F. Kennedy Center for the Performing Arts,
23 \$17,600,000, to remain available until expended.

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

4 For expenses necessary in carrying out the provisions
5 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
6 1356) including hire of passenger vehicles and services as
7 authorized by 5 U.S.C. 3109, \$8,488,000.

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

12 For necessary expenses to carry out the National
13 Foundation on the Arts and the Humanities Act of 1965,
14 as amended, \$118,489,000, shall be available to the Na-
15 tional Endowment for the Arts for the support of projects
16 and productions in the arts through assistance to organi-
17 zations and individuals pursuant to sections 5(c) and 5(g)
18 of the Act, including \$19,000,000 for support of arts edu-
19 cation and public outreach activities through the Chal-
20 lenge America program, for program support, and for ad-
21 ministering the functions of the Act, to remain available
22 until expended: *Provided*, That funds previously appro-
23 priated to the National Endowment for the Arts “Match-
24 ing Grants” account may be transferred to and merged
25 with this account.

1 NATIONAL ENDOWMENT FOR THE HUMANITIES
2 GRANTS AND ADMINISTRATION

3 For necessary expenses to carry out the National
4 Foundation on the Arts and the Humanities Act of 1965,
5 as amended, \$111,632,000, shall be available to the Na-
6 tional Endowment for the Humanities for support of ac-
7 tivities in the humanities, pursuant to section 7(c) of the
8 Act, and for administering the functions of the Act, to
9 remain available until expended.

10 MATCHING GRANTS

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

24 ADMINISTRATIVE PROVISION

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

1 to process any grant or contract documents which do not
2 include the text of 18 U.S.C. 1913: *Provided*, That none
3 of the funds appropriated to the National Foundation on
4 the Arts and the Humanities may be used for official re-
5 ception and representation expenses: *Provided further*,
6 That funds from nonappropriated sources may be used as
7 necessary for official reception and representation ex-
8 penses.

9 COMMISSION OF FINE ARTS

10 SALARIES AND EXPENSES

11 For expenses made necessary by the Act establishing
12 a Commission of Fine Arts (40 U.S.C. 104), \$1,224,000:
13 *Provided*, That the Commission is authorized to charge
14 fees to cover the full costs of its publications, and such
15 fees shall be credited to this account as an offsetting col-
16 lection, to remain available until expended without further
17 appropriation.

18 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

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

21 ADVISORY COUNCIL ON HISTORIC PRESERVATION

22 SALARIES AND EXPENSES

23 For necessary expenses of the Advisory Council on
24 Historic Preservation (Public Law 89–665, as amended),
25 \$4,000,000: *Provided*, That none of these funds shall be

1 available for compensation of level V of the Executive
 2 Schedule or higher positions.

3 NATIONAL CAPITAL PLANNING COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses, as authorized by the Na-
 6 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
 7 including services as authorized by 5 U.S.C. 3109,
 8 \$7,253,000: *Provided*, That all appointed members of the
 9 Commission will be compensated at a rate not to exceed
 10 the daily equivalent of the annual rate of pay for positions
 11 at level IV of the Executive Schedule for each day such
 12 member is engaged in the actual performance of duties.

13 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

14 HOLOCAUST MEMORIAL MUSEUM

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

21 PRESIDIO TRUST

22 PRESIDIO TRUST FUND

23 For necessary expenses to carry out title I of the Om-
 24 nibus Parks and Public Lands Management Act of 1996,

1 \$21,327,000 shall be available to the Presidio Trust, to
2 remain available until expended.

3 TITLE III—GENERAL PROVISIONS

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

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

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

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

24 SEC. 305. No assessments may be levied against any
25 program, budget activity, subactivity, or project funded by

1 this Act unless advance notice of such assessments and
2 the basis therefor are presented to the Committees on Ap-
3 propriations and are approved by such committees.

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

10 SEC. 307. None of the funds made available by this
11 Act may be obligated or expended by the National Park
12 Service to enter into or implement a concession contract
13 which permits or requires the removal of the underground
14 lunchroom at the Carlsbad Caverns National Park.

15 SEC. 308. (a) LIMITATION OF FUNDS.—None of the
16 funds appropriated or otherwise made available pursuant
17 to this Act shall be obligated or expended to accept or
18 process applications for a patent for any mining or mill
19 site claim located under the general mining laws.

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

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

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

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

1 standard procedures employed by the Bureau of Land
2 Management in the retention of third-party contractors.

3 SEC. 309. Notwithstanding any other provision of
4 law, amounts appropriated to or earmarked in committee
5 reports for the Bureau of Indian Affairs and the Indian
6 Health Service by Public Laws 103–138, 103–332, 104–
7 134, 104–208, 105–83, 105–277, 106–113, 106–291, and
8 107–63 for payments to tribes and tribal organizations for
9 contract support costs associated with self-determination
10 or self-governance contracts, grants, compacts, or annual
11 funding agreements with the Bureau of Indian Affairs or
12 the Indian Health Service as funded by such Acts, are the
13 total amounts available for fiscal years 1994 through 2002
14 for such purposes, except that, for the Bureau of Indian
15 Affairs, tribes and tribal organizations may use their trib-
16 al priority allocations for unmet indirect costs of ongoing
17 contracts, grants, self-governance compacts or annual
18 funding agreements.

19 SEC. 310. Notwithstanding any other provision of
20 law, for fiscal year 2003 the Secretaries of Agriculture and
21 the Interior are authorized to limit competition for water-
22 shed restoration project contracts as part of the “Jobs in
23 the Woods” Program established in Region 10 of the For-
24 est Service to individuals and entities in historically tim-
25 ber-dependent areas in the States of Washington, Oregon,

1 northern California, Idaho, Montana, and Alaska that
2 have been affected by reduced timber harvesting on Fed-
3 eral lands. The Secretaries shall consider the benefits to
4 the local economy in evaluating bids and designing pro-
5 curements which create economic opportunities for local
6 contractors.

7 SEC. 311. Of the funds provided to the National En-
8 dowment for the Arts—

9 (1) The Chairperson shall only award a grant
10 to an individual if such grant is awarded to such in-
11 dividual for a literature fellowship, National Herit-
12 age Fellowship, or American Jazz Masters Fellow-
13 ship.

14 (2) The Chairperson shall establish procedures
15 to ensure that no funding provided through a grant,
16 except a grant made to a State or local arts agency,
17 or regional group, may be used to make a grant to
18 any other organization or individual to conduct ac-
19 tivity independent of the direct grant recipient.
20 Nothing in this subsection shall prohibit payments
21 made in exchange for goods and services.

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

1 SEC. 312. The National Endowment for the Arts and
2 the National Endowment for the Humanities are author-
3 ized to solicit, accept, receive, and invest in the name of
4 the United States, gifts, bequests, or devises of money and
5 other property or services and to use such in furtherance
6 of the functions of the National Endowment for the Arts
7 and the National Endowment for the Humanities. Any
8 proceeds from such gifts, bequests, or devises, after ac-
9 ceptance by the National Endowment for the Arts or the
10 National Endowment for the Humanities, shall be paid by
11 the donor or the representative of the donor to the Chair-
12 man. The Chairman shall enter the proceeds in a special
13 interest-bearing account to the credit of the appropriate
14 endowment for the purposes specified in each case.

15 SEC. 313. (a) In providing services or awarding fi-
16 nancial assistance under the National Foundation on the
17 Arts and the Humanities Act of 1965 from funds appro-
18 priated under this Act, the Chairperson of the National
19 Endowment for the Arts shall ensure that priority is given
20 to providing services or awarding financial assistance for
21 projects, productions, workshops, or programs that serve
22 underserved populations.

23 (b) In this section:

24 (1) The term “underserved population” means
25 a population of individuals, including urban minori-

1 ties, who have historically been outside the purview
2 of arts and humanities programs due to factors such
3 as a high incidence of income below the poverty line
4 or to geographic isolation.

5 (2) The term “poverty line” means the poverty
6 line (as defined by the Office of Management and
7 Budget, and revised annually in accordance with sec-
8 tion 673(2) of the Community Services Block Grant
9 Act (42 U.S.C. 9902(2))) applicable to a family of
10 the size involved.

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

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

23 (1) the Chairperson shall establish a grant cat-
24 egory for projects, productions, workshops, or pro-

1 grams that are of national impact or availability or
2 are able to tour several States;

3 (2) the Chairperson shall not make grants ex-
4 ceeding 15 percent, in the aggregate, of such funds
5 to any single State, excluding grants made under the
6 authority of paragraph (1);

7 (3) the Chairperson shall report to the Con-
8 gress annually and by State, on grants awarded by
9 the Chairperson in each grant category under sec-
10 tion 5 of such Act; and

11 (4) the Chairperson shall encourage the use of
12 grants to improve and support community-based
13 music performance and education.

14 SEC. 314. No part of any appropriation contained in
15 this Act shall be expended or obligated to complete and
16 issue the 5-year program under the Forest and Rangeland
17 Renewable Resources Planning Act.

18 SEC. 315. None of the funds in this Act may be used
19 to support Government-wide administrative functions un-
20 less such functions are justified in the budget process and
21 funding is approved by the House and Senate Committees
22 on Appropriations.

23 SEC. 316. Notwithstanding any other provision of
24 law, none of the funds in this Act may be used for GSA
25 Telecommunication Centers.

1 SEC. 317. None of the funds in this Act may be used
2 for planning, design or construction of improvements to
3 Pennsylvania Avenue in front of the White House without
4 the advance approval of the House and Senate Committees
5 on Appropriations.

6 SEC. 318. Amounts deposited during fiscal year 2002
7 in the roads and trails fund provided for in the 14th para-
8 graph under the heading “FOREST SERVICE” of the
9 Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall
10 be used by the Secretary of Agriculture, without regard
11 to the State in which the amounts were derived, to repair
12 or reconstruct roads, bridges, and trails on National For-
13 est System lands or to carry out and administer projects
14 to improve forest health conditions, which may include the
15 repair or reconstruction of roads, bridges, and trails on
16 National Forest System lands in the wildland-community
17 interface where there is an abnormally high risk of fire.
18 The projects shall emphasize reducing risks to human
19 safety and public health and property and enhancing eco-
20 logical functions, long-term forest productivity, and bio-
21 logical integrity. The projects may be completed in a sub-
22 sequent fiscal year. Funds shall not be expended under
23 this section to replace funds which would otherwise appro-
24 priately be expended from the timber salvage sale fund.

1 Nothing in this section shall be construed to exempt any
2 project from any environmental law.

3 SEC. 319. No timber sale in Region 10 shall be adver-
4 tised if the indicated rate is deficit when appraised using
5 a residual value approach that assigns domestic Alaska
6 values for western redcedar. Program accomplishments
7 shall be based on volume sold. Should Region 10 sell, in
8 fiscal year 2003, the annual average portion of the decadal
9 allowable sale quantity called for in the current Tongass
10 Land Management Plan in sales which are not deficit
11 when appraised using a residual value approach that as-
12 signs domestic Alaska values for western redcedar, all of
13 the western redcedar timber from those sales which is sur-
14 plus to the needs of domestic processors in Alaska, shall
15 be made available to domestic processors in the contiguous
16 48 United States at prevailing domestic prices. Should Re-
17 gion 10 sell, in fiscal year 2003, less than the annual aver-
18 age portion of the decadal allowable sale quantity called
19 for in the Tongass Land Management Plan in sales which
20 are not deficit when appraised using a residual value ap-
21 proach that assigns domestic Alaska values for western
22 redcedar, the volume of western redcedar timber available
23 to domestic processors at prevailing domestic prices in the
24 contiguous 48 United States shall be that volume: (i)
25 which is surplus to the needs of domestic processors in

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

23 SEC. 320. A project undertaken by the Forest Service
24 under the Recreation Fee Demonstration Program as au-
25 thorized by section 315 of the Department of the Interior

1 and Related Agencies Appropriations Act for Fiscal Year
2 1996, as amended, shall not result in—

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

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

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

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

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

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

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

3 SEC. 321. REVISION OF FOREST PLANS. Prior to Oc-
4 tober 1, 2003, the Secretary of Agriculture shall not be
5 considered to be in violation of subparagraph 6(f)(5)(A)
6 of the Forest and Rangeland Renewable Resources Plan-
7 ning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because
8 more than 15 years have passed without revision of the
9 plan for a unit of the National Forest System. Nothing
10 in this section exempts the Secretary from any other re-
11 quirement of the Forest and Rangeland Renewable Re-
12 sources Planning Act (16 U.S.C. 1600 et seq.) or any
13 other law: *Provided*, That if the Secretary is not acting
14 expeditiously and in good faith, within the funding avail-
15 able, to revise a plan for a unit of the National Forest
16 System, this section shall be void with respect to such plan
17 and a court of proper jurisdiction may order completion
18 of the plan on an accelerated basis.

19 SEC. 322. No funds provided in this Act may be ex-
20 pended to conduct preleasing, leasing and related activities
21 under either the Mineral Leasing Act (30 U.S.C. 181 et
22 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
23 1331 et seq.) within the boundaries of a National Monu-
24 ment established pursuant to the Act of June 8, 1906 (16
25 U.S.C. 431 et seq.) as such boundary existed on January

1 20, 2001, except where such activities are allowed under
2 the Presidential proclamation establishing such monu-
3 ment.

4 SEC. 323. Section 347(a) of the Department of the
5 Interior and Related Agencies Appropriations Act, 1999,
6 as included in Public Law 105–277 is amended by striking
7 “2004” and inserting “2005”. The authority to enter into
8 stewardship and end result contracts provided to the For-
9 est Service in accordance with section 347 of title III of
10 section 101(e) of division A of Public Law 105–277 is
11 hereby expanded to authorize the Forest Service to enter
12 into an additional 28 contracts subject to the same terms
13 and conditions as provided in that section: *Provided*, That
14 of the additional contracts authorized by this section at
15 least 9 shall be allocated to Region 1.

16 SEC. 324. Employees of the foundations established
17 by Acts of Congress to solicit private sector funds on be-
18 half of Federal land management agencies shall, beginning
19 in fiscal year 2004, qualify for General Service Adminis-
20 tration contract airfares.

21 SEC. 325. In entering into agreements with foreign
22 countries pursuant to the Wildfire Suppression Assistance
23 Act (42 U.S.C. 1856m) the Secretary of Agriculture and
24 the Secretary of the Interior are authorized to enter into
25 reciprocal agreements in which the individuals furnished

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

19 SEC. 326. A grazing permit or lease issued by the
20 Secretary of the Interior or a grazing permit issued by
21 the Secretary of Agriculture where National Forest Sys-
22 tem lands are involved that expires, is transferred, or
23 waived during fiscal year 2003 shall be renewed under
24 Section 402 of the Federal Land Policy and Management
25 Act of 1976, as amended (43 U.S.C. 1752), Section 19

1 of the Granger-Thye Act, as amended (16 U.S.C. 5801),
2 or, if applicable, section 510 of the California Desert Pro-
3 tection Act (16 U.S.C. 410aaa–50). The terms and condi-
4 tions contained in the expired, transferred, or waived per-
5 mit or lease shall continue in effect under the renewed
6 permit or lease until such time as the Secretary of the
7 Interior or Secretary of Agriculture as appropriate com-
8 pletes processing of such permit or lease in compliance
9 with all applicable laws and regulations, at which time
10 such permit or lease may be canceled, suspended or modi-
11 fied, in whole or in part, to meet the requirements of such
12 applicable laws and regulations. Nothing in this section
13 shall be deemed to alter the statutory authority of the Sec-
14 retary of the Interior or the Secretary of Agriculture: *Pro-*
15 *vided*, That where National Forest System lands are in-
16 volved and the Secretary of Agriculture has renewed an
17 expired or waived grazing permit prior to fiscal year 2003
18 under the authority of Section 504 of the Rescissions Act
19 of 1995 (Public Law 104–19), the terms and conditions
20 of the renewed grazing permit shall remain in effect until
21 such time as the Secretary of Agriculture completes proc-
22 essing of the renewed permit in compliance with all appli-
23 cable laws and regulations or until the expiration of the
24 renewed permit, whichever comes first. Upon completion
25 of the processing, the permit may be canceled, suspended

1 or modified, in whole or in part, to meet the requirements
2 of applicable laws and regulations. Nothing in this section
3 shall be deemed to alter the Secretary of Agriculture’s
4 statutory authority.

5 SEC. 327. In awarding a Federal Contract with funds
6 made available by this Act, the Secretary of Agriculture
7 and the Secretary of the Interior (the “Secretaries”) may,
8 in evaluating bids and proposals, give consideration to
9 local contractors who are from, and who provide employ-
10 ment and training for, dislocated and displaced workers
11 in an economically disadvantaged rural community, in-
12 cluding those historically timber-dependent areas that
13 have been affected by reduced timber harvesting on Fed-
14 eral lands and other forest-dependent rural communities
15 isolated from significant alternative employment opportu-
16 nities: *Provided*, That the contract is for forest hazardous
17 fuels reduction, watershed or water quality monitoring or
18 restoration, wildlife or fish population monitoring, or habi-
19 tat restoration or management: *Provided further*, That the
20 terms “rural community” and “economically disadvan-
21 taged” shall have the same meanings as in section 2374
22 of Public Law 101–624: *Provided further*, That the Secre-
23 taries shall develop guidance to implement this section:
24 *Provided further*, That nothing in this section shall be con-

1 strued as relieving the Secretaries of any duty under appli-
2 cable procurement laws, except as provided in this section.

3 This Act may be cited as the “Department of the In-
4 terior and Related Agencies Appropriations Act, 2003”.

Calendar No. 478

107TH CONGRESS
2^D SESSION

S. 2708

[Report No. 107-201]

A BILL

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

JUNE 28, 2002

Read twice and placed on the calendar