Calendar No. 503

107TH CONGRESS  
2D SESSION

H. R. 5093

IN THE SENATE OF THE UNITED STATES

JULY 18, 2002

Received; read twice and placed on the calendar

AN ACT

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

1. Be it enacted by the Senate and House of Representa-
2. tives of the United States of America in Congress assembled,
That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

**TITLE I—DEPARTMENT OF THE INTERIOR**

**BUREAU OF LAND MANAGEMENT**

**MANAGEMENT OF LANDS AND RESOURCES**

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $826,932,000, to remain available until expended, of which $1,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act; of which $2,228,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section
1. 1010 of Public Law 96–487 (16 U.S.C. 3150); and of
2. which not to exceed $1,000,000 shall be derived from the
3. special receipt account established by the Land and Water
5. 6a(i)); and of which $3,000,000 shall be available in fiscal
6. year 2003 subject to a match by at least an equal amount
7. by the National Fish and Wildlife Foundation, to such
8. Foundation for cost-shared projects supporting conserva-
9. tion of Bureau lands and such funds shall be advanced
10. to the Foundation as a lump sum grant without regard
11. to when expenses are incurred; in addition, $32,696,000
12. for Mining Law Administration program operations, in-
13. cluding the cost of administering the mining claim fee pro-
14. gram; to remain available until expended, to be reduced
15. by amounts collected by the Bureau and credited to this
16. appropriation from annual mining claim fees so as to re-
17. sult in a final appropriation estimated at not more than
18. $826,932,000, and $2,000,000, to remain available until
19. expended, from communication site rental fees established
20. by the Bureau for the cost of administering communica-
21. tion site activities: Provided, That appropriations herein
22. made shall not be available for the destruction of healthy,
23. unadopted, wild horses and burros in the care of the Bu-
24. reau or its contractors: Provided further, That of the
25. amount provided, $43,028,000 is for conservation spend-
ing category activities pursuant to 251(c) of the Balanced
Budget and Emergency Deficit Control Act of 1985, as
amended, for the purposes of discretionary spending lim-
its.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, sup-
pression operations, fire science and research, emergency
rehabilitation, hazardous fuels reduction, and rural fire as-
sistance by the Department of the Interior, $655,332,000,
to remain available until expended, of which not to exceed
$12,374,000 shall be for the renovation or construction
of fire facilities: Provided, That such funds are also avail-
able for repayment of advances to other appropriation ac-
counts from which funds were previously transferred for
such purposes: Provided further, That persons hired pur-
suant to 43 U.S.C. 1469 may be furnished subsistence and
lodging without cost from funds available from this appro-
priation: Provided further, That notwithstanding 42
U.S.C. 1856d, sums received by a bureau or office of the
Department of the Interior for fire protection rendered
pursuant to 42 U.S.C. 1856 et seq., protection of United
States property, may be credited to the appropriation from
which funds were expended to provide that protection, and
are available without fiscal year limitation: Provided fur-
ther, That using the amounts designated under this title
of this Act, the Secretary of the Interior may enter into
procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land; Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties; Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses; Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under
the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities: *Provided further,* That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease.

For an additional amount for "Wildland Fire Management" for fiscal year 2002 in addition to the amounts made available by Public Law 107–63, $200,000,000, to remain available until December 31, 2002, for the cost of fire suppression activities carried out by the Bureau of Land Management and other Federal agencies related to the 2002 fire season, including reimbursement of funds borrowed from other Department of the Interior programs to fight such fires: *Provided,* That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Bal-
anced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.
CONSTRUCTION

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

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $230,000,000, of which not to exceed $400,000 shall be available for administrative expenses and of which $70,000,000 is for the conservation activities defined in section 250(e)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $49,286,000 (reduced by $1,800,000), to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(e)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.
OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $105,633,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and...
density control treatments. The Federal share of receipts
to the counties under 43 U.S.C. 1181f and 43 U.S.C.
et seq., and Public Law 106–393) derived from
treatments funded by this account shall be deposited into
the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

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

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related
to processing application documents and other authoriza-
tions for use and disposal of public lands and resources,
for costs of providing copies of official public land docu-
ments, for monitoring construction, operation, and termin-
ation of facilities in conjunction with use authorizations,
and for rehabilitation of damaged property, such amounts
as may be collected under Public Law 94–579, as amend-
ed, and Public Law 93–153, to remain available until ex-
pended: Provided, That notwithstanding any provision to
the contrary of section 305(a) of Public Law 94–579 (43
U.S.C. 1735(a)), any moneys that have been or will be
received pursuant to that section, whether as a result of
forfeiture, compromise, or settlement, if not appropriate
for refund pursuant to section 305(c) of that Act (43
U.S.C. 1735(c)), shall be available and may be expended
under the authority of this Act by the Secretary to im-
prove, protect, or rehabilitate any public lands adminis-
tered through the Bureau of Land Management which
have been damaged by the action of a resource developer,
purchaser, permittee, or any unauthorized person, without
regard to whether all moneys collected from each such ac-
tion are used on the exact lands damaged which led to
the action: Provided further, That any such moneys that
are in excess of amounts needed to repair damage to the
exact land for which funds were collected may be used to
repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended
under existing laws, there is hereby appropriated such
amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.
For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $918,359,000 to remain available until September 30, 2004, except as otherwise provided herein, of which $69,006,000 is for conservation spending category activities pursuant to section 251(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: Provided, That not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided further, That $2,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, defined in
250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided further, That not to exceed $9,077,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $5,000,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may re-
main available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $51,308,000 (increased by $1,800,000), to remain available until expended: Provided, That notwithstanding any other provision of law, a single procurement for the expansion of the Clark R. Bavin Forensics Laboratory in Oregon may be issued, which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clause “availability of funds” found at 48 CFR 52.232.18.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $82,250,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section...
250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $40,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: Provided, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish, or supplement existing, landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for
the protection and management of habitat to benefit federally listed, proposed, or candidate species, or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: Provided, That the amount provided herein is for the Secretary to establish a Private Stewardship Grants Program to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, or candidate species, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $121,400,000, of which $42,929,000 is to be derived from the Cooperative Endangered Species Con-
ervation Fund and $86,471,000 is to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

NATIONAL WILDLIFE REFUGE FUND

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

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $43,560,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That, notwithstanding any other provision of law, amounts in excess of funds provided in fiscal year 2001 shall be used only for projects in the United States.
NEOTROPICAL MIGRATORY BIRD CONSERVATION

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

MULTINATIONAL SPECIES CONSERVATION FUND


STATE WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United
States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $100,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That of the amount provided herein, $5,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said $5,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the fol-
lowing manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementa-
tion grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, terri-
tory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, con-
sistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, terri-
tory, or other jurisdiction's wildlife and associated habi-
tats, with appropriate priority placed on those species with the greatest conservation need and taking into consider-
ation the relative level of funding available for the con-

servation of those species: Provided further, That any

amount apportioned in 2003 to any State, territory, or

other jurisdiction that remains unobligated as of Sep-
tember 30, 2004, shall be reapportioned, together with

funds appropriated in 2005, in the manner provided here-
in.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United

States Fish and Wildlife Service shall be available for pur-

chase of not to exceed 102 passenger motor vehicles, of

which 75 are for replacement only (including 39 for police-
type use); repair of damage to public roads within and

adjacent to reservation areas caused by operations of the

Service; options for the purchase of land at not to exceed

$1 for each option; facilities incident to such public rec-

reational uses on conservation areas as are consistent with

their primary purpose; and the maintenance and improve-

ment of aquaria, buildings, and other facilities under the

jurisdiction of the Service and to which the United States

has title, and which are used pursuant to law in connection

with management and investigation of fish and wildlife re-

sources: Provided, That notwithstanding 44 U.S.C. 501,

the Service may, under cooperative cost sharing and part-

nership arrangements authorized by law, procure printing

services from cooperators in connection with jointly pro-
duced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,605,593,000, of which $9,000,000 is for conservation spending category activities pursuant to section 251(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes
of discretionary spending limits and of which $10,892,000
for research, planning and interagency coordination in
support of Everglades restoration shall remain available
until expended; and of which $90,280,000 to remain avail-
able until September 30, 2004, is for maintenance repair
or rehabilitation projects for constructed assets, operation
of the National Park Service automated facility manage-
ment software system, and comprehensive facility condi-
tion assessments; and of which $2,000,000 is for the
Youth Conservation Corps, defined in section
250(c)(4)(E) of the Balanced Budget and Emergency Def-
icit Control Act of 1985, as amended, for the purposes
of such Act, for high priority projects: Provided, That the
only funds in this account which may be made available
to support United States Park Police are those funds ap-
proved for emergency law and order incidents pursuant
to established National Park Service procedures, those
funds needed to maintain and repair United States Park
Police administrative facilities, and those funds necessary
to reimburse the United States Park Police account for
the unbudgeted overtime and travel costs associated with
special events for an amount not to exceed $10,000 per
event subject to the review and concurrence of the Wash-
ington headquarters office: Provided further, That none of
the funds in this or any other Act may be used to fund
a new Associate Director position for Law Enforcement,

United States Park Police

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

NATIONAL RECREATION AND PRESERVATION

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

URBAN PARK AND RECREATION FUND

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

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic
and the Omnibus Parks and Public Lands Management
Act of 1996 (Public Law 104–333), $76,500,000, to be
derived from the Historic Preservation Fund, to remain
available until September 30, 2004, and to be for the con-
ervation activities defined in section 250(c)(4)(E) of the
Balanced Budget and Emergency Deficit Control Act of
1985, as amended, for the purposes of such Act: Provided,
That, of the amount provided herein, $2,500,000, to re-
main available until expended, is for a grant for the per-
petual care and maintenance of National Trust Historic
Sites, as authorized under 16 U.S.C. 470a(e)(2), to be
made available in full upon signing of a grant agreement:
Provided further, That, notwithstanding any other provi-
sion of law, these funds shall be available for investment
with the proceeds to be used for the same purpose as set
out herein: Provided further, That of the total amount pro-
vided, $30,000,000 shall be for Save America's Treasures
for priority preservation projects, of nationally significant
sites, structures, and artifacts: Provided further, That any
individual Save America's Treasures grant shall be
matched by non-Federal funds: Provided further, That in-
dividual projects shall only be eligible for one grant, and
all projects to be funded shall be approved by the House
and Senate Committees on Appropriations and the Sec-
retary of the Interior in consultation with the President's
Committee on the Arts and Humanities prior to the com-
mitment of grant funds: Provided further, That Save
America's Treasures funds allocated for Federal projects
shall be available by transfer to appropriate accounts of
individual agencies, after approval of such projects by the
Secretary of the Interior, in consultation with the House
and Senate Committees on Appropriations and the Presi-
dent's Committee on the Arts and Humanities.

CONSTRUCTION

For construction, improvements, repair or replace-
ment of physical facilities, including the modifications au-
thorized by section 104 of the Everglades National Park
Protection and Expansion Act of 1989, $325,186,000, to
remain available until expended, of which $53,736,000 is
for conservation activities defined in section 250(c)(4)(E)
of the Balanced Budget and Emergency Deficit Control
Act of 1985, as amended, for the purposes of such Act:
Provided, That none of the funds in this or any other Act,
may be used to pay the salaries and expenses of more than
160 Full Time Equivalent personnel working for the Na-
tional Park Service's Denver Service Center funded under
the construction program management and operations ac-
tivity: Provided further, That none of the funds provided
in this or any other Act may be used to pre-design, plan,
or construct any new facility (including visitor centers, cu-
ratorial facilities, administrative buildings), for which ap-
propriations have not been specifically provided if the net
construction cost of such facility is in excess of
$5,000,000, without prior approval of the House and Sen-
ate Committees on Appropriations: *Provided further*, That this restriction applies to all funds available to the National Park Service, including partnership and fee demonstration projects: *Provided further*, That the National Park Service may transfer to the City of Carlsbad, New Mexico, funds for the construction of the National Cave and Karst Research Institute to be built and operated in accordance with provisions in Public Law 105–325 and all other applicable laws and regulations. Title to the Institute will be held by the City of Carlsbad.

**LAND AND WATER CONSERVATION FUND**

(RESCISSION)

The contract authority provided for fiscal year 2003 by 16 U.S.C. 460l–10a is rescinded.

**LAND ACQUISITION AND STATE ASSISTANCE**

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $253,099,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(e)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, of which
$150,000,000 is for the State assistance program including $4,000,000 to administer the State assistance program: Provided, That of the amounts provided under this heading, $20,000,000 may be for Federal grants, including Federal administrative expenses, to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: Provided further, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State, or are matched by the State pursuant to the cost-sharing provisions of section 316(b) of Public Law 104-303, and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: Provided further, That none of the funds provided for the State assistance program may be used to establish a contingency fund.
Appropriations for the National Park Service shall be available for the purchase of not to exceed 301 passenger motor vehicles, of which 273 shall be for replacement only, including not to exceed 226 for police-type use, 10 buses, and 8 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.
The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2003 and thereafter, sums provided to the National Park Service by private entities for utility services shall be credited to the appropriate account and remain available until expended. Heretofore and hereafter, in carrying out the work under reimbursable agreements with any State, local or tribal government, the National Park Service may, without regard to 31 U.S.C. 1341 or any other provision of law or regulation, record obligations against accounts receivable from such entities, and shall credit amounts received from such entities to the appropriate account, such credit to occur within 90 days of the date of the original request by the National Park Service for payment.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and re-
search covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $928,405,000, of which $64,855,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $15,650,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; of which $24,448,000 shall be available until September 30, 2004 for the operation and maintenance of facilities and deferred maintenance; and of which $170,414,000 shall be available until September 30, 2004 for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of these funds provided for the biological research
activity shall be used to conduct new surveys on private
property, unless specifically authorized in writing by the
property owner. Provided further, That of the amount pro-
vided herein, $25,000,000 is for the conservation activities
defined in section 250(c)(4)(E) of the Balanced Budget
and Emergency Deficit Control Act of 1985, as amended,
for the purposes of such Act: Provided further, That no
part of this appropriation shall be used to pay more than
one-half the cost of topographic mapping or water re-
sources data collection and investigations carried on in co-
operation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geo-
logical Survey shall be available for the purchase of not
to exceed 53 passenger motor vehicles, of which 48 are
for replacement only; reimbursement to the General Serv-
ices Administration for security guard services; con-
tracting for the furnishing of topographic maps and for
the making of geophysical or other specialized surveys
when it is administratively determined that such proce-
dures are in the public interest; construction and mainte-
nance of necessary buildings and appurtenant facilities;
acquisition of lands for gauging stations and observation
wells; expenses of the United States National Committee
on Geology; and payment of compensation and expenses
of persons on the rolls of the Survey duly appointed to
represent the United States in the negotiation and admin-
istration of interstate compacts: Provided, That activities
funded by appropriations herein made may be accom-
plished through the use of contracts, grants, or coopera-
tive agreements as defined in 31 U.S.C. 6302 et seq.: Pro-
vided further, That the United States Geological Survey
may use cooperative agreements for joint research and
data collection programs with Federal, State, and aca-
demic partners and may obtain space in cooperator facili-
ties incident to such cooperative agreements.

MINERAL MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and envi-
ronmental studies, regulation of industry operations, and
collection of royalties, as authorized by law; for enforcing
laws and regulations applicable to oil, gas, and other min-
erals leases, permits, licenses and operating contracts; and
for matching grants or cooperative agreements; including
the purchase of not to exceed eight passenger motor vehi-
cles for replacement only, $164,721,000, of which
$83,284,000, shall be available for royalty management
activities; and an amount not to exceed $100,230,000, to
be credited to this appropriation and to remain available
until expended, from additions to receipts resulting from
increases to rates in effect on August 5, 1993, from rate
increases to fee collections for Outer Continental Shelf ad-
ministrative activities performed by the Minerals Manage-
ment Service over and above the rates in effect on Sep-
tember 30, 1993, and from additional fees for Outer Con-
tinental Shelf administrative activities established after
September 30, 1993: Provided, That to the extent
$100,230,000 in additions to receipts are not realized
from the sources of receipts stated above, the amount
needed to reach $100,230,000 shall be credited to this ap-
propriation from receipts resulting from rental rates for
Outer Continental Shelf leases in effect before August 5,
1993: Provided further, That $3,000,000 for computer ac-
quisions shall remain available until September 30,
2004: Provided further, That funds appropriated under
this Act shall be available for the payment of interest in
accordance with 30 U.S.C. 1721(b) and (d): Provided fur-
ther, That not to exceed $3,000 shall be available for rea-
sonable expenses related to promoting volunteer beach and
marine cleanup activities: Provided further, That notwith-
standing any other provision of law, $15,000 under this
heading shall be available for refunds of overpayments in
connection with certain Indian leases in which the Direc-
tor of the Minerals Management Service (MMS) concurred
with the claimed refund due, to pay amounts owed to In-
dian allottees or tribes, or to correct prior unrecoverable
erroneous payments: *Provided further,* That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: *Provided further,* That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

**OIL SPILL RESEARCH**

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.
Office of Surface Mining Reclamation and Enforcement

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $105,367,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2003 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

Abandoned Mine Reclamation Fund

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $184,745,000, to be derived from receipts of
the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2003: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public
Law 95-87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001-2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,859,064,000, to remain available until September 30, 2004 except as otherwise provided herein, of which not to exceed $89,857,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $133,209,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual fund-
ing agreements entered into with the Bureau prior to or during fiscal year 2003, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $2,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed $454,985,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2003, and shall remain available until September 30, 2004; and of which not to exceed $57,536,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $49,065,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with
the operation of Bureau-funded schools: *Provided further*,
That any forestry funds allocated to a tribe which remain
unobligated as of September 30, 2004, may be transferred
during fiscal year 2005 to an Indian forest land assistance
account established for the benefit of such tribe within the
tribe’s trust fund account: *Provided further*, That any such
unobligated balances not so transferred shall expire on
September 30, 2005.

CONSTRUCTION

For construction, repair, improvement, and mainte-
nance of irrigation and power systems, buildings, utilities,
and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests
in lands; and preparation of lands for farming; and for
construction of the Navajo Indian Irrigation Project pur-
suant to Public Law 87–483, $345,252,000, to remain
available until expended: *Provided*, That such amounts as
may be available for the construction of the Navajo Indian
Irrigation Project may be transferred to the Bureau of
Reclamation: *Provided further*, That not to exceed 6 per-
cent of contract authority available to the Bureau of In-
dian Affairs from the Federal Highway Trust Fund may
be used to cover the road program management costs of
the Bureau: *Provided further*, That any funds provided for
the Safety of Dams program pursuant to 25 U.S.C. 13
shall be made available on a nonreimbursable basis: Pro-
vided further, That for fiscal year 2003, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).
INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $60,949,000, to remain available until expended; of which $24,870,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which $5,068,000 shall be available for future water supplies facilities under Public Law 106–163; of which $31,011,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–263, 106–425, and 106–554: Provided, That of the amount provided for implementation of Public Law 106–263, $3,000,000 for a water rights and habitat acquisition program shall be derived from the Land and Water Conservation Fund.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $5,000,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $72,424,000.
In addition, for administrative expenses to carry out the guaranteed and insured loan programs, $493,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative
agreements with the Bureau of Indian Affairs under the
provisions of the Indian Self-Determination Act or the
Tribal Self-Governance Act of 1994 (Public Law 103–
413).

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

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

Appropriations made available in this or any other
Act for schools funded by the Bureau shall be available
only to the schools in the Bureau school system as of Sep-
tember 1, 1996. No funds available to the Bureau shall
be used to support expanded grades for any school or dor-
mitory beyond the grade structure in place or approved
by the Secretary of the Interior at each school in the Bu-
reau school system as of October 1, 1995. Funds made
available under this Act may not be used to establish a
charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school’s operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, U.S.C. (commonly known as the “Federal Tort Claims Act”).

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior,
$73,217,000, of which: (1) $67,922,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(e)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $5,295,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the
Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for Northern Mariana Islands Covenant grant funding, $1,000,000 shall be granted to the Prior Service Benefits Administration: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure, with territorial participation and cost sharing to be determined by the Secretary based on the grantee’s commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for
the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $21,045,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

**DEPARTMENTAL MANAGEMENT**

**SALARIES AND EXPENSES**

For necessary expenses for management of the Department of the Interior, $72,533,000 (reduced by $15,000,000), of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

**OFFICE OF THE SOLICITOR**

**SALARIES AND EXPENSES**

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

**OFFICE OF INSPECTOR GENERAL**

**SALARIES AND EXPENSES**

For necessary expenses of the Office of Inspector General, $36,239,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial state-
ment of the Department of the Interior bureaus and offices funded in this Act.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100–497, $2,000,000, to remain available until expended.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $141,277,000, to remain available until expended: Provided, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs 'Operation of Indian Programs' account and to the Departmental Management 'Salaries and Expenses' account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2003, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enact-
ment of this Act, concerning losses to or mismanagement
of trust funds, until the affected tribe or individual Indian
has been furnished with an accounting of such funds from
which the beneficiary can determine whether there has
been a loss: Provided further, That notwithstanding any
other provision of law, the Secretary shall not be required
to provide a quarterly statement of performance for any
Indian trust account that has not had activity for at least
18 months and has a balance of $1.00 or less: Provided
further, That the Secretary shall issue an annual account
statement and maintain a record of any such accounts and
shall permit the balance in each such account to be with-
drawn upon the express written request of the account
holder: Provided further, That not to exceed $50,000 is
available for the Secretary to make payments to correct
administrative errors of either disbursements from or de-
posits to Individual Indian Money or Tribal accounts after
September 30, 2002: Provided further, That erroneous
payments that are recovered shall be credited to this ac-
count.

INDIAN LAND CONSOLIDATION

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

NATURAL RESOURCE DAMAGE ASSESSMENT AND

RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

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

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from avail-
able resources within the Working Capital Fund, 15 air-
craft, 10 of which shall be for replacement and which may
be obtained by donation, purchase or through available ex-
cess surplus property: Provided, That notwithstanding any
other provision of law, existing aircraft being replaced may
be sold, with proceeds derived or trade-in value used to
offset the purchase price for the replacement aircraft: Pro-
vided further, That no programs funded with appropriated
funds in the "Departmental Management", "Office of the
Solicitor", and "Office of Inspector General" may be aug-
mented through the Working Capital Fund or the Consoli-
dated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE
INTERIOR

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

Sec. 102. The Secretary may authorize the expendi-
ture or transfer of any no year appropriation in this title,
in addition to the amounts included in the budget pro-
grams of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with
their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof. *Provided further,* That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: *Provided further,* That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further,* That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

Sec. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided,* That reimbursements for costs and supplies, materials, equipment, and for services rendered may be cred-
1. It is to the appropriation current at the time such reim-
bursements are received.

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

4. Sec. 105. Appropriations available to the Depart-
ment of the Interior for salaries and expenses shall be
available for uniforms or allowances therefor, as author-

5. Sec. 106. Annual appropriations made in this title
shall be available for obligation in connection with con-
ttracts issued for services or rentals for periods not in ex-
cess of 12 months beginning at any time during the fiscal
year.

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

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

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

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

Sec. 111. Advance payments made under this title
to Indian tribes, tribal organizations, and tribal consortia
pursuant to the Indian Self-Determination and Education
Assistance Act (25 U.S.C. 450 et seq.) or the Tribally
Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.)
may be invested by the Indian tribe, tribal organization,
or consortium before such funds are expended for the pur-
poses of the grant, compact, or annual funding agreement
so long as such funds are—
(1) invested by the Indian tribe, tribal organiza-
tion, or consortium only in obligations of the United
States, or in obligations or securities that are guar-
anteed or insured by the United States, or mutual
(or other) funds registered with the Securities and
Exchange Commission and which only invest in obli-
gations of the United States or securities that are
guaranteed or insured by the United States; or
(2) deposited only into accounts that are in-
sured by an agency or instrumentality of the United
States, or are fully collateralized to ensure protec-
tion of the funds, even in the event of a bank failure.

Sec. 112. Notwithstanding any other provisions of
law, the National Park Service shall not develop or imple-
ment a reduced entrance fee program to accommodate
non-local travel through a unit. The Secretary may provide
for and regulate local non-recreational passage through
units of the National Park System, allowing each unit to
develop guidelines and permits for such activity appro-
priate to that unit.

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

Sec. 114. Notwithstanding any other provision of
law, the Secretary of the Interior hereafter has ongoing
authority to negotiate and enter into agreements and
leases, without regard to section 321 of chapter 314 of
the Act of June 30, 1932 (40 U.S.C. 303b), with any per-
son, firm, association, organization, corporation, or gov-
ernmental entity, for all or part of the property within
Fort Baker administered by the Secretary as part of the
Golden Gate National Recreation Area. The proceeds of
the agreements or leases shall be retained by the Secretary
and such proceeds shall remain available until expended,
without further appropriation, for the preservation, res-

toration, operation, maintenance, interpretation, public
programs, and related expenses of the National Park Serv-
ice and nonprofit park partners incurred with respect to
Fort Baker properties.
SEC. 115. Notwithstanding any other provision of
law, for the purpose of reducing the backlog of Indian pro-
bate cases in the Department of the Interior, the hearing
requirements of chapter 10 of title 25, United States
Code, are deemed satisfied by a proceeding conducted by
an Indian probate judge, appointed by the Secretary with-
out regard to the provisions of title 5, United States Code,
governing the appointments in the competitive service, for
such period of time as the Secretary determines necessary:
Provided, That the basic pay of an Indian probate judge
so appointed may be fixed by the Secretary without regard
to the provisions of chapter 51, and subchapter III of
chapter 53 of title 5, United States Code, governing the
classification and pay of General Schedule employees, ex-
cept that no such Indian probate judge may be paid at
a level which exceeds the maximum rate payable for the
highest grade of the General Schedule, including locality
pay.

SEC. 116. Notwithstanding any other provision of
law, the Secretary of the Interior is authorized to redis-
tribute any Tribal Priority Allocation funds, including
tribal base funds, to alleviate tribal funding inequities by
transferring funds to address identified, unmet needs,
dual enrollment, overlapping service areas or inaccurate
distribution methodologies. No tribe shall receive a reduc-
tion in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2003. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

Sec. 117. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2003 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

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

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

Sec. 119. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided,
That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

Sec. 120. Section 412(b) of the National Parks Omnibus Management Act of 1998, as amended (16 U.S.C. 5961) is further amended by striking "2002" and inserting "2003".

Sec. 121. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

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

WHITE RIVER OIL SHALE MINE, UTAH—SALE

Sec. 123. Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services
shall sell all right, title, and interest of the United States in and to the improvements and equipment of the White River Oil Shale Mine.

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

SEC. 125. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 126. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.
SEC. 127. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 128. None of the funds made available in this Act or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 129. Notwithstanding any other provision of law, the United States Fish and Wildlife Service may use funds appropriated in this Act for incidental expenses related to promoting and celebrating the Centennial of the National Wildlife Refuge System.

SEC. 130. The National Park Service may in fiscal year 2003 and thereafter enter into a cooperative agreement with and transfer funds to Capital Concerts, a non-profit organization, for the purpose of carrying out programs pursuant to 31 U.S.C. 6305.

SEC. 131. No later than 30 days after enactment of this Act, the Secretary of the Interior shall provide to the House and Senate Committees on Appropriations and the
1 House Committee on Resources and the Senate Com-
2 mittee on Indian Affairs a summary of the Ernst and
3 Young report on the historical accounting for the five
4 named plaintiffs in Cobell v. Norton. The summary shall
5 not provide individually identifiable financial information,
6 but shall fully describe the aggregate results of the histor-
7 ical accounting.
8 Sec. 132. None of the funds in this or any other Act
9 for the Department of the Interior or the Department of
10 Justice can be used to compensate the Special Master and
11 the Court Monitor appointed by the United States District
12 Court for the District of Columbia in the Cobell v. Norton
13 litigation at an annual rate that exceeds 200 percent of
14 the highest Senior Executive Service rate of pay for the
15 Washington-Baltimore locality pay area.
16 Sec. 133. Within 90 days of enactment of this Act
17 the Special Trustee for American Indians, in consultation
18 with the Secretary of the Interior and the Tribes, shall
19 appoint new members to the Special Trustee Advisory
20 Board.
21 Sec. 134. The Secretary of the Interior may use dis-
22 cretionary funds to pay private attorneys fees and costs
23 for employees and former employees of the Department
24 of the Interior reasonably incurred in connection with
25 Cobell v. Norton to the extent that such fees and costs
are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 135. Section 124(a) of the Department of the Interior and Related Agencies Appropriation Act, 1997 (16 U.S.C. 1011 (a)), as amended, is further amended by inserting after the phrase "appropriations made for the Bureau of Land Management" the phrase "including appropriations for the Wildland Fire Management account allocated to the National Park Service, Fish and Wildlife Service, and Bureau of Indian Affairs".

SEC. 136. Public Law 107–106 is amended as follows: in section 5(a) strike "9 months after the date of enactment of the Act" and insert in lieu thereof "September 30, 2003".

SEC. 138. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks released from federally operated or federally financed hatcheries including but not limited to fish releases of the coho, chinook, and steelhead species. The requirements of this section shall not be applicable when the hatchery fish are produced for conservation purposes.

SEC. 139. The visitor center at the Bitter Lake National Wildlife Refuge in New Mexico shall be named for Joseph R. Skeen and, hereafter, shall be referred to in any law, document, or record of the United States as the "Joseph R. Skeen Visitor Center".

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $252,000,000 to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management including treatments of pests, pathogens and...
invasive or noxious plants, cooperative forestry, and edu-
cation and land conservation activities and conducting an
international program as authorized, $279,828,000, to re-
main available until expended, as authorized by law, of
which $60,000,000 is for the Forest Legacy Program, to
be derived from the land and water conservation fund;
$36,235,000 is for the Urban and Community Forestry
Program, defined in section 250(e)(4)(E) of the Balanced
Budget and Emergency Deficit Control Act of 1985, as
amended, for the purposes of such Act: Provided, That
none of the funds provided under this heading for the ac-
quision of lands or interests in lands shall be available
until the Forest Service notifies the House Committee on
Appropriations and the Senate Committee on Appropria-
tions, in writing, of specific acquisition of lands or inter-
ests in lands to be undertaken with such funds: Provided
further, That each forest legacy grant shall be for a spe-
cific project: Provided further, That a grant shall not be
released to a State unless the Secretary determines that
the State has demonstrated that 25 percent of the total
value of the project is comprised of a non-Federal cost
share.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not
otherwise provided for, for management, protection, im-
provement, and utilization of the National Forest System,
$1,370,567,000 (reduced by $5,000,000) (increased by $5,000,000), to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l-6a(i)): Provided, That unobligated balances available at the start of fiscal year 2003 shall be displayed by budget line item in the fiscal year 2004 budget justification: Provided further, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuel reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,513,449,000, to remain available until expended: Provided, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further,
That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2002 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for the Joint Fire Science Program: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazard reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, $640,000,000 is for preparedness, $420,699,000 is for wildfire suppression operations, $228,109,000 is for hazardous fuel treatment, $63,000,000 is for rehabilitation and restoration, $20,376,000 is for capital improvement and maintenance of fire facilities, $27,265,000 is for
research activities and to make competitive research
grants pursuant to the Forest and Rangeland Renewable
Resources Research Act, as amended (16 U.S.C. 1641 et
seq.), $58,000,000 is for state fire assistance, $8,500,000
is for volunteer fire assistance, $27,000,000 is for forest
health activities on State, private, and Federal lands, and
$12,500,000 is for economic action programs: Provided
further, That amounts in this paragraph may be trans-
ferred to the “State and Private Forestry”, “National
Forest System”, “Forest and Rangeland Research”, and
“Capital Improvement and Maintenance” accounts to
fund state fire assistance, volunteer fire assistance, and
forest health management, vegetation and watershed man-
agement, heritage site rehabilitation, wildlife and fish
habitat management, trails and facilities maintenance and
restoration: Provided further, That transfers of any
amounts in excess of those authorized in this paragraph,
shall require approval of the House and Senate Commit-
tees on Appropriations in compliance with reprogramming
procedures contained in House Report No. 105–163: Pro-
vided further, That the costs of implementing any coopera-
tive agreement between the Federal Government and any
non-Federal entity may be shared, as mutually agreed on
by the affected parties: Provided further, That in entering
into such grants or cooperative agreements, the Secretary
may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged businesses: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry
1. Appropriation: *Provided further*, That in expending the funds provided with respect to this Act for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries applicable to hazardous fuel reduction activities under the wildland fire management accounts: *Provided further*, That notwithstanding Federal Government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized under this heading on and adjacent to Federal lands using grants and cooperative agreements: *Provided further*, That notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to local private, nonprofit, or cooperative entities; Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups; small or micro-businesses; or other entities that will hire or train a significant percentage of local people to complete such contracts: *Provided further*, That the authorities described above relating to contracts, grants, and cooperative agreements are available until all funds pro-
vided in this title for hazardous fuels reduction activities
in the urban wildland interface are obligated: *Provided fur-
ther*, That the Secretary of Agriculture may transfer or
reimburse funds, not to exceed $7,000,000, to the United
States Fish and Wildlife Service of the Department of the
Interior, or the National Marine Fisheries Service of the
Department of Commerce, for the costs of carrying out
their responsibilities under the Endangered Species Act of
1973 (16 U.S.C. 1531 et seq.) to consult and conference
as required by section 7 of such Act in connection with
wildland fire management activities in fiscal years 2002
and 2003; *Provided further*, That the amount of the trans-
fer of reimbursement shall be as mutually agreed by the
Secretary of Agriculture and the Secretary of the Interior
or Secretary of Commerce, as applicable, or their des-
ignees. The amount shall in no case exceed the actual costs
of consultation and conferencing in connection with
wildland fire management activities affecting National
Forest System lands.

For an additional amount for "Wildland Fire Man-
agement" for fiscal year 2002 in addition to the amounts
made available by Public Law 107–63, $500,000,000, to
remain available until December 31, 2002, for the cost
of fire suppression activities carried out by the Forest
Service and other Federal agencies related to the 2002
1. fire season, including reimbursement of funds borrowed
2. from other Department of Agriculture programs to fight
3. such fires: *Provided*, That the entire amount shall be avail-
4. able only to the extent an official budget request, that in-
5. cludes designation of the entire amount of the request as
6. an emergency requirement as defined in the Balanced
7. Budget and Emergency Deficit Control Act of 1985, as
8. amended, is transmitted by the President to the Congress:
9. *Provided further*, That the entire amount is designated by
10. the Congress as an emergency requirement pursuant to
11. section 251(b)(2)(A) of such Act.

12. CAPITAL IMPROVEMENT AND MAINTENANCE

13. For necessary expenses of the Forest Service, not
14. otherwise provided for, $572,731,000, to remain available
15. until expended for construction, reconstruction, mainte-
16. nance, and acquisition of buildings and other facilities,
17. and for construction, reconstruction, repair, and mainte-
18. nance of forest roads and trails by the Forest Service as
20. 205, of which, $64,866,000 is for conservation activities
21. defined in section 250(e)(4)(E) of the Balanced Budget
22. and Emergency Deficit Control Act of 1985, as amended,
23. for the purposes of such Act: *Provided further*, That up
24. to $15,000,000 of the funds provided herein for road
25. maintenance shall be available for the decommissioning of
26. roads, including unauthorized roads not part of the trans-
portation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $146,336,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(e)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.
ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

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

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

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

**ADMINISTRATIVE PROVISIONS, FOREST SERVICE**

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 113 passenger motor vehicles, of which 10 will be used primarily for law enforcement purposes and of which 113 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed seven for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as
authorized by 5 U.S.C. 5901–5902; and (7) for debt collec-
tion contracts in accordance with 31 U.S.C. 3718(e).

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

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

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

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.
Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,500,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefiting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $300,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.
Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the “National Forest System” and “Capital Improvement and Maintenance” accounts and planned to be allocated to activities under the “Jobs in the Woods” program for projects on National Forest land in the State of Wash-
1. Washington may be granted directly to the Washington State
2. Department of Fish and Wildlife for accomplishment of
3. planned projects. Twenty percent of said funds shall be
4. retained by the Forest Service for planning and admin-
5. istering projects. Project selection and prioritization shall
6. be accomplished by the Forest Service with such consulta-
7. tion with the State of Washington as the Forest Service
8. deems appropriate.
9. Funds appropriated to the Forest Service shall be
10. available for payments to counties within the Columbia
11. River Gorge National Scenic Area, pursuant to sections
12. 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–
13. 663.
14. For fiscal years 2003 through 2007, the Secretary
15. of Agriculture is authorized to enter into grants, con-
16. tracts, and cooperative agreements as appropriate with the
17. Pinchot Institute for Conservation, as well as with public
18. and other private agencies, organizations, institutions, and
19. individuals, to provide for the development, administra-
20. tion, maintenance, or restoration of land, facilities, or For-
21. est Service programs, at the Grey Towers National His-
22. toric Landmark: Provided, That, subject to such terms
23. and conditions as the Secretary of Agriculture may pre-
24. scribe, any such public or private agency, organization, in-
25. stitution, or individual may solicit, accept, and administer
private gifts of money and real or personal property for
the benefit of, or in connection with, the activities and
services at the Grey Towers National Historic Landmark:
Provided further, That such gifts may be accepted notwith-
standing the fact that a donor conducts business with the
Department of Agriculture in any capacity.

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

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

Any appropriations or funds available to the Forest
Service may be used for necessary expenses in the event
of law enforcement emergencies as necessary to protect
natural resources and public or employee safety: Provided,
That such amounts shall not exceed $750,000.

DEPARTMENT OF ENERGY
CLEAN COAL TECHNOLOGY
(DEFERRAL)

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

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy
research and development activities, under the authority
of the Department of Energy Organization Act (Public
Law 95–91), including the acquisition of interest, includ-
ing defeasible and equitable interests in any real property
or any facility or for plant or facility acquisition or expan-
sion, and for conducting inquiries, technological investiga-
tions and research concerning the extraction, processing,
use, and disposal of mineral substances without objection-
able social and environmental costs (30 U.S.C. 3, 1602,
and 1603), $664,205,000, to remain available until ex-
pended, of which $11,000,000 is for construction, renova-
tion, furnishing, and demolition or removal of buildings
at National Energy Technology Laboratory facilities in
Morgantown, West Virginia and Pittsburgh, Pennsylvania;
and for acquisition of lands, and interests therein, in prox-
imity to the National Energy Technology Laboratory, and
of which $150,000,000 are to be made available, after co-
ordination with the private sector, for a request for pro-
posals for a Clean Coal Power Initiative providing for com-
petitively-awarded demonstrations of commercial scale
technologies to reduce the barriers to continued and ex-
panded coal use: Provided, That no project may be se-
lected for which sufficient funding is not available to pro-
lude for the total project: Provided further, That funds
shall be expended in accordance with the provisions gov-
erning the use of funds contained under the heading
“Clean Coal Technology” in prior appropriations: Pro-
vided further, That the Department may include provisions
for repayment of Government contributions to individual
projects in an amount up to the Government contribution
to the project on terms and conditions that are acceptable
to the Department, including repayments from sale and
licensing of technologies from both domestic and foreign
transactions: Provided further, That such repayments shall
be retained by the Department for future coal-related re-
search, development and demonstration projects: Provided
further, That any technology selected under this program
shall be considered a Clean Coal Technology, and any
project selected under this program shall be considered a
Clean Coal Technology Project, for the purposes of 42
U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40
of the Code of Federal Regulations: Provided further, That
no part of the sum herein made available shall be used
for the field testing of nuclear explosives in the recovery
of oil and gas: Provided further, That up to 4 percent of
program direction funds available to the National Energy
Technology Laboratory may be used to support Depart-
ment of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

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

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment pay-
ments under the Settlement Agreement entered into by
the United States and the State of California on October
11, 1996, as authorized by section 3415 of Public Law
104–106, $36,000,000, to become available on October 1,
2003 for payment to the State of California for the State
1 Teachers' Retirement Fund from the Elk Hills School
2 Lands Fund.
3 ENERGY CONSERVATION
4 For necessary expenses in carrying out energy con-
5 servation activities, $984,653,000 (reduced by
6 $3,000,000) (increased by $3,000,000), to remain avail-
7 able until expended: Provided, That $300,000,000 shall be
8 for use in energy conservation grant programs as defined
9 in section 3008(3) of Public Law 99–509 (15 U.S.C.
10 4507): Provided further, That notwithstanding section
11 3003(d)(2) of Public Law 99–509, such sums shall be allo-
12 cated to the eligible programs as follows: $250,000,000
13 for weatherization assistance grants and $50,000,000 for
14 State energy conservation grants.
15 ECONOMIC REGULATION
16 For necessary expenses in carrying out the activities
17 of the Office of Hearings and Appeals, $1,487,000, to re-
18 main available until expended.
19 STRATEGIC PETROLEUM RESERVE
20 For necessary expenses for Strategic Petroleum Re-
21 serve facility development and operations and program
22 management activities pursuant to the Energy Policy and
23 Conservation Act of 1975, as amended (42 U.S.C. 6201
24 et seq.), $175,856,000, to remain available until expended.
SPR PETROLEUM ACCOUNT

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

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, $8,000,000 to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

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

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.
None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar
days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

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

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,508,756,000, together with payments received during the fiscal year pur-
suant to 42 U.S.C. 238(b) for services furnished by the
Indian Health Service: Provided, That funds made avail-
able to tribes and tribal organizations through contracts,
grant agreements, or any other agreements or compacts
authorized by the Indian Self-Determination and Edu-
cation Assistance Act of 1975 (25 U.S.C. 450), shall be
deemed to be obligated at the time of the grant or contract
award and thereafter shall remain available to the tribe
or tribal organization without fiscal year limitation: Pro-
vided further, That $15,000,000 shall remain available
until expended, for the Indian Catastrophic Health Emer-
gency Fund: Provided further, That $468,130,000 for con-
tract medical care shall remain available for obligation
until September 30, 2004: Provided further, That of the
funds provided, up to $25,000,000 shall be used to carry
out the loan repayment program under section 108 of the
Indian Health Care Improvement Act: Provided further,
That funds provided in this Act may be used for 1–year
contracts and grants which are to be performed in 2 fiscal
years, so long as the total obligation is recorded in the
year for which the funds are appropriated: Provided fur-
ther, That the amounts collected by the Secretary of
Health and Human Services under the authority of title
IV of the Indian Health Care Improvement Act shall re-
main available until expended for the purpose of achieving
compliance with the applicable conditions and require-
ments of titles XVIII and XIX of the Social Security Act
(exclusive of planning, design, or construction of new fa-
cilities): Provided further, That funding contained herein,
and in any earlier appropriations Acts for scholarship pro-
grams under the Indian Health Care Improvement Act
(25 U.S.C. 1613) shall remain available for obligation
until September 30, 2004; Provided further, That amounts
received by tribes and tribal organizations under title IV
of the Indian Health Care Improvement Act shall be re-
ported and accounted for and available to the receiving
tribes and tribal organizations until expended: Provided
further, That, notwithstanding any other provision of law,
of the amounts provided herein, not to exceed
$270,734,000 shall be for payments to tribes and tribal
organizations for contract or grant support costs associ-
ated with contracts, grants, self-governance compacts or
annual funding agreements between the Indian Health
Service and a tribe or tribal organization pursuant to the
Indian Self-Determination Act of 1975, as amended, prior
to or during fiscal year 2003, of which not to exceed
$2,500,000 may be used for contract support costs associ-
ated with new or expanded self-determination contracts,
grants, self-governance compacts or annual funding agree-
ments: Provided further, That funds available for the In-
Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

**INDIAN HEALTH FACILITIES**

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $391,865,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further,* That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim
Health Corporation (YKHC) to continue a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: Provided further, that this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available
1 until expended, to be used by the Indian Health Service
2 for demolition of Federal buildings: Provided further, That
3 notwithstanding the provisions of title III, section 306, of
4 the Indian Health Care Improvement Act (Public Law 94–
5 437, as amended), construction contracts authorized
6 under title I of the Indian Self-Determination and Edu-
7 cation Assistance Act of 1975, as amended, may be used
8 rather than grants to fund small ambulatory facility con-
9 struction projects: Provided further, That if a contract is
10 used, the IHS is authorized to improve municipal, private,
11 or tribal lands, and that at no time, during construction
12 or after completion of the project will the Federal Govern-
13 ment have any rights or title to any real or personal prop-
14 erty acquired as a part of the contract: Provided further,
15 That notwithstanding any other provision of law or regula-
16 tion, for purposes of acquiring sites for a new clinic and
17 staff quarters in St. Paul Island, Alaska, the Secretary
18 of Health and Human Services may accept land donated
19 by the Tanadgusix Corporation.
20 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE
21 Appropriations in this Act to the Indian Health Serv-
22 ice shall be available for services as authorized by 5 U.S.C.
23 3109 but at rates not to exceed the per diem rate equiva-
24 lent to the maximum rate payable for senior-level positions
25 under 5 U.S.C. 5376; hire of passenger motor vehicles and
26 aircraft; purchase of medical equipment; purchase of re-
prints; purchase, renovation and erection of modular
buildings and renovation of existing facilities; payments
for telephone service in private residences in the field,
when authorized under regulations approved by the Sec-
retary; and for uniforms or allowances therefor as author-
ized by 5 U.S.C. 5901–5902; and for expenses of attend-
ance at meetings which are concerned with the functions
or activities for which the appropriation is made or which
will contribute to improved conduct, supervision, or man-
agement of those functions or activities.

In accordance with the provisions of the Indian
Health Care Improvement Act, non-Indian patients may
be extended health care at all tribally administered or In-
dian Health Service facilities, subject to charges, and the
proceeds along with funds recovered under the Federal
Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
be credited to the account of the facility providing the
service and shall be available without fiscal year limitation.

Notwithstanding any other law or regulation, funds trans-
ferred from the Department of Housing and Urban Devel-
opment to the Indian Health Service shall be administered
under Public Law 86–121 (the Indian Sanitation Facili-
ties Act) and Public Law 93–638, as amended.

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

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

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

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

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

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

OTHER RELATED AGENCIES
Office of Navajo and Hopi Indian Relocation

Salaries and Expenses

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–
531, $14,491,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

Institute of American Indian and Alaska Native Culture and Arts Development

Payment to the Institute

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

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES
(INCLUDING RESCISSION)

For necessary expenses of the Smithsonian Institu-
tion, as authorized by law, including research in the fields
of art, science, and history; development, preservation, and
documentation of the National Collections; presentation of
public exhibits and performances; collection, preparation,
dissemination, and exchange of information and publica-
tions; conduct of education, training, and museum assist-
ance programs; maintenance, alteration, operation, lease
(for terms not to exceed 30 years), and protection of build-
ings, facilities, and approaches; not to exceed $100,000
for services as authorized by 5 U.S.C. 3109; up to five
replacement passenger vehicles; purchase, rental, repair,
and cleaning of uniforms for employees, $450,760,000, of
which not to exceed $41,884,000 for the instrumentation
program, collections acquisition, exhibition reinstallation,
the National Museum of the American Indian, security im-
provements, and the repatriation of skeletal remains pro-
gram shall remain available until expended, and including
such funds as may be necessary to support American over-
seas research centers and a total of $125,000 for the
Council of American Overseas Research Centers: Provided,
That funds appropriated herein are available for advance
payments to independent contractors performing research
services or participating in official Smithsonian present-
tations: Provided further, That the Smithsonian Institu-
tion may expend Federal appropriations designated in this
Act for lease or rent payments for long term and swing
space, as rent payable to the Smithsonian Institution, and
such rent payments may be deposited into the general
trust funds of the Institution to the extent that federally
supported activities are housed in the 900 H Street, N.W.
building in the District of Columbia: Provided further,
That this use of Federal appropriations shall not be con-
strued as debt service, a Federal guarantee of, a transfer
of risk to, or an obligation of, the Federal Government:
Provided further, That no appropriated funds may be used
to service debt which is incurred to finance the costs of
acquiring the 900 H Street building or of planning, de-
signing, and constructing improvements to such building.
From unobligated balances of prior year appropri-
tions $14,100,000 is rescinded.
REPAIR, RESTORATION AND ALTERATION OF FACILITIES
For necessary expenses of maintenance, repair, res-
toration, and alteration of facilities owned or occupied by
the Smithsonian Institution, by contract or otherwise, as
authorized by section 2 of the Act of August 22, 1949
(63 Stat. 623), including necessary personnel, including
not to exceed $10,000 for services as authorized by 5
U.S.C. 3109, $81,300,000, to remain available until ex-
pended, of which $16,750,000 is provided for mainte-
nance, repair, rehabilitation and alteration of facilities at
the National Zoological Park: Provided, That contracts
awarded for environmental systems, protection systems,
and repair or restoration of facilities of the Smithsonian
Institution may be negotiated with selected contractors
and awarded on the basis of contractor qualifications as
well as price.

CONSTRUCTION
For necessary expenses for construction, including
necessary personnel, $10,000,000, to remain available
until expended.

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

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

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

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

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

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $16,230,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $16,310,000.
CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $17,600,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS SALARIES AND EXPENSES

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

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $99,489,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended.
NATIONAL ENDOWMENT FOR THE HUMANITIES
GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $109,932,000 (increased by $5,000,000), shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.
For necessary expenses as authorized by Public Law 89-209, as amended, $17,000,000 (increased by $10,000,000) for support for arts education and public outreach activities, to be administered by the National Endowment for the Arts, to remain available until expended.

Administrative Provisions

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in aggregate this amount does not exceed 5 percent of the sums appropriated for grant making purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.
COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

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

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

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

ADMINISTRATIVE PROVISION

None of the funds appropriated in this or any other Act, except funds appropriated to the Office of Management and Budget, shall be available to study the alteration or transfer of the National Capital Arts and Cultural Affairs program.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $3,667,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.
NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

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

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $38,663,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $21,327,000 shall be available to the Presidio Trust, to remain available until expended.

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TITLE III—GENERAL PROVISIONS

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

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

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

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

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and
1 the basis therefor are presented to the Committees on Ap-
2 propriations and are approved by such committees.
3 Sec. 306. None of the funds in this Act may be used
4 to plan, prepare, or offer for sale timber from trees classi-
5 fied as giant sequoia (Sequoiadendron giganteum) which
6 are located on National Forest System or Bureau of Land
7 Management lands in a manner different than such sales
8 were conducted in fiscal year 2002.
9 Sec. 307. (a) LIMITATION OF FUNDS.—None of the
10 funds appropriated or otherwise made available pursuant
11 to this Act shall be obligated or expended to accept or
12 process applications for a patent for any mining or mill
13 site claim located under the general mining laws.
14 (b) EXCEPTIONS.—The provisions of subsection (a)
15 shall not apply if the Secretary of the Interior determines
16 that, for the claim concerned: (1) a patent application was
17 filed with the Secretary on or before September 30, 1994;
18 and (2) all requirements established under sections 2325
19 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)
20 for vein or lode claims and sections 2329, 2330, 2331,
21 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and
22 37) for placer claims, and section 2337 of the Revised
23 Statutes (30 U.S.C. 42) for mill site claims, as the case
24 may be, were fully complied with by the applicant by that
25 date.

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(c) REPORT.—On September 30, 2003, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

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

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–
107–63 for payments to tribes and tribal organizations for
contract support costs associated with self-determination
or self-governance contracts, grants, compacts, or annual
funding agreements with the Bureau of Indian Affairs or
the Indian Health Service as funded by such Acts, are the
total amounts available for fiscal years 1994 through 2002
for such purposes, except that, for the Bureau of Indian
Affairs, tribes and tribal organizations may use their trib-
al priority allocations for unmet indirect costs of ongoing
contracts, grants, self-governance compacts or annual
funding agreements.

Sec. 309. Of the funds provided to the National En-
dowment for the Arts—

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

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

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

SEC. 310. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.  

SEC. 311. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given
to providing services or awarding financial assistance for
projects, productions, workshops, or programs that serve
underserved populations.

(b) In this section:

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

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

(c) In providing services and awarding financial as-
assistance under the National Foundation on the Arts and
Humanities Act of 1965 with funds appropriated by this
Act, the Chairperson of the National Endowment for the
Arts shall ensure that priority is given to providing serv-
dices or awarding financial assistance for projects, produc-
tions, workshops, or programs that will encourage public
knowledge, education, understanding, and appreciation of
the arts.
(d) With funds appropriated by this Act to carry out
section 5 of the National Foundation on the Arts and Hu-
manities Act of 1965—

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

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

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

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

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

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

Sec. 314. Amounts deposited during fiscal year 2002 in the roads and trails fund provided for in the 14th paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund.

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

Sec. 315. Other than in emergency situations, none of the funds in this Act may be used to operate telephone
answering machines during core business hours unless
such answering machines include an option that enables
callers to reach promptly an individual on-duty with the
agency being contacted.

SEC. 316. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised under
the transaction evidence appraisal system using domestic
Alaska values for western redcedar: Provided, That sales
which are deficit when appraised under the transaction
evidence appraisal system using domestic Alaska values
for western redcedar may be advertised upon receipt of
a written request by a prospective, informed bidder, who
has the opportunity to review the Forest Service’s cruise
and harvest cost estimate for that timber. Program accom-
plishments shall be based on volume sold. Should Region
10 sell, in fiscal year 2002, the annual average portion
of the decadal allowable sale quantity called for in the cur-
rent Tongass Land Management Plan in sales which are
not deficit when appraised under the transaction evidence
appraisal system using domestic Alaska values for western
redcedar, all of the western redcedar timber from those
sales which is surplus to the needs of domestic processors
in Alaska, shall be made available to domestic processors
in the contiguous 48 United States at prevailing domestic
prices. Should Region 10 sell, in fiscal year 2002, less
than the annual average portion of the decadal allowable
sale quantity called for in the current Tongass Land Man-
agement Plan in sales which are not deficit when ap-
praised under the transaction evidence appraisal system
using domestic Alaska values for western redcedar, the
volume of western redcedar timber available to domestic
processors at prevailing domestic prices in the contiguous
48 United States shall be that volume: (i) which is surplus
to the needs of domestic processors in Alaska; and (ii) is
that percent of the surplus western redcedar volume deter-
mined by calculating the ratio of the total timber volume
which has been sold on the Tongass to the annual average
portion of the decadal allowable sale quantity called for
in the current Tongass Land Management Plan. The per-
centage shall be calculated by Region 10 on a rolling basis
as each sale is sold (for purposes of this amendment, a
“rolling basis” shall mean that the determination of how
much western redcedar is eligible for sale to various mar-
kets shall be made at the time each sale is awarded).
Western redcedar shall be deemed “surplus to the needs
of domestic processors in Alaska” when the timber sale
holder has presented to the Forest Service documentation
of the inability to sell western redcedar logs from a given
sale to domestic Alaska processors at price equal to or
greater than the log selling value stated in the contract.
All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

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

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency;

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—
(A) the private sector provider fails to bid on such opportunities; (B) the private sector provider terminates its relationship with the agency; or (C) the agency revokes the permit for non-compliance with the terms and conditions of the authorization.

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

Sec. 318. Prior to October 1, 2003, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with re-
spect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

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

Sec. 320. No funds provided in this Act may be expended to conduct preleasing, leasing, and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

Sec. 321. Section 347(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277 as amended, is amend-
ed by striking "2004" and inserting "2005". The author-
unity to enter into stewardship and end result contracts pro-
vided to the Forest Service in accordance with section 347
of title III of section 101(e) of division A of Public Law
105–277 is hereby expanded to authorize the Forest Serv-
vice to enter into an additional 12 contracts subject to the
same terms and conditions as provided in that section.

Sec. 322. Technical Correction Related to Cabin User Fees.—Section 608(b)(2) of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6207(b)(2); Public Law 106–291) is amended by striking “value influences” and inserting in lieu thereof “criteria” and striking “sec-
tion 606(b)(3)” and inserting in lieu thereof “section 606(b)(2)”.

Sec. 323. Extension of Forest Service Convey-
ances Pilot Program.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107–63) is amended—

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

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

Sec. 324. A grazing permit or lease issued by the Secretary of the Interior or the Secretary of Agriculture where National Forest System lands are involved that ex-
pires (or is transferred or waived) during fiscal year 2003 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), or if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior or the Secretary of Agriculture completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended, or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture. Any Federal lands included within the boundary of Lake Roosevelt National Recreation Area, as designated by the Secretary of the Interior on April 5, 1990 (Lake Roosevelt Cooperative Management Agreement), that were utilized as of March 31, 1997, for grazing purposes pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands as of March 31, 1997, shall be entitled to renew said permit under such terms and
1 conditions as the Secretary may prescribe, for the lifetime
2 of the permittee or 20 years, whichever is less.
3 Sec. 325. Notwithstanding any other provision of law
4 or regulation, employees of foundations established by
5 Acts of Congress to solicit private sector funds on behalf
6 of Federal land management agencies shall qualify for
7 General Services Administration contract airfare rates and
8 Federal Government hotel accommodation rates when
9 such employees are traveling on official foundation busi-
10 ness.
11 Sec. 326. Notwithstanding any other provision of law
12 or regulation, to promote the more efficient use of the
13 health care funding allocation for fiscal year 2003, the
14 Eagle Butte Service Unit of the Indian Health Service,
15 at the request of the Cheyenne River Sioux Tribe, may
16 pay base salary rates to health professionals up to the
17 highest grade and step available to a physician, phar-
18 macist, or other health professional and may pay a recruit-
19 ment or retention bonus of up to 25 percent above the
20 base pay rate.
21 Sec. 327. None of the funds made available in this
22 Act may be transferred to any department, agency, or in-
23 strumentality of the United States Government except
24 pursuant to a transfer made by, or transfer authority pro-
25 vided in, this Act or any other appropriations Act.
Sec. 328. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are fighting fires. The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country. When an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country. Neither the sending country nor any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of fighting fires.

Sec. 329. Prohibition of Oil and Gas Drilling in the Finger Lakes National Forest, New
York.—None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2003.


Sec. 331. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.
1 This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2003”.
2 Passed the House of Representatives July 17, 2002.
Attest: JEFF TRANDAHL,
               Clerk.
AN ACT

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

Received, read twice and placed on the calendar

July 18, 2002

H.R. 5093

107TH CONGRESS
Calendar No. 503