[COMMITTEE PRINT]

NOTICE: This bill is a draft for use of the Committee and its Staff only, in preparation for markup.

Calendar No. 000

107TH CONGRESS 2D SESSION

S. 0000

[Report No. 107–000]

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

IN THE SENATE OF THE UNITED STATES

JUNE 00, 2002

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

A BILL

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

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
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)), $816,062,000, to remain available until expended, of which $2,000,000 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 $4,000,000 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 $821,062,000, 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, $31,028,000 is for the conservation ac-
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.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $624,921,000, 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 available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: 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 further, 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 re-
duction activities, on Federal land, or on adjacent non-
Federal land for activities that benefit resources on Fed-
eral land: Provided further, That the costs of implementing
any cooperative agreement between the Federal govern-
ment and any non-Federal entity may be shared, as mutu-
ally agreed on by the affected parties: Provided further,
That in entering into such grants or cooperative agree-
ments, 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 Sec-
retary may take into account the ability of an entity to
enhance local and small business employment opportuni-
ties 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: Pro-
vided 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
seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities.

For an additional amount to cover necessary expenses for emergency rehabilitation and wildfire suppression by the Department of the Interior, $50,000,000, to remain available until expended: Provided, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $50,000,000 shall be available only to the extent an official budget request, that includes designation of the $50,000,000 as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

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 activi-
ties 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 appropria-
tion: 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, $12,976,000, to
remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of Octo-
ber 20, 1976, as amended (31 U.S.C. 6901–6907),
$220,000,000, of which not to exceed $400,000 shall be
available for administrative expenses and of which
$100,000,000 is for the conservation activities defined in
section 250(e)(4)(E) of the Balanced Budget and Emer-
gency 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, $38,734,000, 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.

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 sec-
1 and paragraph of subsection (b) of title II of the Act of
2 August 28, 1937 (50 Stat. 876).
3
4 FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND
5 (REVOLVING FUND, SPECIAL ACCOUNT)
6
7 In addition to the purposes authorized in Public Law
8 102–381, funds made available in the Forest Ecosystem
9 Health and Recovery Fund can be used for the purpose
10 of planning, preparing, implementing and monitoring sal-
11 vage timber sales and forest ecosystem health and recovery
12 activities such as release from competing vegetation and
13 density control treatments. The Federal share of receipts
14 (defined as the portion of salvage timber receipts not paid
15 to the counties under 43 U.S.C. 1181f and 43 U.S.C.
16 1181f–1 et seq., and Public Law 106–393) derived from
17 treatments funded by this account shall be deposited into
18 the Forest Ecosystem Health and Recovery Fund.
19
20 RANGE IMPROVEMENTS
21
22 For rehabilitation, protection, and acquisition of
23 lands and interests therein, and improvement of Federal
24 rangelands pursuant to section 401 of the Federal Land
26 notwithstanding any other Act, sums equal to 50 percent
27 of all moneys received during the prior fiscal year under
28 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
29 315 et seq.) and the amount designated for range improve-
30 ments from grazing fees and mineral leasing receipts from

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1 Bankhead-Jones lands transferred to the Department of
2 the Interior pursuant to law, but not less than
3 $10,000,000, to remain available until expended: Pro-
4 vided, That not to exceed $600,000 shall be available for
5 administrative expenses.
6
7 SERVICE CHARGES, DEPOSITS, AND FORFEITURES
8
9 For administrative expenses and other costs related
10 to processing application documents and other authoriza-
11 tions for use and disposal of public lands and resources,
12 for costs of providing copies of official public land docu-
13 ments, for monitoring construction, operation, and termi-
14 nation of facilities in conjunction with use authorizations,
15 and for rehabilitation of damaged property, such amounts
16 as may be collected under Public Law 94-579, as amend-
17 ed, and Public Law 93-153, to remain available until ex-
18 pended: Provided, That notwithstanding any provision to
19 the contrary of section 305(a) of Public Law 94-579 (43
20 U.S.C. 1735(a)), any moneys that have been or will be
21 received pursuant to that section, whether as a result of
22 forfeiture, compromise, or settlement, if not appropriate
23 for refund pursuant to section 305(c) of that Act (43
24 U.S.C. 1735(c)), shall be available and may be expended
25 under the authority of this Act by the Secretary to im-
26 prove, protect, or rehabilitate any public lands adminis-
27 tered through the Bureau of Land Management which
28 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, sur-
veys, appraisals, and costs of making conveyances of omit-
ted 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 dismante-
ment of temporary structures, and alteration and mainte-
nance of necessary buildings and appurtenant facilities to
which the United States has title; up to $100,000 for pay-
ments, at the discretion of the Secretary, for information
or evidence concerning violations of laws administered by
the Bureau; miscellaneous and emergency expenses of en-
forcement activities authorized or approved by the Sec-
retary 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-shar- ing and partnership arrangements authorized by law, pro- cure 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.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, con- 
servation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long- horned 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 enti- 
ties, $924,620,000, to remain available until September 30, 2004, except as otherwise provided herein, of which $120,729,000 is for conservation activities defined in sec- tion 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 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 $4,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, 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 further, That not to exceed $10,000,000 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 (e)(2)(A), (e)(2)(B)(i), or (e)(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, re-
wards, or evidence concerning violations of laws adminis-
tered by the Service, and miscellaneous and emergency ex-
penses of enforcement activity, authorized or approved by
the Secretary and to be accounted for solely on her certifi-
cate: 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 re-
moval of buildings and other facilities required in the con-
servation, management, investigation, protection, and uti-
lization of fishery and wildlife resources, and the acquisi-
tion of lands and interests therein; $42,182,000, to remain
available until expended: Provided, That notwithstanding
any other provision of law, a single procurement for the
construction of the Kodiak National Wildlife Refuge vis-
itator center 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 ex-

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penses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $89,055,000, 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: 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 administrative expenses associated with a Landowner Incentive Program established in Public Law 107–63, $600,000, 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(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits.

STEWARDSHIP GRANTS

For administrative expenses associated with a Private Stewardship Program established in Public Law 107–63, $200,000, 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.

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, $99,400,000, to be derived from the Cooperative Endangered Species 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), $14,414,000.

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.
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), $3,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND


STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $60,000,000, 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 following 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 implemen-
tation 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, territory,
or other jurisdiction shall receive a grant unless it has de-
developed, or committed to develop by October 1, 2005, a
comprehensive wildlife conservation plan, consistent with
criteria established by the Secretary of the Interior, that
considers the broad range of the State, territory, or other
jurisdiction’s wildlife and associated habitats, with appro-
 priate priority placed on those species with the greatest
conservation need and taking into consideration the rel-
ative level of funding available for the conservation of
those species: Provided further, That any amount apportioned in 2003 to any State, territory, or other jurisdiction
that remains unobligated as of September 30, 2004, shall
be reapportioned, together with funds appropriated in
2005, in the manner provided herein.

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-
ership 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 meet-
ing accepted quality standards: Provided further, That the
Service may accept donated aircraft as replacements for
existing aircraft: Provided further, That the United States
Fish and Wildlife Service is authorized to grant $500,000
appropriated in Public Law 107–63 for land acquisition
to the Narragansett Indian Tribe for acquisition of the
Great Salt Pond burial tract: Provided further, That not-
withstanding 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

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, oper-
ation, and maintenance of areas and facilities adminis-
tered by the National Park Service (including special road
maintenance service to trucking permittees on a reimburs-
able basis), and for the general administration of the Na-
tional Park Service, $1,585,065,000, of which $6,878,000
for planning and interagency coordination in support of
Everglades restoration shall remain available until ex-
pended; of which $90,280,000, to remain available until
September 30, 2004, is for maintenance repair or rehabili-
tation projects for constructed assets, operation of the Na-
tional Park Service automated facility management soft-
ware system, and comprehensive facility condition assess-
ments; of which not less than $9,000,000 is for reimburse-
ment of the United States Geological Survey for conduct
of National Park Service natural resource challenge activi-
ties; and of which $4,000,000 is for the Youth Conserva-
tion Corps, defined in section 250(c)(4)(E) of the Bal-
anced Budget and Emergency Deficit 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 approved 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 trav-
el costs associated with special events for an amount not
to exceed $10,000 per event subject to the review and con-
currence of the Washington headquarters office.

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 otherwise provided for, $63,828,000.

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.), $10,000,000, 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 Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $84,500,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2004, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Control Act of 1985, as amended, for the purposes of such Act: Provided, That, of the amount provided herein, $2,500,000, to remain available until expended, is for a grant for the perpetual 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, notwith-
standing any other provision 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 provided, $38,000,000 shall be for
Save America’s Treasures for priority preservation
projects of nationally significant sites, structures, and ar-
tifacts: Provided further, That any individual Save Amer-
ica’s Treasures grant shall be matched by non-Federal
funds: Provided further, That individual projects shall only
be eligible for one grant, and all projects to be funded shall
be approved by the House and Senate Committees on Ap-
propriations prior to the commitment of grant funds: Pro-
vided further, That Save America’s Treasures funds allo-
cated for Federal projects shall be available by transfer
to appropriate accounts of individual agencies, after ap-
proval of such projects by the Secretary of the Interior,
in consultation with the President’s Committee on the
Arts and Humanities: Provided further, That none of the
funds provided for Save America’s Treasures may be used
for administrative expenses, and staffing for the program
shall be available from the existing staffing levels in the
National Park Service.

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, $361,915,000, to remain available until expended, of which $1,250,000 for the Eaker Site National Historic Landmark, $2,500,000 for the Virginia City Historic District, and $1,250,000 for the Fort Osage National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a, and of which $114,558,000 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.

LAND AND WATER CONSERVATION FUND
(RESCISSION)

The contract authority provided for fiscal year 2003 by 16 U.S.C. 460l–10a are 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, $238,205,000, 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, of which
$144,000,000 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.
Administrative Provisions

Appropriations for the National Park Service shall be available for the purchase of not to exceed 315 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.

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 em-
ployee 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: Provided, That 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 research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as author-
ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
to their mineral and water resources; give engineering su-
pervision to power permittees and Federal Energy Regu-
larly Commission licensees; administer the minerals ex-
ploration program (30 U.S.C. 641); and publish and dis-
seminate 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;
$926,667,000, of which $64,974,000 shall be available
only for cooperation with States or municipalities for
water resources investigations; and of which $16,400,000
shall remain available until expended for conducting in-
quiries into the economic conditions affecting mining and
materials processing industries; and of which $8,000,000
shall remain available until expended for satellite oper-
ations; and of which $22,623,000 shall be available until
September 30, 2004, for the operation and maintenance
of facilities and deferred maintenance; and of which
$172,227,000 shall be available until September 30, 2004,
for the biological research activity and the operation of
the Cooperative Research Units; and of which $4,000,000
shall remain available until expended for interagency re-
search, planning, monitoring, and assessment, for ever-
glades restoration: Provided, That none of these funds
provided for the biological research activity shall be used
to conduct new surveys on private property, unless specifi-
cally authorized in writing by the property owner: Pro-
vided further, That of the amount provided herein, $35,000,000 is for the conservation activities defined in
section 250(c)(4)(E) of the Balanced Budget and Emer-
gency 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 resources
data collection and investigations carried on in cooperation
with States and municipalities.

ADMINISTRATIVE PROVISION

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 beaccom-
plished through the use of contracts, grants, or coopera-
tive agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS 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, $166,322,000, 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 Contin-ental 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 appropriation 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 au-
thority 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

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for
replacement only; $105,092,000: 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, $203,745,000, 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 from funds previously appropriated for the Federal emergency reclamation program, $12,000,000 shall be made available at the start of fiscal year 2003 for State reclamation grants: 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 con-
sistent with the purposes and priorities of the Surface
Mining Control and Reclamation Act: *Provided further,*
That the State of Maryland may set aside the greater of
$1,000,000 or 10 percent of the total of the grants made
available to the State under title IV of the Surface Mining
Control and Reclamation Act of 1977, as amended (30
U.S.C. 1231 et seq.), if the amount set aside is deposited
in an acid mine drainage abatement and treatment fund
established under a State law, pursuant to which law the
amount (together with all interest earned on the amount)
is expended by the State to undertake acid mine drainage
abatement and treatment projects, except that before any
amounts greater than 10 percent of its title IV grants are
deposited in an acid mine drainage abatement and treat-
ment fund, the State of Maryland must first complete all
Surface Mining Control and Reclamation Act priority one
projects.

**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-Der-
termination 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, $1,859,135,000, to remain available until September 30, 2004 except as otherwise provided herein, of which not to exceed $85,857,000 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 funding 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 $442,985,000 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 $57,686,000 shall remain available
until expended for housing improvement, road mainte-
nance, attorney fees, litigation support, the Indian Self-
Determination Fund, land records improvement, and the
Navajo-Hopi Settlement Program: Provided, That not-
withstanding 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 $43,065,000
within and only from such amounts made available for
school operations shall be available to tribes and tribal or-
ganizations 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 engineer-
ing services by contract; acquisition of lands, and interests
in lands; and preparation of lands for farming, and for
construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $348,252,000, 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 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 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 stand-
ards 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 capa-
bilities: 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 con-
cerning a grant shall be subject to the disputes provision

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and in-
dividuals and for necessary administrative expenses,
$57,949,000, to remain available until expended; of which
$24,870,000 shall be available for implementation of en-
acted Indian land and water claim settlements pursuant
to Public Laws 101–618 and 102–575, and for implemen-
tation of other enacted water rights settlements; of which
$5,068,000 shall be available for future water supplies fa-
cilities under Public Law 106–163; and of which
$28,011,000 shall be available pursuant to Public Laws
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.

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 between the United States and that tribe, or that tribe's ability 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 September 1, 1996. No funds available to the Bureau shall
be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau 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, United States Code (commonly known as the “Federal Tort Claims Act”).
For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $75,217,000, of which: (1) $70,102,000 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(c)); 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 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, $20,925,000, 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, $75,695,000, 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, $47,773,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

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

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, $151,027,000, to remain available until ex-
pended: Provided, That funds for trust management im-
provements may be transferred, as needed, to the Bureau
of Indian Affairs "Operation of Indian Programs" account
and to the Departmental Management "Salaries and Ex-
penses" account: Provided further, That funds made avail-
able to Tribes and Tribal organizations through contracts
or grants obligated during fiscal year 2003, as authorized
450 et seq.), shall remain available until expended by the
contractor or grantee: Provided further, That notwith-
standing any other provision of law, the statute of limita-
tions 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

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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 withdrawn 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 deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to this account.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation 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 Bureau of Indian Affairs and Departmental Management.
For implementation of a water rights and habitat acquisition program pursuant to section 10 of Public Law 106–263, $3,000,000, to remain available until expended, to be derived from the Land and Water Conservation Fund, 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 purposes of discretionary spending limits: Provided, That these funds may be available for transfer to the Bureau of Indian Affairs.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND


ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available 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 notwithstanding any other provision of
law, the Office of Aircraft Services shall transfer to the
Sheriff's Office, Kane County, Utah, without restriction,
a Cessna U206G, identification number N211S, serial
number 20606916, for the purpose of facilitating more ef-
ficient law enforcement activities at Glen Canyon National
Recreation Area and the Grand Staircase Escalante Na-
tional Monument: *Provided further*, That no programs
funded with appropriated funds in the "Departmental
Management", "Office of the Solicitor", and "Office of In-
spector General" may be augmented through the Working
Capital Fund or the Consolidated 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 unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: 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.

Sec. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs 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 Min-
ing 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 regu-
latory 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 reim-
bursement to other Federal agencies for destruction of ve-
hicles, 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 ex-
hausted 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 Emer-
gency Deficit Control Act of 1985, and must be replen-

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ished by a supplemental appropriation which must be re-
quested 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 appropria-
tions shall be reimbursed for services rendered to any
other activity in the same manner as authorized by sec-
tions 1535 and 1536 of title 31, United States Code: Pro-
vided, That reimbursements for costs and supplies, mate-
rials, equipment, and for services rendered may be cred-
ited to the appropriation current at the time such reim-
bursements are received.

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
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-
ers lower than to subscribers who are not members.

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-

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

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 expended by the Department of the Interior to conduct offshore 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 Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended 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 purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and
Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or (2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

Sec. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unbudgeted balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

Sec. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate 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 without 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, except 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. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute 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 reduction 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. 115. 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 Postsec
ondary Funding Formula adopted by the Office of Indian
Education Programs.

Sec. 116. (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 compat-
ible with the use of the lands as a cemetery; and (2) as
a burial ground.

Sec. 117. Notwithstanding any other provision of
law, in conveying the Twin Cities Research Center under
the authority provided by Public Law 104–134, as amend-
ed 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 reim-
bursement until expended and without further appropria-
tion: (1) for the benefit of the National Wildlife Refuge
System within the State of Minnesota; and (2) for all ac-
tivities authorized by Public Law 100–696; 16 U.S.C.
460zz.

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

SEC. 119. 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 seed-
lings and are available without fiscal year limitation.

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

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

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

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

(4) TRIBALLY CONTROLLED SCHOOL.—The
term “tribally controlled school” has the meaning
given that term in section 5212 of the Tribally Con-
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(5) **DEPARTMENT.**—The term "Department" means the Department of the Interior.

(6) **DEMONSTRATION PROGRAM.**—The term "demonstration program" means the Tribal School Construction Demonstration Program.

(b) **IN GENERAL.**—The Secretary shall carry out a demonstration program for fiscal years 2003 through 2007 to provide grants to Indian tribes for the construction of tribally controlled schools.

(1) **IN GENERAL.**—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application that is approved by the Secretary under paragraph (2). The Secretary shall ensure that an Indian tribe that agrees to fund all future operation and maintenance costs of the tribally controlled school constructed under the demonstration program from other than federal funds receives the highest priority for a grant under this section.

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

(A) include a proposal for the construction of a tribally controlled school of the Indian tribe that submits the application; and
(B) be in such form as the Secretary determines appropriate.

(3) Grant Agreement.—As a condition to receiving a grant under this section, the Indian tribe shall enter into an agreement with the Secretary that specifies—

(A) the costs of construction under the grant;

(B) that the Indian tribe shall be required to contribute towards the cost of the construction a tribal share equal to 50 percent of the costs; and

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

(4) Eligibility.—Grants awarded under the demonstration program shall be used only for construction or replacement of a tribally controlled school.

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

(d) REPORT.—At the conclusion of the five-year demonstration program, the Secretary shall report to Congress as to whether the demonstration program has achieved its purposes of providing additional tribes fair opportunities to construct tribally controlled schools, accelerating construction of needed educational facilities in Indian Country, and permitting additional funds to be provided for the Department’s priority list for construction of replacement educational facilities.

Sec. 121. White River Oil Shale Mine, Utah. Sale.—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. 122. 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 appli-
cable to such use. Such use shall be in accordance with
humane procedures prescribed by the Secretary.

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

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

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

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

SEC. 127. Notwithstanding section 1(d) of Public
Law 107–62, the National Park Service is authorized to
oblige $1,000,000 made available in fiscal year 2002 to plan the John Adams Presidential memorial in cooperation with non-Federal partners.

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

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, $252,804,000, 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, treatment of pests, pathogens, and invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $312,972,000, to remain available until expended, as authorized by law, of which
$85,000,000 is for the Forest Legacy Program, and
$37,750,000 is for the Urban and Community Forestry
Program, 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 notwithstanding any other provision of law, of the
funds provided under this heading, $2,000,000 shall be
made available to Kake Tribal Corporation as an advanced
direct lump sum payment to implement the Kake Tribal
Corporation Land Transfer Act (Public Law 106–283).

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,
$1,360,139,000, 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: Pro-
vided further, That the Secretary may authorize the ex-
penditure 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:

Provided further, That of the funds provided under this
heading for Forest Products, $5,000,000 shall be allocated

to the Alaska Region, in addition to its normal allocation
for the purposes of preparing additional timber for sale,
to establish a 3-year timber supply and such funds may
be transferred to other appropriations accounts as nec-
essary to maximize accomplishment.

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 re-
duction on or adjacent to such lands, and for emergency
rehabilitation of burned-over National Forest System
lands and water, $1,214,913,000, to remain available until
expended: Provided, That such funds including unobli-
gated balances under this head, are available for repay-
ment of advances from other appropriations accounts pre-
viously transferred for such purposes: Provided further,
That not less than 50 percent of any unobligated balances
remaining (exclusive of amounts for hazardous fuels re-
duction) at the end of fiscal year 2002 shall be trans-
ferred, 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 fur-
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 Fire Science Research: 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, $228,109,000 is for hazardous fuel treatment, $3,624,000 is for rehabilitation and restoration, $8,000,000 is for capital improvement and maintenance of fire facilities, $22,127,000 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.), $56,383,000 is for state fire assistance, $8,240,000 is for volunteer fire assistance, $11,934,000 is for forest health activities on state, private, and Federal lands, and $12,472,000 is for economic action programs: Provided further, That amounts in this
paragraph may be transferred 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 management, 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 Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: 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 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 Appropriation, 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 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. Notwith-
standing Federal government procurement and con-
tracting laws, the Secretaries may conduct fuel reduction
treatments, rehabilitation and restoration, and other ac-
tivities authorized in this section, on and adjacent to Fed-
eral lands using grants and cooperative agreements. Not-
withstanding Federal government procurement and con-
tracting laws, in order to provide employment and training
opportunities to people in rural communities, the Secre-
taries may award contracts, including contracts for moni-
toring activities, to—

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

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

(3) small or micro-businesses; or

(4) other entities that will hire or train a sig-
nificant percentage of local people to complete such
contracts. The authorities described above relating
to contracts, grants, and cooperative agreements are
available until all funds provided in this title for haz-
ardous fuels reduction activities in the urban
wildland interface are obligated.

For an additional amount to cover necessary expenses
for emergency rehabilitation, presuppression due to emer-
gencies, and wildfire suppression activities of the Forest Service, $350,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $350,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $566,656,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205, of which, $84,866,000 is for 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 funds shall
be expended to decommission any system road until notice
and an opportunity for public comment has been provided
on each decommissioning project: Provided further, That
the Forest Service shall transfer $500,000 appropriated
in Public Law 107–63 within the Capital Improvement
and Maintenance appropriation, to the State and Private
Forestry appropriation, and shall provide these funds in
an advance direct lump sum payment to Purdue Univer-
sity for planning and construction of a hardwood tree im-
provement and generation facility: Provided further, That
notwithstanding any provision of law, funds provided for
construction of facilities at Purdue University in Indiana
in this Act, in the amount of $3,100,000 shall be available
to the University.

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 ad-
ministrative expenses, and for acquisition of land or wa-
ters, or interest therein, in accordance with statutory au-
thority applicable to the Forest Service, $157,679,000 to
be derived from the Land and Water Conservation Fund,
to remain available until expended, and to be for the con-
servation 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.
1 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
2 ACTS
3 For acquisition of lands within the exterior bound-
4 aries of the Cache, Uinta, and Wasatch National Forests,
5 Utah; the Toiyabe National Forest, Nevada; and the An-
6 geles, San Bernardino, Sequoia, and Cleveland National
7 Forests, California, as authorized by law, $1,069,000, to
8 be derived from forest receipts.
9 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES
10 For acquisition of lands, such sums, to be derived
11 from funds deposited by State, county, or municipal gov-
12 ernments, public school districts, or other public school au-
13 thorities pursuant to the Act of December 4, 1967, as
14 amended (16 U.S.C. 484a), to remain available until ex-
15 pended.
16 RANGE BETTERMENT FUND
17 For necessary expenses of range rehabilitation, pro-
18 tection, and improvement, 50 percent of all moneys re-
19 ceived during the prior fiscal year, as fees for grazing do-
20 mestic livestock on lands in National Forests in the 16
21 Western States, pursuant to section 401(b)(1) of Public
22 Law 94–579, as amended, to remain available until ex-
23 pended, of which not to exceed 6 percent shall be available
24 for administrative expenses associated with on-the-ground
25 range rehabilitation, protection, and improvements.

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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
1 trade-in value used to offset the purchase price for the
2 replacement aircraft; (2) services pursuant to 7 U.S.C.
3 2225, and not to exceed $100,000 for employment under
4 5 U.S.C. 3109; (3) purchase, erection, and alteration of
5 buildings and other public improvements (7 U.S.C. 2250);
6 (4) acquisition of land, waters, and interests therein pur-
7 suant to 7 U.S.C. 428a; (5) for expenses pursuant to the
8 Volunteers in the National Forest Act of 1972 (16 U.S.C.
9 558a, 558d, and 558a note); (6) the cost of uniforms as
10 authorized by 5 U.S.C. 5901–5902; and (7) for debt col-
11 lection contracts in accordance with 31 U.S.C. 3718(c).
12 None of the funds made available under this Act shall
13 be obligated or expended to abolish any region, to move
14 or close any regional office for National Forest System
15 administration of the Forest Service, Department of Agri-
16 culture without the consent of the House and Senate Com-
17 mittees on Appropriations.
18 Any appropriations or funds available to the Forest
19 Service may be transferred to the Wildland Fire Manage-
20 ment appropriation for forest firefighting, emergency re-
21 habilitation of burned-over or damaged lands or waters
22 under its jurisdiction, and fire preparedness due to severe
23 burning conditions if and only if all previously appro-
24 priated emergency contingent funds under the heading
“Wildland Fire Management” have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture 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 $4,000,000 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 $2,250,000 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 $400,000

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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 Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

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

The Secretary of Agriculture is authorized to enter
into grants, contracts, and cooperative agreements as ap-
propriate with the Pinchot Institute for Conservation, as
well as with public and other private agencies, organiza-
tions, institutions, and individuals, to provide for the de-
velopment, administration, maintenance, or restoration of
land, facilities, or Forest Service programs, at the Grey
Towers National Historic Landmark: Provided, That, sub-
ject to such terms and conditions as the Secretary of Agri-
culture may prescribe, any such public or private agency,
organization, institution, 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 ac-
tivities and services at the Grey Towers National Historic
Landmark: Provided further, That such gifts may be ac-
cepted notwithstanding the fact that a donor conducts
business with the Department of Agriculture in any capac-
ity.

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 appropriations 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 Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation 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 $1,000,000.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.
The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or 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 designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

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 available 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

(INCLUDING TRANSFER OF FUNDS)

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), $650,965,000, to remain available until ex-
pended, of which $11,000,000 is to continue a multi-year
project for construction, renovation, furnishing, and demo-
lition or removal of buildings at National Energy Tech-
nology Laboratory facilities in Morgantown, West Virginia
and Pittsburgh, Pennsylvania; and of which $150,000,000
are to be made available, after coordination with the pri-
ivate sector, for a request for proposals for a Clean Coal
Power Initiative providing for competitively-awarded re-
search, development, and demonstration projects to reduce
the barriers to continued and expanded coal use: Provided,
That no project may be selected for which sufficient fund-
ing is not available to provide for the total project: Pro-
vided further, That funds shall be expended in accordance
with the provisions governing the use of funds contained
under the heading “Clean Coal Technology” in prior ap-
propriations: Provided further, That the Department may
include provisions for repayment of Government contribu-
tions to individual projects in an amount up to the Govern-
ment 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 research, 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 Department 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
Teachers’ Retirement Fund from the Elk Hills School
Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy con-
servation activities, $921,741,000, to remain available
until expended: Provided, That $285,798,000 shall be for
use in energy conservation grant programs as defined in
Provided further, That notwithstanding section 3003(d)(2)
of Public Law 99–509, such sums shall be allocated to
the eligible programs as follows: $240,000,000 for weather-
erization assistance grants and $45,798,000 for State en-
ergy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities
of the Office of Hearings and Appeals, $1,487,000, to re-
main available until expended.
STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $174,856,000, 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, $80,111,000, 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 Treas-
ury 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, $2,516,280,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education 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: Provided further, That $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $463,480,000 for contract medical care shall remain available for obligation until September 30, 2004: Provided further, That of the funds provided, up to $22,000,000 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 one-year
contracts and grants which are to be performed in two
fiscal years, so long as the total obligation is recorded in
the year for which the funds are appropriated: Provided
further, 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
$282,734,000 shall be for payments to tribes and tribal
organizations for contract or grant support costs associated 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 $12,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: Provided further, That notwithstanding any other provision of law, annuity health benefits payments made in previous years by the U.S. Department of Defense for Indian Health Service commissioned corps retirees, will continue to be paid in such manner in fiscal year 2003 without subsequent charges billed to the agency: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: Provided further, That of the amounts provided for Indian Health Services, $15,000,000 is provided to the Alaska Federation of Natives for alcohol control, prevention, treatment, sobriety and wellness, of which at least $100,000 shall be available for an independent third party to conduct an evaluation of the program: Provided further, That no more than 15 percent may be used by
any entity receiving funding for administrative overhead including indirect costs: Provided further, That prior to the release of funds to a regional Native non-profit entity, it must enter into an agreement with the regional Native health corporation on allocation of resources to avoid duplication of effort and to foster cooperation.

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, $399,765,000, 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 facili-
ties: 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 $5,000,000 shall remain available until expended for the purpose of funding up to two joint venture health care facility projects authorized under the Indian Health Care Improvement Act, as amended: Provided further, That priority, by rank order, shall be given to tribes with outpatient projects on the existing Indian Health Services priority list that have Service-approved planning documents, and can demonstrate by
March 1, 2003, the financial capability necessary to provide an appropriate facility: \textit{Provided further}, That joint venture funds unallocated after March 1, 2003, shall be made available for joint venture projects on a competitive basis giving priority to tribes that currently have no existing Federally-owned health care facility, have planning documents meeting Indian Health Service requirements prepared for approval by the Service and can demonstrate the financial capability needed to provide an appropriate facility: \textit{Provided further}, That the Indian Health Service shall request additional staffing, operation and maintenance funds for these facilities in future budget requests: \textit{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: \textit{Provided further}, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the U.S. Department of Housing and Urban Development: \textit{Provided further}, That not to exceed $1,000,000 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 until expended, to be used by the Indian Health Service for demolition of Federal buildings: *Provided further*, That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94–437, as amended), construction contracts authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: *Provided further*, That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract: *Provided further*, That notwithstanding any other provision of law or regulation, for purposes of acquiring sites for a new clinic and staff quarters in St. Paul Island, Alaska, the Secretary of Health and Human Services may accept land donated by the Tanadagusix Corporation.

**Administrative Provisions, Indian Health Service** Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equiva-
lent to the maximum rate payable for senior-level positions
under 5 U.S.C. 5376; hire of passenger motor vehicles and
aerial; 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-
oment to the Indian Health Service shall be administered
under Public Law 86–121 (the Indian Sanitation Facilities 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 directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain 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 Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service 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 pay-
ment in advance with subsequent adjustment. The reim-
bursements received therefrom, along with the funds re-
ceived from those entities pursuant to the Indian Self-Der-
termination Act, may be credited to the same or subse-
quint 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 tech-
nical 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 authorized 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 Library Technology Center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES
(INCLUDING RESCISSION)

For necessary expenses of the Smithsonian Institution, 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 publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, 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 $43,884,000 for the instrumentation.
program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended, and including such funds as may be necessary to support American overseas 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 presentations: Provided further, That the Smithsonian Institution 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 construed 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, designing, and constructing improvements to such building: Provided further, That from
unobligated balances of prior year appropriations, $14,100,000 is rescinded.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of maintenance, repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, including necessary personnel, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), $81,300,000, to remain available until expended, of which $16,750,000 is provided for maintenance, repair, rehabilitation and alteration of facilities at the National Zoological Park, and of which not to exceed $100,000 is for services as authorized by 5 U.S.C. 3109: 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, $20,000,000, 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 from the Board of Regents of recommendations received 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.

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

**NATIONAL GALLERY OF ART**

**SALARIES AND EXPENSES**

For the upkeep and operations of the National Gallery 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 advance 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, alteration, 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 envi-
1 ronmental systems, protection systems, and exterior repair
2 or renovation of buildings of the National Gallery of Art
3 may be negotiated with selected contractors and awarded
4 on the basis of contractor qualifications as well as price.
5 **JOHN F. KENNEDY CENTER FOR THE PERFORMING
6 ARTS**
7 **OPERATIONS AND MAINTENANCE**
8 For necessary expenses for the operation, mainte-
9 nance and security of the John F. Kennedy Center for
10 the Performing Arts, $16,310,000.
11 **CONSTRUCTION**
12 For necessary expenses for capital repair and restora-
13 tion of the existing features of the building and site of
14 the John F. Kennedy Center for the Performing Arts,
15 $17,600,000, to remain available until expended.
16 **WOODROW WILSON INTERNATIONAL CENTER FOR
17 SCHOLARS**
18 **SALARIES AND EXPENSES**
19 For expenses necessary in carrying out the provisions
21 1356) including hire of passenger vehicles and services as
22 authorized by 5 U.S.C. 3109, $8,488,000.
1. **National Foundation on the Arts and the Humanities**

2. **National Endowment for the Arts**

3. **Grants and Administration**

4. For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $118,489,000, 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, including $17,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided,* That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account may be transferred to and merged with this account.

5. **National Endowment for the Humanities**

6. **Grants and Administration**

7. For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $111,632,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(e) 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.

ADMINISTRATIVE PROVISION

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.

**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), $1,224,000: 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.

**Advisory Council on Historic Preservation**

**Salaries and Expenses**

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $4,000,000: 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,
$7,253,000: 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

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.

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 exist-

isting 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 publica-
tion 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 the basis therefor are presented to the Committees on App-
propriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classi-

fied as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land...
Management lands in a manner different than such sales were conducted in fiscal year 2002.

Sec. 307. 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. 308. (a) Limitation of Funds.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) Exceptions.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.
(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. 309. 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. 310. Notwithstanding any other provision of
law, for fiscal year 2003 the Secretaries of Agriculture and
the Interior are authorized to limit competition for water-
shed restoration project contracts as part of the “Jobs in
the Woods” Program established in Region 10 of the For-
est Service to individuals and entities in historically tim-
ber-dependent areas in the States of Washington, Oregon,
northern California, Idaho, Montana, and Alaska that
have been affected by reduced timber harvesting on Fed-
eral lands. The Secretaries shall consider the benefits to
the local economy in evaluating bids and designing pro-
curements which create economic opportunities for local
contractors.
SEC. 311. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(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 activity 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. 312. 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. 313. (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 minorities, 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 section 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 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 services or awarding financial assistance for projects, productions, 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 Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 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 Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 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. 314. 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. 315. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

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

Sec. 317. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.
SEC. 318. 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. 319. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments
shall be based on volume sold. Should Region 10 sell, in fiscal year 2003, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns 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 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns 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 determined 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 percentage 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 markets shall be made at the time each
sale is awarded). Western redcedar shall be deemed “sur-
plus 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 a 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 elec-
tion 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. 320. A project undertaken by the Forest Service
under the Recreation Fee Demonstration Program as au-
thorized 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 authoriza-
tion 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 au-
thorization shall be made within the terms and con-
ditions of the authorization and authorities of the
impacted agency.

(2) the return of a commercial recreation serv-
- ice 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. 321. Revision of Forest Plans. Prior to Oc-
tober 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 Plan-
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 re-
quirement of the Forest and Rangeland Renewable Re-
sources 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 avail-
able, to revise a plan for a unit of the National Forest
System, this section shall be void with respect to such plan
and a court of proper jurisdiction may order completion
of the plan on an accelerated basis.

Sec. 322. No funds provided in this Act may be ex-
pended 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 Monu-
ment 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 monu-
ment.

Sec. 323. Section 347(a) of the Department of the
Interior and Related Agencies Appropriations Act, 1999,
as included in Public Law 105–277 is amended by striking
“2004” and inserting “2005”. The authority to enter into
stewardship and end result contracts provided 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 Service to enter into an additional 28 contracts subject to the same terms and conditions as provided in that section: Provided, That of the additional contracts authorized by this section at least 9 shall be allocated to Region 1.

SEC. 324. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, beginning in fiscal year 2004, qualify for General Service Administration contract airfares.

SEC. 325. 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 com-
mitted 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. 326. A grazing permit or lease issued by the
Secretary of the Interior or a grazing permit issued by
the Secretary of Agriculture where National Forest Sys-
tem lands are involved that expires, 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. 580l),
or, if applicable, section 510 of the California Desert Pro-
tection Act (16 U.S.C. 410aaa–50). The terms and condi-
tions contained in the expired, transferred, or waived per-
mit or lease shall continue in effect under the renewed
permit or lease until such time as the Secretary of the
Interior or Secretary of Agriculture as appropriate com-
pletes 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: Provided, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to fiscal year 2003 under the authority of Section 504 of the Rescissions Act of 1995 (Public Law 104–19), the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary of Agriculture's statutory authority.

Sec. 327. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may,
in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That the contract is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101–624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section. This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2003”.
A BILL

[Report No. 107-000]

S. 0000

107th CONGRESS
2d SESSION

Calendar No. 000

[COMMITTEE PRINT]
Modification to Chairman's mark

FY 2003 — Interior & Related Agencies

1. Reduce Wildland firefighting by $217 million
2. Reduce Indian Health Service funding by $75 million
3. Increase Clean Coal Technology deferral by $10 million
4. Reduce Fossil Energy General Plant by $10 million
5. Reduce Abandoned Mine Reclamation by $12 million (Federal fund)
6. Reduce Historic Preservation Fund by $17 million
7. Reduce Alaska-specific items by $3 million