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108TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 108–330

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2004, AND FOR OTHER PURPOSES

OCTOBER 28, 2003.—Ordered to be printed

Mr. TAYLOR of North Carolina, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 2691]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2691) "making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

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, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses 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)),

90–095

$850,321,000, to remain available until expended, of which $1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; $2,484,000 is for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487; (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2004 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $850,321,000; and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

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, $792,725,000, 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 of the funds provided, $99,000,000 is to repay prior year advances from other appropriations from which funds were transferred for wildfire suppression and emergency rehabilitation activities: Provided further, That this additional amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004: 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 reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal

land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (A) local private, nonprofit, or cooperative entities; (B) Youth Conservation Corps crews or related partnerships with state, local, or non-profit youth groups; (C) small or micro-businesses; or (D) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

CENTRAL HAZARDOUS MATERIALS FUND

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

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $13,976,000, to remain available until expended.

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, $18,600,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

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; $106,672,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands trans-

ferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

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

MISCELLANEOUS TRUST FUNDS

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

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau deter-

mines the cooperator is capable of meeting accepted quality standards: Provided further, That section 28 of title 30, United States Code, is amended: (1) in section 28f(a), by striking "for years 2002 through 2003" and inserting in lieu thereof "for years 2004 through 2008"; and (2) in section 28g, by striking "and before September 30, 2003" and inserting in lieu thereof "and before September 30, 2008".

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, 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 entities, $963,352,000, to remain available until September 30, 2005, except as otherwise provided herein: Provided, That not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided further, That $2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed $12,286,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $8,900,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $60,554,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $43,628,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $30,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate, or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $7,500,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That the amount provided herein is for a Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $82,614,000, of which $32,614,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $50,000,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

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, $38,000,000, to remain available until expended.

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), $4,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $5,600,000, to remain available until expended.

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, $70,000,000 to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That of the amount provided herein, $6,000,000 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 $6,000,000 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 implementation 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 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 appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2004 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2005, shall be reapportioned, together with funds appropriated in 2006, in the manner provided herein: Provided further, That balances from amounts previously appropriated under the heading "State Wildlife Grants" shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 157 passenger motor vehicles, of which 142 are for replacement only (including 33 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 recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement 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 resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National

Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,629,641,000, of which $10,887,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $96,480,000, to remain available until September 30, 2005, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps 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 travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office: Provided further, That notwithstanding sections 5(b)(7)(c) and 7(a)(2) of Public Law 105–58, the National Park Service may in fiscal year 2004 provide funding for uniformed personnel for visitor protection and interpretation of the outdoor symbolic site at the Oklahoma City Memorial without reimbursement or a requirement to match these funds with non-federal funds.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $78,859,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $62,544,000, of which $1,600,000 shall be available until expended for the Oklahoma City National Memorial Trust, notwithstanding the provisions contained in sections 7(a)(1) and (2) of Public Law 105–58.

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.), $305,000, to remain available until expended.

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), $74,500,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2005: Provided, That, of the amount provided herein, $500,000, to remain available until ex-

pended, 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, notwithstanding 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, $33,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: Provided further, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That 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 Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $333,995,000, to remain available until expended, of which $300,000 for the L.Q.C. Lamar House National Historic Landmark and $375,000 for the Sun Watch National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided, That none of the funds in this or any other Act, may be used to pay the salaries and expenses of more than 160 Full Time Equivalent personnel working for the National Park Service's Denver Service Center funded under the construction program management and operations activity: Provided further, That none of the funds provided in this or any other Act may be used to pre-design, plan, or construct any new facility (including visitor centers, curatorial facilities, administrative buildings), for which appropriations have not been specifically provided if the net construction cost of such facility is in excess of $5,000,000, without prior approval of the House and Senate Committees on Appropriations: Provided further, That the restriction in the previous proviso applies to all funds available to the National Park Service, including partnership and fee demonstration projects: Provided further, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations: Provided further, That funds appropriated in this Act and in any prior Acts for the purpose of implementing the Modified Water Deliveries to Everglades National Park Project shall be available for expenditure unless the joint report of the Secretary of the Interior, the Secretary of the Army, the Administrator of the Environmental Protection Agency, and the Attorney General which shall be filed within 90 days of enactment of this Act and by September 30 each year thereafter until December 31, 2006, to the House and Senate Committees on Appropriations, the House

Committee on Transportation and Infrastructure, the House Committee on Resources and the Senate Committee on Environment and Public Works, indicates that the water entering A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park does not meet applicable State water quality standards and numeric criteria adopted for phosphorus throughout A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park, as well as water quality requirements set forth in the Consent Decree entered in United States v. South Florida Water Management District, and that the House and Senate Committees on Appropriations respond in writing disapproving the further expenditure of funds: Provided further, That not to exceed $800,000 of the funds provided for Dayton Aviation Heritage National Historical Park may be provided as grants to cooperating entities for projects to enhance public access to the park.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2004 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(INCLUDING TRANSFERS OF FUNDS)

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, $142,350,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $95,000,000 is for the State assistance program including $2,500,000 to administer this program: Provided, That none of the funds provided for the State assistance program may be used to establish a contingency fund: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior, using prior year unobligated funds made available under any Act enacted before the date of enactment of this Act for land acquisition assistance to the State of Florida for the acquisition of lands or water, or interests therein, within the Everglades watershed, shall transfer $5,000,000 to the United States Fish and Wildlife Service "Resource Management" account for the purpose of funding water quality monitoring and eradication of invasive exotic plants at A.R.M. Loxahatchee National Wildlife Refuge, as well as recovery actions for any listed species in the South Florida ecosystem, and may transfer such sums as may be determined necessary by the Secretary of the Interior to the U.S. Army Corps of Engineers "Construction, General" account for the purpose of modifying the construction of Storm Water Treatment Area 1 East to include additional water quality improvement measures, such as additional compartmentalization, improved flow control, vegetation management, and other additional technologies based upon the recommendations of the Secretary of the Interior and the South Florida Water Management District, to maximize the treatment effectiveness of Storm Water Treatment Area 1 East so that water delivered by

Storm Water Treatment Area 1 East to A.R.M. Loxahatchee National Wildlife Refuge achieves State water quality standards, including the numeric criterion for phosphorus, and that the cost sharing provisions of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769) shall apply to any funds provided by the Secretary of the Interior to the U.S. Army Corps of Engineers for this purpose: Provided further, That, subsequent to the transfer of the $5,000,000 to the U.S. Fish and Wildlife Service and the transfer of funds, if any, to the U.S. Army Corps of Engineers to carry out water quality improvement measures for Storm Water Treatment Area 1 East, if any funds remain to be expended after the requirements of these provisions have been met, then the Secretary of the Interior may transfer, as appropriate, and use the remaining funds for Everglades restoration activities benefiting the lands and resources managed by the Department of the Interior in South Florida, subject to the approval by the House and Senate Committees on Appropriations of a reprogramming request by the Secretary detailing how the remaining funds will be expended for this purpose.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 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: Provided further, That the National Park Service may make a grant of not to exceed $70,000 for the construction of a memorial in Cadillac, Michigan in honor of Kris Eggle.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2004, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may obligate to the Foundation administrative funds expected to be re-

ceived in that fiscal year before the revenues are collected, so long as total obligations in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

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 authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $949,686,000, of which $64,536,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,201,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $24,390,000 shall be available until September 30, 2005, for the operation and maintenance of facilities and deferred maintenance; and of which $176,099,000 shall be available until September 30, 2005, for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That 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 PROVISIONS

The amount appropriated for the United States Geological 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 Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance 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 administration of interstate compacts: Pro-

vided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That notwithstanding the provisions of the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301–6308), the U.S. Geological Survey is authorized to continue existing, and hereafter, to enter into new cooperative agreements directed towards a particular cooperator, in support of joint research and data collection activities with Federal, State, and academic partners funded by appropriations herein, including those that provide for space in cooperator facilities.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $165,316,000, of which $80,396,000 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 administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental 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 acquisitions shall remain available until September 30, 2005: 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 further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding 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 Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and 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 fill-

ing 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, $7,105,000, 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; $106,424,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2004 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, $192,969,000, 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 2004: 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 treatment 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-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,916,317,000, to remain available until September 30, 2005 except as otherwise provided herein, of which not to exceed $86,925,000 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 $135,315,000 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 2004, 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 of which not to exceed $458,524,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2004, and shall remain available until September 30, 2005; and of which not to exceed $55,766,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $49,182,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2003 for the operation of Bureau-funded schools, and up to $3,000,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2004 of

Bureau-operated schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2005, may be transferred during fiscal year 2006 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, 2006.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $351,154,000, 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 2004, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

(INCLUDING TRANSFER OF FUNDS)

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $60,551,000, to remain available until expended; of which $31,766,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618, 107–331, and 102–575, and for implementation of other enacted water rights settlements;

and of which $18,817,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–425, and 106–554; and of which $9,968,000 shall be available for payment to the Quinault Indian Nation pursuant to the terms of the North Boundary Settlement Agreement dated July 14, 2000, providing for the acquisition of perpetual conservation easements from the Nation: Provided, That of the payment to the Quinault Indian Nation, $4,968,000 shall be derived from amounts provided under the heading "United States Fish and Wildlife Service, Land Acquisition" in Public Law 108–7.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $5,797,000, 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 $94,568,000.

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

ADMINISTRATIVE PROVISIONS

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

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

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

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) 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.

Departmental Offices

Insular Affairs

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $76,343,000, of which: (1) $70,022,000 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) $6,321,000 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 assist-

ance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: 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 grants and necessary expenses, $6,434,000, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau as authorized by Public Law 99–658; section 103(f)(2) of title I of H.J. Res. 63 or S.J. Res. 16, (as introduced July 8, 2003, and July 14, 2003, respectively); and section 221(a)(2) of the Compacts of Free Association and their related agreements between the Government of the United States and the Government of the Republic of the Marshall Islands (signed April 30, 2003), and between the Government of the United States and the Federated States of Micronesia (signed May 14, 2003); to remain available until expended. Further, $142,400,000 shall be available until expended, of which $76,700,000 shall be provided for the Federated States of Micronesia and shall be used for grants and necessary expenses as provided for (and in accordance with and subject to the terms, conditions, procedures, and requirements set forth in) sections 211, 212, 213, 214, and 216 of the Compact of Free Association and its related agreements between the Government of the United States and the Government of the Federated States of Micronesia (signed May 14, 2003); $50,700,000 shall be provided for the Republic of the Marshall Islands and shall be used for grants and necessary expenses as provided for (and in accordance with, and subject to the terms, conditions, procedures, and requirements set forth in) sections 211, 212, 213, 214, 215, and 217 of the Compact of Free Association and its related agreements between the Government of the United States and the Government of the Republic of the Marshall Islands (signed April 30, 2003); and $15,000,000 shall be made available for the effect of U.S.-FSM Compact and U.S.-RMI Compact, in accordance with, and subject to the terms, conditions, procedures, and requirements set forth in section 104(e) of title I of H.J. Res. 63, or S.J. Res. 16 (as introduced July 8, 2003, and July 14, 2003, respectively). The funding made available in this paragraph shall not be used to fund the Trust Funds of the Compacts of Free Association, however measures necessary to set up the Trust Funds in accordance with the agreement between the Government of the United States and the Government of the Federated States of Micronesia (signed May 14, 2003) and the agreement between the Government of the United States and the Government of the Republic of the Marshall Islands (signed April 30, 2003) imple-

menting section 215 and section 216, respectively, of the Compacts regarding a Trust Fund are authorized and may commence. If the aforementioned H.J. Res. 63, S.J. Res. 16, or similar legislation as identified in the President's fiscal year 2004 budget to approve the Compacts of Free Association (dated April 30, 2003, and May 14, 2003) and their related agreements is enacted, any funding made available under this paragraph shall be considered to have been made available and expended for and under that enacted legislation purposes of funding for fiscal year 2004.

Section 231 of Public Law 99–239 is amended by striking "If these negotiations" and all that follows through the final period and inserting the following: "The period for the enactment of legislation approving the agreements resulting from such negotiations shall extend through the earlier of the date of the enactment of such legislation or September 30, 2004, during which time the provisions of this Compact, including title three, shall remain in full force and effect.".

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $78,933,000, 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: Provided, That of this amount, sufficient funds shall be available for the Secretary of the Interior, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of the Interior during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of the Interior that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of the Interior shall make the report publicly available by posting the report on an Internet website: Provided further, That none of the funds in this or previous appropriations Acts may be used to establish any additional reserves in the Working Capital Fund account other than the two authorized reserves without prior approval of the House and Senate Committees on Appropriations.

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

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, $11,700,000, to remain available until expended: Provided, That from unobligated balances under this heading, $20,000,000 are hereby canceled.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $227,500,000, of which not to exceed $400,000 shall be available for administrative expenses: 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.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $50,374,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $38,749,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $189,641,000, to remain available until expended: Provided, That of the amounts available under this heading not to exceed $45,000,000 shall be available for records collection and indexing, imaging and coding, accounting for per capita and judgment accounts, accounting for tribal accounts, reviewing and distributing funds from special deposit accounts, and program management of the Office of Historical Trust Accounting, including litigation support: Provided further, That nothing in the American Indian Trust Management Reform Act of 1994, Public Law 103–412, or in any other statute, and no principle of common law, shall be construed or applied to require the Department of the Interior to commence or continue historical accounting activities with respect to the Individual Indian Money Trust until the earlier of the following shall have occurred: (a) Congress shall have amended the American Indian Trust Management Reform Act of 1994 to delineate the specific historical accounting obligations of the Department of the Interior with respect to the Individual Indian Money Trust; or (b) December 31, 2004: Provided further, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Departmental Management, "Salaries and Expenses" account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2004, as authorized by the Indian Self-Determination Act

of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be 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 and remain available in this account for this purpose.

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, $21,980,000, to remain available until expended: Provided, That funds provided under this heading may be expended pursuant to the authorities contained in the provisos under the heading "Office of Special Trustee for American Indians, Indian Land Consolidation" of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291).

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,633,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the re-

placement aircraft: Provided further, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund: Provided further, That the annual budget justification for Departmental Management shall describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based: Provided further, That departures from the Working Capital Fund estimates contained in the Departmental Management budget justification shall be presented to the Committees on Appropriations for approval: Provided further, That the Secretary shall provide a semiannual report to the Committees on Appropriations on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

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 emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged 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 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, 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 Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their

use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements 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 telephone service in private residences in the field, when authorized 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 members lower than to subscribers who are not members.

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

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

SEC. 107. No funds provided in this title may be expended 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 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. 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. 109. 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. 110. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

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 unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

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 Pri-

ority 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 2004. 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 2004 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 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 compatible 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 amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

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

SEC. 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 2003, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 120. 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. 121. 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 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 122. Of the funds made available under the heading "Bureau of Land Management, Land Acquisition" in title I of the De-

partment of the Interior and Related Agencies Appropriation Act, 2002 (115 Stat. 420), the Secretary of the Interior shall grant $500,000 to the City of St. George, Utah, for the purchase of the land as provided in the Virgin River Dinosaur Footprint Preserve Act (116 Stat. 2896), with any surplus funds available after the purchase to be available for the purpose of the preservation of the land and the paleontological resources on the land.

SEC. 123. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District, New Jersey Pinelands Preserve, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 124. 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. 125. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 126. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 127. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 128. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 129. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species.

Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 130. Such sums as may be necessary from "Departmental Management, Salaries and Expenses", may be transferred to "United States Fish and Wildlife Service, Resource Management" for operational needs at the Midway Atoll National Wildlife Refuge airport.

SEC. 131. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SEC. 132. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 133. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2005 shall not exceed $12,000,000.

SEC. 134. The State of Utah's contribution requirement pursuant to Public Law 105–363 shall be deemed to have been satisfied and within thirty days of enactment of this Act, the Secretary of the Interior shall transfer to the State of Utah all right, title, and interest of the United States in and to the Wilcox Ranch lands acquired under section 2(b) of Public Law 105–363, for management by the Utah Division of Wildlife Resources for wildlife habitat and public access to the Ranch as well as to adjacent lands managed by the Bureau of Land Management.

SEC. 135. Upon enactment of this Act, the Congaree Swamp National Monument shall be designated the Congaree National Park.

SEC. 136. (a) Section 122 of division F of Public Law 108–7 is amended as follows:

(1) Paragraph 122(a)(4) is amended to read—

"(4) TRIBALLY CONTROLLED SCHOOL.—The term 'tribally controlled school' means a school that currently receives a grant under the Tribally Controlled Schools Act of 1988, as amended (25 U.S.C. 2501 et seq.) or is determined by the Secretary to meet the eligibility criteria of section 5205 of the Tribally Controlled Schools Act of 1988, as amended (25 U.S.C. 2504).".

(2) Paragraph 122(b)(1) is amended by striking the second sentence and inserting: "The Secretary shall ensure that applications for funding to replace schools currently receiving funding for facility operation and maintenance from the Bureau of Indian Affairs receive the highest priority for grants under this

section. Among such applications, the Secretary shall give priority to applications of Indian tribes that agree to fund all future facility operation and maintenance costs of the tribally controlled school funded under the demonstration program from other than Federal funds.".

(3) Subsection (c) is amended by inserting after "EFFECT OF GRANT.—" the following: "(1) Except as provided in paragraph (2) of this subsection," and is further amended by adding the following new paragraph:

"(2) A tribe receiving a grant for construction of a tribally controlled school under this section shall not be eligible to receive funding from the Bureau of Indian Affairs for that school for education operations or facility operation and maintenance if the school that was not at the time of the grant: (i) a school receiving funding for education operations or facility operation and maintenance under the Tribally Controlled Schools Act or the Indian Self-Determination and Education Assistance Act or (ii) a school operated by the Bureau of Indian Affairs.".

(b) Notwithstanding the provisions of paragraph (b)(1) of section 122 of division F of Public Law 108–7, as amended by this Act, the Saginaw-Chippewa tribal school and the Redwater Elementary School shall receive priority for funding available in fiscal year 2004. The Saginaw-Chippewa tribal school shall receive $3,000,000 from prior year funds, and the Redwater Elementary School shall receive $6,000,000 available in fiscal year 2004.

SEC. 137. The Secretary shall have no more than one hundred and eighty days from October 1, 2003, to prepare and submit to the Congress, in a manner otherwise consistent with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), plans for the use and distribution of the Mescalero Apache Tribe's Judgment Funds from Docket 92–403L, the Pueblo of Isleta's Judgment Funds from Docket 98–166L, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation's Judgment Funds in Docket No. 773–87–L of the United States Court of Federal Claims; each plan shall become effective upon the expiration of a sixty day period beginning on the day each plan is submitted to the Congress.

SEC. 138. (a) SHORT TITLE.—This section may be cited as the "Eastern Band of Cherokee Indians Land Exchange Act of 2003".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds the following:

(A) Since time immemorial, the ancestors of the Eastern Band of Cherokee Indians have lived in the Great Smoky Mountains of North Carolina. The Eastern Band's ancestral homeland includes substantial parts of seven eastern States and the land that now constitutes the Great Smoky Mountains National Park.

(B) The Eastern Band has proposed a land exchange with the National Park Service and has spent over $1,500,000 for studies to thoroughly inventory the environmental and cultural resources of the proposed land exchange parcels.

(C) Such land exchange would benefit the American public by enabling the National Park Service to acquire the Yellow Face tract, comprising 218 acres of land adjacent to the Blue Ridge Parkway.

(D) Acquisition of the Yellow Face tract for protection by the National Park Service would serve the public interest by preserving important views for Blue Ridge Parkway visitors, preserving habitat for endangered species and threatened species including the northern flying squirrel and the rock gnome lichen, preserving valuable high altitude wetland seeps, and preserving the property from rapidly advancing residential development.

(E) The proposed land exchange would also benefit the Eastern Band by allowing it to acquire the Ravensford tract, comprising 143 acres adjacent to the Tribe's trust territory in Cherokee, North Carolina, and currently within the Great Smoky Mountains National Park and Blue Ridge Parkway. The Ravensford tract is part of the Tribe's ancestral homeland as evidenced by archaeological finds dating back no less than 6,000 years.

(F) The Eastern Band has a critical need to replace the current Cherokee Elementary School, which was built by the Department of the Interior over 40 years ago with a capacity of 480 students. The school now hosts 794 students in dilapidated buildings and mobile classrooms at a dangerous highway intersection in downtown Cherokee, North Carolina.

(G) The Eastern Band ultimately intends to build a new three-school campus to serve as an environmental, cultural, and educational "village," where Cherokee language and culture can be taught alongside the standard curriculum.

(H) The land exchange and construction of this educational village will benefit the American public by preserving Cherokee traditions and fostering a vibrant, modern, and well-educated Indian nation.

(I) The land exchange will also reunify tribal reservation lands now separated between the Big Cove Community and the balance of the Qualla Boundary, reestablishing the territorial integrity of the Eastern Band.

(J) The Ravensford tract contains no threatened species or endangered species listed pursuant to the Endangered Species Act of 1973. The 218-acre Yellow Face tract has a number of listed threatened species and endangered species and a higher appraised value than the 143-acre Ravensford tract.

(K) The American public will benefit from the Eastern Band's commitment to mitigate any impacts on natural and cultural resources on the Ravensford tract, by among other things reducing the requested acreage from 168 to 143 acres.

(L) The Congress and the Department of the Interior have approved land exchanges in the past when the benefits to the public and requesting party are clear, as they are in this case.

(2) PURPOSES.—The purposes of this section are the following:

(A) To acquire the Yellow Face tract for protection by the National Park Service, in order to preserve the

Waterrock Knob area's spectacular views, endangered species and high altitude wetland seeps from encroachment by housing development, for the benefit and enjoyment of the American public.

(B) To transfer the Ravensford tract, to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians, in order to provide for an education facility that promotes the cultural integrity of the Eastern Band and to reunify two Cherokee communities that were historically contiguous, while mitigating any impacts on natural and cultural resources on the tract.

(C) To promote cooperative activities and partnerships between the Eastern band and the National Park Service within the Eastern Band's ancestral homelands.

(c) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary of the Interior ("Secretary") shall exchange the Ravensford tract, currently in the Great Smoky Mountains National Park and the Blue Ridge Parkway, for the Yellow Face tract adjacent to the Waterrock Knob Visitor Center on the Blue Ridge Parkway.

(2) TREATMENT OF EXCHANGED LANDS.—Effective upon receipt by the Secretary of a deed or deeds satisfactory to the Secretary for the lands comprising the Yellow Face tract (as described in subsection (3)) to the United States, all right, title, and interest of the United States in and to the Ravensford tract (as described in subsection (4)), including all improvements and appurtenances, are declared to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians as part of the Cherokee Indian Reservation.

(3) YELLOW FACE TRACT.—The Yellow Face tract shall contain Parcels 88 and 89 of the Hornbuckle Tract, Yellow Face Section, Qualla Township, Jackson County, North Carolina, which consist altogether of approximately 218 acres and are depicted as the "Yellow Face Tract" on the map entitled "Land Exchange Between the National Park Service and the Eastern Band of Cherokee Indians," numbered 133/80020A, and dated November 2002. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Indian Affairs. Upon completion of the land exchange, the Secretary shall adjust the boundary of the Blue Ridge Parkway to include such lands and shall manage the lands as part of the parkway.

(4) RAVENSFORD TRACT.—The lands declared by subsection (2) to be held in trust for the Eastern Band of Cherokee Indians shall consist of approximately 143 acres depicted as the "Ravensford Tract" on the map identified in subsection (3). Upon completion of the land exchange, the Secretary shall adjust the boundaries of Great Smoky Mountains National Park and the Blue Ridge Parkway to exclude such lands.

(5) LEGAL DESCRIPTIONS.—Not later than 1 year after the date of enactment of this section, the Secretary of the Interior shall file a legal description of the areas described in subsections (3) and (4) with the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the

Senate. Such legal descriptions shall have the same force and effect as if the information contained in the description were included in those subsections except that the Secretary may correct clerical and typographical errors in such legal descriptions. The legal descriptions shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Indian Affairs.

(d) IMPLEMENTATION PROCESS.—

(1) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—In order to fulfill the purposes of this section and to establish cooperative partnerships for purposes of this section the Director of the National Park Service and the Eastern Band of Cherokee Indians shall enter into government-to-government consultations and shall develop protocols to review planned construction on the Ravensford tract. The Director of the National Park Service is authorized to enter into cooperative agreements with the Eastern Band for the purpose of providing training, management, protection, preservation, and interpretation of the natural and cultural resources on the Ravensford tract.

(2) CONSTRUCTION STANDARDS.—Recognizing the mutual interests and responsibilities of the Eastern Band of Cherokee Indians and the National Park Service for the conservation and protection of the resources on the Ravensford tract, the National Park Service and the Eastern Band shall develop mutually agreed upon standards for size, impact, and design of construction consistent with the purposes of this section on the Ravensford tract. The standards shall be consistent with the Eastern Band's need to develop educational facilities and support infrastructure adequate for current and future generations and shall otherwise minimize or mitigate any adverse impacts on natural or cultural resources. The standards shall be based on recognized best practices for environmental sustainability and shall be reviewed periodically and revised as necessary. Development of the tract shall be limited to a road and utility corridor, an educational campus, and the infrastructure necessary to support such development. No new structures shall be constructed on the part of the Ravensford tract depicted as the "No New Construction" area on the map referred to in subsection (c)(3), which is generally the area north of the point where Big Cove Road crosses the Raven Fork River. All development on the Ravensford tract shall be conducted in a manner consistent with this section and such development standards.

(e) GAMING PROHIBITION.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on the Ravensford tract.

SEC. 139. Notwithstanding any implementation of the Department of the Interior's trust reorganization plan within fiscal years 2003 or 2004, funds appropriated for fiscal year 2004 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima Maricopa Indian Community, the Confederated Salish-Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation on the same basis as funds were distributed in fiscal year 2003. This Demonstration Project shall operate separate and apart from the Department of the Interior's trust reform reorganization, and the Depart-

ment shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. Sections 458aa–458hh: Provided, That the California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilites under the same fiduciary standards as those to which the Secretary of the Interior is held: Provided further, That they demonstrate to the satisfaction of the Secretary that they have the capability to do so.

SEC. 140. (a) SHORT TITLE.—This section may be cited as the "Blue Ridge National Heritage Area Act of 2003".

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that:

(A) The Blue Ridge Mountains and the extensive cultural and natural resources of the Blue Ridge Mountains have played a significant role in the history of the United States and the State of North Carolina.

(B) Archaeological evidence indicates that the Blue Ridge Mountains have been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Cherokee descent.

(C) The Blue Ridge Mountains of western North Carolina, including the Great Smoky Mountains, played a unique and significant role in the establishment and development of the culture of the United States through several distinct legacies, including—

(i) the craft heritage that—

(I) was first influenced by the Cherokee Indians;

(II) was the origin of the traditional craft movement starting in 1900 and the contemporary craft movement starting in the 1940's; and

(III) is carried out by over 4,000 craftspeople in the Blue Ridge Mountains of western North Carolina, the third largest concentration of such people in the United States;

(ii) a musical heritage comprised of distinctive instrumental and vocal traditions that—

(I) includes stringband music, bluegrass, ballad singing, blues, and sacred music;

(II) has received national recognition; and

(III) has made the region one of the richest repositories of traditional music and folklife in the United States;

(iii) the Cherokee heritage—

(I) dating back thousands of years; and

(II) offering—

(aa) nationally significant cultural traditions practiced by the Eastern Band of Cherokee Indians;

(bb) authentic tradition bearers;

(cc) historic sites; and

(dd) historically important collections of Cherokee artifacts; and

(iv) the agricultural heritage established by the Cherokee Indians, including medicinal and ceremonial food crops, combined with the historic European patterns of raising livestock, culminating in the largest number of specialty crop farms in North Carolina.

(D) The artifacts and structures associated with those legacies are unusually well-preserved.

(E) The Blue Ridge Mountains are recognized as having one of the richest collections of historical resources in North America.

(F) The history and cultural heritage of the Blue Ridge Mountains are shared with the States of Virginia, Tennessee, and Georgia.

(G) there are significant cultural, economic, and educational benefits in celebrating and promoting this mutual heritage.

(H) according to the 2002 reports entitled "The Blue Ridge Heritage and Cultural Partnership" and "Western North Carolina National Heritage Area Feasibility Study and Plan", the Blue Ridge Mountains contain numerous resources that are of outstanding importance to the history of the United States.

(I) it is in the interest of the United States to preserve and interpret the cultural and historical resources of the Blue Ridge Mountains for the education and benefit of present and future generations.

(2) PURPOSE.—The purpose of this section is to foster a close working relationship with, and to assist, all levels of government, the private sector, and local communities in the State in managing, preserving, protecting, and interpreting the cultural, historical, and natural resources of the Heritage Area while continuing to develop economic opportunities.

(c) DEFINITIONS.—

(1) In this section:

(A) HERITAGE AREA.—The term "Heritage Area" means the Blue Ridge National Heritage Area established by subsection (d).

(B) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area designated by subsection (d)(3).

(C) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area approved under subsection (e).

(D) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(E) STATE.—The term "State" means the State of North Carolina.

(d) BLUE RIDGE NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Blue Ridge National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall consist of the counties of Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson,

McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey in the State.

(3) MANAGEMENT ENTITY.—

(A) IN GENERAL.—As a condition of the receipt of funds made available under subsection (i), the Blue Ridge National Heritage Area Partnership shall be the management entity for the Heritage Area.

(B) BOARD OF DIRECTORS.—

(i) COMPOSITION.—The management entity shall be governed by a board of directors composed of nine members, of whom—

(I) two members shall be appointed by AdvantageWest;

(II) two members shall be appointed by Hand-Made In America, Inc.;

(III) one member shall be appointed by the Education Research Consortium of Western North Carolina;

(IV) one member shall be appointed by the Eastern Band of the Cherokee Indians; and

(V) three members shall be appointed by the Governor of North Carolina and shall—

(aa) reside in geographically diverse regions of the Heritage Area;

(bb) be a representative of State or local governments or the private sector; and

(cc) have knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resources development, regional planning, conservation, recreational services, education, or museum services.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the management entity shall—

(A) for the purpose of presenting a unified preservation and interpretation plan, take into consideration Federal, State, and local plans; and

(B) provide for the participation of residents, public agencies, and private organizations in the Heritage Area.

(3) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations and strategies for the conservation, funding, management, and development of the Heritage Area;

(B) identify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(C) include—

(i) an inventory of the cultural, historical, natural, and recreational resources of the Heritage Area, including a list of property that—

(I) relates to the purposes of the Heritage Area; and

(II) should be conserved, restored, managed, developed, or maintained because of the significance of the property;

(ii) a program of strategies and actions for the implementation of the management plan that identifies the roles of agencies and organizations that are involved in the implementation of the management plan;

(iii) an interpretive and educational plan for the Heritage Area;

(iv) a recommendation of policies for resource management and protection that develop intergovernmental cooperative agreements to manage and protect the cultural, historical, natural, and recreational resources of the Heritage Area; and

(v) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this section.

(4) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date described in paragraph (1), the Secretary shall not provide any additional funding under this section until a management plan is submitted to the Secretary.

(5) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under paragraph (1), the Secretary shall approve or disapprove the management plan.

(B) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether the management plan—

(i) has strong local support from landowners, business interests, nonprofit organizations, and governments in the Heritage Area; and

(ii) has a high potential for effective partnership mechanisms.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(D) DEADLINE FOR APPROVAL OF REVISION.—Not later than 60 days after the date on which a revision is submitted under subparagraph (C)(iii), the Secretary shall approve or disapprove the proposed revision.

(6) AMENDMENT OF APPROVED MANAGEMENT PLAN.—

(A) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(i) review the management plan; and

(ii) submit to the Secretary, for review and approval, the recommendation of the management entity for any amendments to the management plan.

(B) USE OF FUNDS.—No funds made available under subsection (i) shall be used to implement any amendment proposed by the management entity under subparagraph (A) until the Secretary approves the amendment.

(f) AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.—

(1) AUTHORITIES.—For the purposes of developing and implementing the management plan, the management entity may use funds made available under subsection (i) to—

(A) make grants to, and enter into cooperative agreements with, the State (including a political subdivision), nonprofit organizations, or persons;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(2) DUTIES.—In addition to developing the management plan, the management entity shall—

(A) develop and implement the management plan while considering the interests of diverse units of government, businesses, private property owners, and nonprofit groups in the Heritage Area;

(B) conduct public meetings in the Heritage Area at least semiannually on the development and implementation of the management plan;

(C) give priority to the implementation of actions, goals, and strategies in the management plan, including providing assistance to units of government, nonprofit organizations, and persons in—

(i) carrying out the programs that protect resources in the Heritage Area;

(ii) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(iii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iv) developing recreational and educational opportunities in the Heritage Area; and

(v) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area; and

(D) for any fiscal year for which Federal funds are received under subsection (i)—

(i) submit to the Secretary a report that describes, for the fiscal year—

(I) the accomplishments of the management entity;

(II) the expenses and income of the management entity; and

(III) each entity to which a grant was made;

(ii) make available for audit by Congress, the Secretary, and appropriate units of government, all records relating to the expenditure of funds and any matching funds; and

(iii) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records relating to the expenditure of funds.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds received under subsection (i) to acquire real property or an interest in real property.

(g) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide to the management entity technical assistance and, subject to the availability of appropriations, financial assistance, for use in developing and implementing the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(A) the preservation of the significant cultural, historical, natural, and recreational resources of the Heritage Area; and

(B) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources of the Heritage Area.

(h) LAND USE REGULATION.—

(1) IN GENERAL.—Nothing in this section—

(A) grants any power of zoning or land use to the management entity; or

(B) modifies, enlarges, or diminishes any authority of the Federal Government or any State or local government to regulate any use of land under any law (including regulations).

(2) PRIVATE PROPERTY.—Nothing in this section—

(A) abridges the rights of any person with respect to private property;

(B) affects the authority of the State or local government with respect to private property; or

(C) imposes any additional burden on any property owner.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 shall be made available for any fiscal year.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) shall be not less than 50 percent.

(j) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this section.

SEC. 141. (a) PAYMENT TO THE HARRIET TUBMAN HOME, AUBURN, NEW YORK, AUTHORIZED.—(1) The Secretary of the Interior may, using amounts appropriated or otherwise made available by

this title, make a payment to the Harriet Tubman Home in Auburn, New York, in the amount of $11,750.

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

(b) USE OF AMOUNTS.—The Harriet Tubman Home shall use amounts paid under subsection (a) for the purposes of—

(1) preserving and maintaining the Harriet Tubman Home; and

(2) honoring the memory of Harriet Tubman.

SEC. 142. Nonrenewable grazing permits authorized in the Jarbidge Field Office, Bureau of Land Management within the past seven years shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) and under section 3 of the Taylor Grazing Act of 1934, as amended (43 U.S.C. 315b). The terms and conditions contained in the most recently expired nonrenewable grazing permit shall continue in effect under the renewed permit. Upon completion of any required analysis or documentation, 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 extend the nonrenewable permits beyond the standard one-year term.

SEC. 143. INTERIM COMPENSATION PAYMENTS.—Section 2303(b) of Public Law 106–246 (114 Stat. 549) is amended by inserting before the period at the end the following: ", unless the amount of the interim compensation exceeds the amount of the final compensation".

SEC. 144. Pursuant to section 10101f(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(d)(3), the following claims shall be given notice of defect and the opportunity to cure: AKFF054162–AKFF054163, AKFF054165–AKFF054166, and AKFF054170–AKFF054171.

SEC. 145. None of the funds appropriated or otherwise made available by this or any other Act, hereafter enacted, may be used to permit the use of the National Mall for a special event, unless the permit expressly prohibits the erection, placement, or use of structures and signs bearing commercial advertising. The Secretary may allow for recognition of sponsors of special events: Provided, That the size and form of the recognition shall be consistent with the special nature and sanctity of the Mall and any lettering or design identifying the sponsor shall be no larger than one-third the size of the lettering or design identifying the special event. In approving special events, the Secretary shall ensure, to the maximum extent practicable, that public use of, and access to the Mall is not restricted. For purposes of this section, the term "special event" shall have the meaning given to it by section 7.96(g)(1)(ii) of title 36, Code of Federal Regulations.

SEC. 146. In addition to amounts provided to the Department of the Interior in this Act, $5,000,000 is provided for a grant to Kendall County, Illinois.

SEC. 147. CONVEYANCE TO THE CITY OF LAS VEGAS, NEVADA.—Section 705(b) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2015) is amended by inserting after "map" the following: "and the approximately 10 acres of land in Clark County, Nevada, described as the NW¼ SE¼ SW¼ of section 28, T. 20 S., R. 60 E., Mount Diablo Base and Meridian".

SEC. 148. CONGAREE SWAMP NATIONAL MONUMENT BOUNDARY REVISION.—The first section of Public Law 94–545 (90 Stat. 2517; 102 Stat. 2607) is amended—

(1) in subsection (b), by striking the last sentence; and

(2) by adding at the end the following:

"(c) ACQUISITION OF ADDITIONAL LAND.—

"(1) IN GENERAL.—The Secretary may acquire by donation, by purchase from a willing seller with donated or appropriated funds, by transfer, or by exchange, land or an interest in land described in paragraph (2) for inclusion in the monument.

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

"(3) AVAILABILITY OF MAP.—The map referred to in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

"(4) BOUNDARY REVISION.—On acquisition of the land or an interest in land under paragraph (1), the Secretary shall revise the boundary of the monument to reflect the acquisition.

"(5) ADMINISTRATION.—Any land acquired by the Secretary under paragraph (1) shall be administered by the Secretary as part of the monument.

"(6) EFFECT.—Nothing in this section—

"(A) affects the use of private land adjacent to the monument;

"(B) preempts the authority of the State with respect to the regulation of hunting, fishing, boating, and wildlife management on private land or water outside the boundaries of the monument; or

"(C) negatively affects the economic development of the areas surrounding the monument.

"(d) ACREAGE LIMITATION.—The total acreage of the monument shall not exceed 26,776 acres.".

SEC. 149. Section 104 (16 U.S.C. 1374) is amended in subsection (c)(5)(D) by striking "the date of the enactment of the Marine Mammal Protection Act Amendments of 1994" and inserting "February 18, 1997".

SEC. 150. The National Park Service shall issue a special regulation concerning continued hunting at New River Gorge National River in compliance with the requirements of the Administrative Procedures Act, with opportunity for public comment, and shall also comply with the National Environmental Policy Act as appropriate. Notwithstanding any other provision of law, the September 25, 2003 interim final rule authorizing continued hunting at New River Gorge National River shall be in effect until the final special regulation supercedes it.

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, $269,710,000, to remain available until expended: Provided, That of the funds provided, $52,359,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $308,140,000, to remain available until expended, as authorized by law of which $64,934,000 is to be derived from the Land and Water Conservation Fund: Provided, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share of each project, related to the acquisition of lands or interests in lands to be undertaken with such funds: Provided further, That each forest legacy grant shall be for a specific project or set of specific tasks: Provided further, That grants for acquisition of lands or conservation easements shall require that the State demonstrates that 25 percent of the total value of the project is comprised of a non-Federal cost share: Provided further, That notwithstanding any other provision of law, of the funds provided under this heading, $500,000 shall be made available to Kake Tribal Corporation as an advance 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, improvement, and utilization of the National Forest System, $1,382,916,000, 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 2004 shall be displayed by budget line item in the fiscal year 2005 budget justification: Provided further, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National

Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such 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 necessary to maximize accomplishment: Provided further, That of the funds provided under this heading, $3,150,000 is for expenses required to implement title I of Public Law 106–248, to be segregated in a separate fund established by the Secretary of Agriculture: Provided further, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of section 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106–248), for fiscal year 2004, the Chair of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that the Chair is engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES–1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by the Chair in the performance of the Chair's duties.

For an additional amount to reimburse the Judgment Fund as required by 41 U.S.C. 612(c) for judgment liabilities previously incurred, $188,405,000.

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 fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,643,212,000, to remain available until expended: Provided, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2003 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall

be available for emergency rehabilitation and restoration, hazardous fuels 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, $236,392,000 is for hazardous fuels reduction activities, $7,000,000 is for rehabilitation and restoration, $22,300,000 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.), $51,700,000 is for State fire assistance, $8,240,000 is for volunteer fire assistance, $25,000,000 is for forest health activities on State, private, and Federal lands: Provided further, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management 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 the statement of managers accompanying this Act: 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 addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That in using the funds provided in this Act for hazardous fuels reduction activities, the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretary applicable to hazardous fuel reduction activities under the wildland fire management accounts: Provided further, That notwithstanding Federal Government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized under this heading on and adjacent to Federal lands using grants and cooperative agreements: Provided further, That notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to local private, non-profit, or cooperative entities; Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups; small or micro-businesses; or other entities that will hire or train a significant percentage of

local people to complete such contracts: Provided further, That the authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.

For an additional amount, $301,000,000, to repay prior year advances from other appropriations from which funds were transferred for wildfire suppression and emergency rehabilitation activities: Provided, That this additional amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004: Provided further, That this additional amount and $253,000,000 of the funds appropriated to the Forest Service for the repayment of advances for fire suppression in Public Law 108–83, shall be transferred to the following Forest Service accounts: $96,000,000 to the Land Acquisition account, $95,000,000 to the Capital Improvement and Maintenance account, $9,000,000 to the Working Capital Fund, $52,000,000 to the National Forest System account, $31,000,000 to the State and Private Forestry account, $10,000,000 to the Forest and Rangeland Research account, $35,000,000 to the Salvage Sale fund, $28,000,000 to the Timber Purchaser Election account, $154,000,000 to the Knutson Vandenburg fund, $20,000,000 to the Brush Disposal account, $14,000,000 to the Forest Service Recreation Fee Demonstration fund, and $10,000,000 to the Forest Land Enhancement Program account.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $562,154,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair, decommissioning, 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: Provided, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the Forest Service shall transfer $350,000 appropriated in Public Law 108–7 within the Capital Improvement and Maintenance appropriation to the State and Private Forestry appropriation, and shall provide these funds for planning and construction of backcountry huts in Alaska.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $67,191,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That notwithstanding any limitations of the Land and Water Conservation Fund Act (16 U.S.C. 460l–9), the Secretary of Agriculture is henceforth authorized to utilize any funds appropriated under this heading from the Land and Water Conservation Fund to acquire Mental Health Trust lands in Alaska and, upon Federal acquisition, the boundaries of the Tongass National Forest shall be deemed modified to include such lands.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

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

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

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

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

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

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska

National Interest Lands Conservation Act (Public Law 96–487), $5,535,000, 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 124 passenger motor vehicles of which 21 will be used primarily for law enforcement purposes and of which 124 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned and all wildfire suppression funds under the heading "Wildland Fire Management" are obligated.

The first transfer of funds into the Wildland Fire Management account shall include unobligated funds, if available, from the Land Acquisition account and the Forest Legacy program within the State and Private Forestry account.

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 Appro-

priations in compliance with the reprogramming procedures contained in the statement of managers accompanying this Act.

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 reprogramming procedures contained in the statement of managers accompanying this Act.

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

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

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, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $350,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum to aid conservation partnership projects in support of the Forest Service mission, 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.

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.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress, and make available to interested persons, a report containing the results of a management review of outfitter and guiding operations in the John Muir, Ansel Adams, and Dinkey Lakes Wilderness Areas of the Inyo and Sierra National Forests, California. The report shall include information regarding: (1) how the Secretary intends to minimize adverse impacts on the historic access rights of special use permittees in these three wilderness areas; and (2) how the Secretary intends to ensure timely compliance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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.

From funds available to the Forest Service in this Act for payment of costs in accordance with subsection 413(d) of Title IV, Public Law 108–7, $3,000,000 shall be transferred by the Secretary of Agriculture to the Secretary of the Treasury to make reimbursement payments as provided in such subsection.

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.

Beginning on June 30, 2001 and concluding on December 31, 2004, an eligible individual who is employed in any project funded under Title V of the Older American Act of 1965 (42 U.S.C. 3056

et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

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

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Wasatch-Cache 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 acquisition and construction of administrative sites on the Wasatch-Cache National Forest.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL AND RESCISSION)

Of the funds made available under this heading for obligation in prior years, $97,000,000 shall not be available until October 1, 2004, and $88,000,000 are rescinded: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $681,163,000, to remain available until expended, of which $4,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; of which not to exceed $536,000 may be utilized for travel and travel-related expenses incurred by the headquarters staff of the Office of Fossil Energy; and of which $172,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: Provided, That no project may be selected for which sufficient funding is not available to provide for the total project: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in 42 U.S.C. 5903d: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable

to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related 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, $18,219,000, 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 payments 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, 2004 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 conservation activities, $888,937,000, to remain available until expended: Provided, That $274,500,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $230,000,000 for weatherization assistance grants and $44,500,000 for State energy program grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,047,000, to remain 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.), $173,081,000, 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, $5,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $82,111,000, 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 Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

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

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,561,932,000, 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 up to $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $467,046,000 for contract medical care shall remain available for obligation until September 30, 2005: Provided further, That of the funds provided, up to $27,000,000 to remain available until expended, 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 remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $270,734,000 shall be for payments to tribes and tribal organizations for contract or grant support costs 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 2004, of which not to exceed $2,500,000 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 funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facili-

ties account: Provided further, That of the amounts provided to the Indian Health Service, $15,000,000 is provided for alcohol control, enforcement, prevention, treatment, sobriety and wellness, and education in Alaska to be distributed as direct lump sum payments as follows: (a) $2,000,000 to the State of Alaska for regional distribution to hire and equip additional Village Public Safety Officers to engage primarily in bootlegging prevention and enforcement activities; (b) $5,000,000 to the Alaska Native Tribal Health Consortium, which shall be allocated for (1) substance abuse and behavioral health counselors through the Counselor in Every Village program, and (2) comprehensive substance abuse training programs for counselors and others delivering substance abuse services; (c) $6,000,000 to be divided as follows among the following Alaska Native regional organizations to provide substance abuse treatment and prevention programs: (1) $2,500,000 for Southcentral Foundation's Pathway Home, (2) $1,500,000 for Cook Inlet Tribal Council's substance abuse prevention and treatment programs, (3) $1,500,000 for Yukon-Kuskokwim Health Corporation's Tundra Swan Inhalant Abuse Center, and (4) $500,000 for the Southeast Alaska Regional Health Consortium for its Deilee Hitt program; and (d) $2,000,000 for the Alaska Federation of Natives sobriety and wellness program for competitive merit-based grants: Provided further, That none of the funds may be used for tribal courts or tribal ordinance programs or any program that is not directly related to alcohol control, enforcement, prevention, treatment, or sobriety: Provided further, That no more than 10 percent may be used by any entity receiving funding for administrative overhead including indirect costs: Provided further, That the State of Alaska must maintain its existing level of effort and must use these funds to enhance or expand existing efforts or initiate new projects or programs and may not use such funds to supplant existing programs.

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, $396,232,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to complete a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the

YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That 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 United States Department of Housing and Urban Development: Provided further, That not to exceed $1,000,000 from this account and the "Indian Health Services" account 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.

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 equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; 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 Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance 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 management 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 Indian 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 transferred from the Department of Housing and Urban Development 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 pur-

poses, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process. Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full time equivalent level of the Indian Health Service below the level in fiscal year 2002 adjusted upward for the staffing of new and expanded facilities, funding provided for staffing at the Lawton, Oklahoma hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

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 request has been included in an appropriations Act and enacted into law.

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

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

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

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $13,532,000, to re-

main 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), $6,250,000, of which $1,000,000 shall remain available until expended to assist with the Institute's efforts to develop a Continuing Education Lifelong Learning Center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

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, $494,748,000, of which not to exceed $46,903,000 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 of which $828,000 for fellowships and scholarly awards shall remain available until September 30, 2005; 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.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $108,970,000, to remain available until expended, of which not to exceed $10,000 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: Provided further, That balances from amounts previously appropriated under the headings "Repair, Restoration and Alteration of Facilities" and "Construction" shall be transferred to and merged with this appropriation and shall remain 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 reprogramming procedures contained in the statement of the managers accompanying this Act.

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 administra-

tive 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, $87,849,000, 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, $11,600,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $16,560,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $16,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

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

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $122,480,000, 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 and "Challenge America" account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $120,878,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

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

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes

per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,422,000: 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, $7,730,000: Provided, That for fiscal year 2004 and thereafter, all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $39,997,000, 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, $20,700,000 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 existing Executive Order issued pursuant to existing law.

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

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

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

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations 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 classified 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 2003.

SEC. 307. (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, 2004, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a

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

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, and 108–7 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 2003 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 309. Of the funds provided to the National 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. 310. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that

priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban 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. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

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

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 315. Notwithstanding any other provision of law, for fiscal year 2004 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries

shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 316. Amounts deposited during fiscal year 2003 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. 317. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 318. 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 2004, 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). West-

ern redcedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at 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 election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 319. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

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

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

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

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

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

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

SEC. 320. Prior to October 1, 2004, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 321. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 322. EXTENSION OF FOREST SERVICE CONVEYANCES PILOT PROGRAM.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107–63) is amended—

(1) in subsection (b), by striking "20" and inserting "30";

(2) in subsection (c) by striking "3" and inserting "8"; and

(3) in subsection (d), by striking "2006" and inserting "2007".

SEC. 323. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, in fiscal year 2005, qualify for General Service Administration contract airfares.

SEC. 324. 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 engaged in fire suppression: Provided, That 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: Provided further, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: Provided further, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 325. 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 System lands are involved that expires, is transferred, or waived during fiscal years 2004–2008 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit 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 completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: 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 2004, 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: Provided further, That beginning in November 2004, and every year thereafter, the Secretaries of the Interior and Agriculture shall report to Congress the extent to which they are completing analysis required under applicable laws prior to the expiration of grazing permits, and beginning in May 2004, and every two years thereafter, the Secretaries shall provide Congress recommendations for legislative provisions necessary to ensure all permit renewals are completed in a timely manner. The legislative recommendations provided shall be consistent with the funding levels requested in the Secretaries' budget proposals: Provided further, That notwithstanding section 504 of the Rescissions Act (109 Stat. 212), the Secretaries in their sole discretion determine the priority and timing for completing required environmental analysis of grazing allotments based on the environmental significance of the allotments and funding available to the Secretaries for this purpose: Provided further, That any Federal lands included within the boundary of Lake Roosevelt National Recreation Area, as designated by the Secretary of the Interior on April 5, 1990 (Lake Roosevelt Cooperative Management Agreement), that were utilized as of March 31, 1997, for grazing purposes pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands as of March 31, 1997, shall be entitled to renew said permit under such terms and conditions as the Secretary may prescribe, for the lifetime of the permittee or 20 years, whichever is less.

SEC. 326. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2004, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 327. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 328. None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2004.

SEC. 329. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 330. 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 Secretaries may award grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement 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.

SEC. 331. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 332. Section 315(f) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 110 Stat. 1321–200; 16 U.S.C. 460l–6a note), is amended—

(1) by striking "September 30, 2004" and inserting "December 31, 2005"; and

(2) by striking "2007" and inserting "2008".

SEC. 333. IMPLEMENTATION OF GALLATIN LAND CONSOLIDATION ACT OF 1998. (a) DEFINITIONS.—For purposes of this section:

(1) "Gallatin Land Consolidation Act of 1998" means Public Law 105–267 (112 Stat. 2371).

(2) "Option Agreement" has the same meaning as defined in section 3(6) of the Gallatin Land Consolidation Act of 1998.

(3) "Secretary" means the Secretary of Agriculture.

(4) "Excess receipts" means National Forest Fund receipts from the National Forests in Montana, which are identified and adjusted by the Forest Service within the fiscal year, and which are in excess of funds retained for: the Salvage Sale Fund; the Knutson-Vandenberg Fund; the Purchaser Road/Specified Road Credits; the Twenty-Five Percent Fund, as amended; the Ten Percent Road and Trail Fund; the Timber Sale Pipeline Restoration Fund; the Fifty Percent Grazing Class A Receipts Fund; and the Land and Water Conservation Fund Recreation User Fees Receipts—Class A Fund.

(5) "Special Account" means the special account referenced in section 4(c)(2) of the Gallatin Land Consolidation Act of 1998.

(6) "Eastside National Forests" has the same meaning as in section 3(4) of the Gallatin Land Consolidation Act of 1998.

(b) SPECIAL ACCOUNT.—

(1) The Secretary is authorized and directed, without further appropriation or reprogramming of funds, to transfer to the Special Account these enumerated funds and receipts in the following order:

(A) timber sale receipts from the Gallatin National Forest and other Eastside National Forests, as such receipts are referenced in section 4(a)(2)(C) of the Gallatin Land Consolidation Act of 1998;

(B) any available funds heretofore appropriated for the acquisition of lands for National Forest purposes in the State of Montana through fiscal year 2003;

(C) net receipts from the conveyance of lands on the Gallatin National Forest as authorized by subsection (c); and,

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

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

(A) the completion of the land acquisitions authorized by the Gallatin Land Consolidation Act of 1998 and fulfillment of the Option Agreement, as may be amended from time to time; and,

(B) the acquisition of lands for which acquisition funds were transferred to the Special Account pursuant to subsection (b)(1)(B).

(3) The Special Account shall be closed at the end of fiscal year 2008 and any monies remaining in the Special Account shall be transferred to the fund established under Public Law 90–171 (commonly known as the "Sisk Act", 16 U.S.C. § 484a) to remain available, until expended, for the acquisition of lands for National Forest purposes in the State of Montana.

(4) Funds deposited in the Special Account or eligible for deposit shall not be subject to transfer or reprogramming for wildland fire management or any other emergency purposes.

(c) LAND CONVEYANCES WITHIN THE GALLATIN NATIONAL FOREST.—

(1) CONVEYANCE AUTHORITY.—The Secretary is authorized, under such terms and conditions as the Secretary may prescribe and without requirements for further administrative or environmental analyses or examination, to sell or exchange any or all rights, title, and interests of the United States in the following lands within the Gallatin National Forest in the State of Montana:

(A) SMC East Boulder Mine Portal Tract: Principal Meridian, T.3S., R.11E., Section 4, lots 3 to 4 inclusive, W½SE¼NW¼, containing 76.27 acres more or less.

(B) Forest Service West Yellowstone Administrative Site: U.S. Forest Service Administrative Site located within the NE¼ of Block 17 of the Townsite of West Yellowstone which is situated in the N½ of Section 34, T.13S., R.5E.,

Principal Meridian, Gallatin County, Montana, containing 1.04 acres more or less.

(C) Mill Fork Mission Creek Tract: Principal Meridian, T.13S., R.5E., Section 34, NW¼SW¼, containing 40 acres more or less.

(D) West Yellowstone Town Expansion Tract #1: Principal Meridian, T.13S., R.5E., Section 33, E½E½NE¼, containing 40 acres more or less.

(E) West Yellowstone Town Expansion Tract #2: Principal Meridian, T.13S., R.5E., Section 33, NE¼SE¼, containing 40 acres more or less.

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

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

(4) VALUATION.—Any appraisals of land deemed necessary or desirable by the Secretary to carry out the purposes of this section shall conform to the Uniform Appraisal Standards for Federal Land Acquisitions.

(5) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land exchanged under this subsection.

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

(A) solicit offers for sale or exchange of land under this subsection on such terms and conditions as the Secretary may prescribe, or

(B) reject any offer made under this subsection if the Secretary determines that the offer is not adequate or not in the public interest.

(7) METHODS OF SALE.—The Secretary may sell land at public or private sale, including competitive sale by auction, bid, or otherwise, in accordance with such terms, conditions, and procedures as the Secretary determines will be in the best interests of the United States.

(8) BROKERS.—The Secretary may utilize brokers or other third parties in the disposition of the land authorized by this subsection and, from the proceeds of the sale, may pay reasonable commissions or fees on the sale or sales.

(9) RECEIPTS FROM SALE OR EXCHANGE.—The Secretary shall deposit the net receipts of a sale or exchange under this subsection in the Special Account.

(d) MISCELLANEOUS PROVISIONS.—

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

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

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

(2) As of the date of enactment of this section, any public land order withdrawing land described in subsection (c)(1) from all forms of appropriation under the public land laws is revoked with respect to any portion of the land conveyed by the Secretary under this section.

(3) Subject to valid existing rights, all lands described in section (c)(1) are withdrawn from location, entry, and patent under the mining laws of the United States.

(4) The Agriculture Property Management Regulations shall not apply to any action taken pursuant to this section.

(e) OPTION AGREEMENT AMENDMENT.—The Amendment No. 1 to the Option Agreement is hereby ratified as a matter of Federal law and the parties to it are authorized to effect the terms and conditions thereof.

SEC. 334. Subsection (c) of section 551 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460lll–61) is amended to read as follows:

"(c) USE OF FUNDS.—The Secretary of Agriculture may expend amounts appropriated or otherwise made available to carry out this title in a manner consistent with the authorities exercised by the Tennessee Valley Authority before the transfer of the Recreation Area to the administrative jurisdiction of the Secretary, including campground management and visitor services, paid advertisement, and procurement of food and supplies for resale purposes.".

SEC. 335. Section 339 of the Department of the Interior and Related Agencies Appropriations Act, 2000, as enacted into law by section 1000(a)(3) of Public Law 106–113 (113 Stat. 1501A–204; 16 U.S.C. 528 note), is amended—

(1) in subsection (b)—

(A) in the first sentence, by striking "not less than the fair market value" and inserting "fees under subsection (c)"; and

(B) by striking the second sentence and inserting the following: "The Secretary shall establish appraisal methods and bidding procedures to determine the fair market value of forest botanical products harvested under the pilot program.";

(2) in subsection (c), by striking paragraph (1) and inserting the following new paragraph (1):

"(1) IMPOSITION AND COLLECTION.—Under the pilot program, the Secretary of Agriculture shall charge and collect from a person who harvests forest botanical products on National Forest System lands a fee in an amount established by the Secretary to recover at least a portion of the fair market value of the harvested forest botanical products and a portion of the costs incurred by the Department of Agriculture associated with granting, modifying, or monitoring the authorization for harvest of the forest botanical products, including the costs of any environmental or other analysis.";

(3) in subsection (d)(1), by striking "charges and fees under subsections (b) and" and inserting "a fee under subsection";

(4) in subsection (f)—

(A) in paragraph (1), by striking "subsections (b) and" and inserting "subsection";

(B) in paragraph (2), by striking "in excess of the amounts collected for forest botanical products during fiscal year 1999";

(C) in paragraph (3), by striking "charges and fees collected at that unit under the pilot program to pay for" and all that follows through the period at the end and inserting "fees collected at that unit under subsection (c) to pay for the costs of conducting inventories of forest botanical products, determining sustainable levels of harvest, monitoring and assessing the impacts of harvest levels and methods, conducting restoration activities, including any necessary vegetation, and covering costs of the Department of Agriculture described in subsection (c)(1)."; and

(D) in paragraph (4), by striking "subsections (b) and" and inserting "subsection";

(5) in subsection (g)—

(A) by striking "charges and fees under subsections (b) and" and inserting "fees under subsection"; and

(B) by striking "subsections (b) and" the second place it appears and inserting "subsection"; and

(6) in subsection (h), by striking paragraph (1) and inserting the following new paragraph (1):

"(1) COLLECTION OF FEES.—The Secretary of Agriculture may collect fees under the authority of subsection (c) until September 30, 2009.".

SEC. 336. TRANSFER OF FOREST LEGACY PROGRAM LAND. Section 7(l) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c(l)) is amended by inserting after paragraph (2) the following:

"(3) TRANSFER OF FOREST LEGACY PROGRAM LAND—

"(A) IN GENERAL.—Subject to any terms and conditions that the Secretary may require (including the requirements described in subparagraph (B)), the Secretary may, at the request of the State of Vermont, convey to the State, by quitclaim deed, without consideration, any land or interest in land acquired in the State under the Forest Legacy Program.

"(B) REQUIREMENTS.—In conveying land or an interest in land under subparagraph (A), the Secretary may require that—

"(i) the deed conveying the land or interest in land include requirements for the management of the land in a manner that—

"(I) conserves the land or interest in land; and

"(II) is consistent with any other Forest Legacy Program purposes for which the land or interest in land was acquired;

"(ii) if the land or interest in land is subsequently sold, exchanged, or otherwise disposed of by the State of Vermont, the State shall—

"(I) reimburse the Secretary in an amount that is based on the current market value of the land or interest in land in proportion to the amount of consideration paid by the United States for the land or interest in land; or

"(II) convey to the Secretary land or an interest in land that is equal in value to the land or interest in land conveyed.

"(C) DISPOSITION OF FUNDS.—Amounts received by the Secretary under subparagraph (B)(ii) shall be credited to the Wildland Fire Management account, to remain available until expended.".

SEC. 337. Notwithstanding section 9(b) of Public Law 106–506, funds hereinafter appropriated under Public Law 106–506 shall require matching funds from non-Federal sources on the basis of aggregate contribution to the Environmental Improvement Program, as defined in Public Law 106–506, rather than on a project-by-project basis, except for those activities provided under section 9(c) of that Act, to which this amendment shall not apply.

SEC. 338. Any application for judicial review of a Record of Decision for any timber sale in Region 10 of the Forest Service that had a Notice of Intent prepared on or before January 1, 2003 shall—

(1) be filed in the Alaska District of the Federal District Court within 30 days after exhaustion of the Forest Service administrative appeals process (36 C.F.R. 215) or within 30 days of enactment of this Act if the administrative appeals process has been exhausted prior to enactment of this Act, and the Forest Service shall strictly comply with the schedule for completion of administrative action;

(2) be completed and a decision rendered by the court not later than 180 days from the date such request for review is filed; if a decision is not rendered by the court within 180 days as required by this subsection, the Secretary of Agriculture shall petition the court to proceed with the action.

SEC. 339. (a) IN GENERAL.—The Secretary of Agriculture may cancel, with the consent of the timber purchaser, a maximum of 70 contracts for the sale of timber awarded between October 1, 1995 and January 1, 2002 on the Tongass National Forest in Alaska if—

(1) the Secretary determines, in the Secretary's sole discretion, that the sale would result in a financial loss to the purchaser and the costs to the government of seeking a legal remedy against the purchaser would likely exceed the cost of terminating the contract; and

(2) the timber purchaser agrees to—

(A) terminate its rights under the contract; and

(B) release the United States from all liability, including further consideration or compensation resulting from such cancellation.

(b) EFFECT OF CANCELLATION.—

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

(2) LIMITATION.—Cancellation of a contract under this section shall release the timber purchaser from liability for any damages resulting from cancellation of such contract.

(c) TIMBER AVAILABLE FOR RESALE.—Timber included in a contract cancelled under this section shall be available for resale by the Secretary of Agriculture.

SEC. 340. (a) JUSTIFICATION OF COMPETITIVE SOURCING ACTIVITIES.—(1) In each budget submitted by the President to Congress under section 1105 of title 31, United States Code, for a fiscal year, beginning with fiscal year 2005, amounts requested to perform competitive sourcing studies for programs, projects, and activities listed in paragraph (2) shall be set forth separately from other amounts requested.

(2) Paragraph (1) applies to programs, projects, and activities—

(A) of the Department of the Interior for which funds are appropriated by this Act;

(B) of the Forest Service; and

(C) of the Department of Energy for which funds are appropriated by this Act.

(b) ANNUAL REPORTING REQUIREMENTS ON COMPETITIVE SOURCING ACTIVITIES.—(1) Not later than December 31 of each year, beginning with December 31, 2003, the Secretary concerned shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report, covering the preceding fiscal year, on the competitive sourcing studies conducted by the Department of the Interior, the Forest Service, or the Department of Energy, as appropriate, and the costs and cost savings to the citizens of the United States of such studies.

(2) In this subsection, the term "Secretary concerned" means—

(A) the Secretary of the Interior, with respect to the Department of the Interior programs, projects, and activities for which funds are appropriated by this Act;

(B) the Secretary of Agriculture, with respect to the Forest Service; and

(C) the Secretary of Energy, with respect to the Department of Energy programs, projects, and activities for which funds are appropriated by this Act.

(3) The report under this subsection shall include, for the fiscal year covered—

(A) the total number of competitions completed;

(B) the total number of competitions announced, together with a list of the activities covered by such competitions;

(C) the total number of full-time equivalent Federal employees studied under completed competitions;

(D) the total number of full-time equivalent Federal employees being studied under competitions announced, but not completed;

(E) the incremental cost directly attributable to conducting the competitions identified under subparagraphs (A) and (B), including costs attributable to paying outside consultants and contractors;

(F) an estimate of the total anticipated savings, or a quantifiable description of improvements in service or performance, derived from completed competitions;

(G) actual savings, or a quantifiable description of improvements in service or performance, derived from the implementation of competitions;

(H) the total projected number of full-time equivalent Federal employees covered by competitions scheduled to be announced in the fiscal year; and

(I) a description of how the competitive sourcing decision making processes are aligned with strategic workforce plans.

(c) DECLARATION OF COMPETITIVE SOURCING STUDIES.—For fiscal year 2004, each of the Secretaries of executive departments referred to in subsection (b)(2) shall submit a detailed competitive sourcing proposal to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of the enactment of this Act. The proposal shall include, for each competitive sourcing study proposed to be carried out by or for the Secretary concerned, the number of positions to be studied, the amount of funds needed for the study, and the program, project, and activity from which the funds will be expended.

(d) LIMITATION ON COMPETITIVE SOURCING STUDIES.—(1) Of the funds made available by this or any other Act to the Department of Energy or the Department of the Interior for fiscal year 2004, not more than the maximum amount specified in paragraph (2)(A) may be used by the Secretary of Energy or the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2004 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the fiscal year 2004 reprogramming guidelines.

(2) For the purposes of paragraph (1)—

(A) the maximum amount—

(i) with respect to the Department of Energy is $500,000; and

(ii) with respect to the Department of the Interior is $2,500,000; and

(B) the fiscal year 2004 reprogramming guidelines referred to in such paragraph are the reprogramming guidelines set forth in the joint explanatory statement accompanying the Act (H.R. 2691, 108th Congress, 1st session), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

(3) Of the funds appropriated by this Act, not more than $5,000,000 may be used in fiscal year 2004 for competitive sourcing studies and related activities by the Forest Service.

(e) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—(1) None of the funds made available in this or any other Act may be used to convert to contractor performance an activity or function of the Forest Service, an activity or function of the Department of the Interior performed under programs, projects, and activities for which funds are appropriated by this Act, or an activity or function of the Department of Energy performed under programs, projects, and activities for which funds are appropriated by this Act, if such activity or function is performed on or after the date of the enactment of this Act by more than 10 Federal employees unless—

(A) the conversion is based on the result of a public-private competition that includes a more efficient and cost effective organization plan developed by such activity or function; and

(B) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for

performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Federal Government by an amount that equals or exceeds the lesser of—

(i) 10 percent of the more efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(ii) $10,000,000.

(2) This subsection shall not apply to a commercial or industrial type function that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(3) The conversion of any activity or function under the authority provided by this subsection shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy.

(f) COMPETITIVE SOURCING STUDY DEFINED.—In this subsection, the term "competitive sourcing study" means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

SEC. 341. Section 4(e)(3)(A)(vi) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346; 116 Stat. 2007) is amended by striking "under this Act" and inserting "under this Act, including costs incurred under paragraph (2)(A)".

SEC. 342. LAKE TAHOE RESTORATION PROJECTS. Section 4(e)(3)(A) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346; 116 Stat. 2007) is further amended—

(1) in clause (v), by striking "and" at the end;

(2) by redesignating clause (vi) as clause (vii); and

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

"(vi) transfer to the Secretary of Agriculture, or, if the Secretary of Agriculture enters into a cooperative agreement with the head of another Federal agency, the head of the Federal agency, for Federal environmental restoration projects under sections 6 and 7 of the Lake Tahoe Restoration Act (114 Stat. 2354), environmental improvement payments under section 2(g) of Public Law 96–586 (94 Stat. 3382), and any Federal environmental restoration project included in the environmental improvement program adopted by the Tahoe Regional Planning Agency in February 1998 (as

amended), in an amount equal to the cumulative amounts authorized to be appropriated for such projects under those Acts, in accordance with a revision to the Southern Nevada Public Land Management Act of 1998 Implementation Agreement to implement this section, which shall include a mechanism to ensure appropriate stakeholders from the States of California and Nevada participate in the process to recommend projects for funding; and".

SEC. 343. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects and activities to support governmentwide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall be presented in annual budget justifications. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 344. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.646 percent of—

(1) the budget authority provided for fiscal year 2004 for any discretionary account in this Act; and

(2) the budget authority provided in any advance appropriation for fiscal year 2004 for any discretionary account in the Department of the Interior and Related Agencies Appropriations Act, 2003.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

TITLE IV—THE FLATHEAD AND KOOTENAI NATIONAL FOREST REHABILITATION ACT

SEC. 401. SHORT TITLE. This title may be cited as the "Flathead and Kootenai National Forest Rehabilitation Act of 2003".

SEC. 402. FINDINGS AND PURPOSE. (a) FINDINGS.—Congress finds that—

(1) the Robert Fire and Wedge Fire of 2003 caused extensive resource damage in the Flathead National Forest;

(2) the fires of 2000 caused extensive resource damage on the Kootenai National Forest and implementation of rehabilitation and recovery projects developed by the agency for the Forest is critical;

(3) the environmental planning and analysis to restore areas affected by the Robert Fire and Wedge Fire will be completed through a collaborative community process;

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

(5) wildlife and watershed resource values will be maintained in areas affected by the Robert Fire and Wedge Fire

while exempting the rehabilitation effort from certain applications of the National Environmental Policy Act (NEPA) and the Clean Water Act (CWA).

(b) The purpose of this title is to accomplish in a collaborative environment, the planning and rehabilitation of the Robert Fire and Wedge Fire and to ensure timely implementation of recovery and rehabilitation projects on the Kootenai National Forest.

SEC. 403. REHABILITATION PROJECTS. (a) IN GENERAL.—The Secretary of Agriculture (in this title referred to as the "Secretary") may conduct projects that the Secretary determines are necessary to rehabilitate and restore, and may conduct salvage harvests on, National Forest System lands in the North Fork drainage on the Flathead National Forest, as generally depicted on a map entitled "North Fork Drainage" which shall be on file and available for public inspection in the Office of Chief, Forest Service, Washington, D.C.

(b) PROCEDURE.—

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

(A) the National Environmental Policy Act (42 U.S.C. 4321 et seq.); and

(B) other applicable laws.

(2) ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENT.—If an environmental assessment or an environmental impact statement (pursuant to section 102(2) of the National Environmental Policy Act (42 U.S.C. 4332(2)) is required for a project under this title, the Secretary shall not be required to study, develop, or describe any alternative to the proposed agency action in the environmental assessment or the environmental impact statement.

(3) PUBLIC COLLABORATION.—To encourage meaningful participation during preparation of a project under this title, the Secretary shall facilitate collaboration among the State of Montana, local governments, and Indian tribes, and participation of interested persons, during the preparation of each project in a manner consistent with the Implementation Plan for the 10-year Comprehensive Strategy of a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report for the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–646).

(4) COMPLIANCE WITH CLEAN WATER ACT.—Consistent with the Clean Water Act (33 U.S.C. 1251 et seq.) and Montana Code 75–5–703(10)(b), the Secretary is not prohibited from implementing projects under this title due to the lack of a Total Maximum Daily Load as provided for under section 303(d) of the Clean Water Act (33 U.S.C. 1313(d)), except that the Secretary shall comply with any best management practices required by the State of Montana.

(5) ENDANGERED SPECIES ACT CONSULTATION.—If a consultation is required under section 7 of the Endangered Species Act (16 U.S.C. 1536) for a project under this title, the Secretary of the Interior shall expedite and give precedence to such con-

sultation over any similar requests for consultation by the Secretary.

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

SEC. 404. CONTRACTING AND COOPERATIVE AGREEMENTS. (a) IN GENERAL.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into contract or cooperative agreements to carry out a project under this title.

(b) EXEMPTION.—Notwithstanding any other provisions of law, the Secretary may limit competition for a contract or a cooperative agreement under subsection (a).

SEC. 405. MONITORING REQUIREMENTS. (a) IN GENERAL.—The Secretary shall establish a multiparty monitoring group consisting of a representative number of interested parties, as determined by the Secretary, to monitor the performance and effectiveness of projects conducted under this title.

(b) REPORTING REQUIREMENTS.—The multiparty monitoring group shall prepare annually a report to the Secretary on the progress of the projects conducted under this title in rehabilitating and restoring the North Fork drainage. The Secretary shall submit the report to the Senate Subcommittee on Interior Appropriations of the Senate Committee on Appropriations.

SEC. 406. SUNSET. The authority for the Secretary to issue a decision to carry out a project under this title shall expire 5 years from the date of enactment.

SEC. 407. IMPLEMENTATION OF RECORDS OF DECISION. The Secretary of Agriculture shall publish new information regarding forest wide estimates of old growth from volume 103 of the administrative record in the case captioned Ecology Center v. Castaneda, CV–02–200–M–DWM (D. Mont.) for public comment for a 30-day period. The Secretary shall review any comments received during the comment period and decide whether to modify the Records of Decision (hereinafter referred to as the "ROD's") for the Pinkham, White Pine, Kelsey-Beaver, Gold/Boulder/Sullivan, and Pink Stone projects on the Kootenai National Forest. The ROD's, whether modified or not, shall not be deemed arbitrary and capricious under the NFMA, NEPA or other applicable law as long as each project area retains 10 percent designated old growth below 5,500 feet elevation in third order watersheds in which the project is located as specified in the forest plan.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2004".

And the Senate agree to the same.

CHARLES H. TAYLOR,
BILL YOUNG,
RALPH REGULA,
JIM KOLBE,
GEORGE R. NETHERCUTT Jr.,
ZACH WAMP,
JOHN E. PETERSON,
DON SHERWOOD,
ANDER CRENSHAW,

NORMAN D. DICKS,
JOHN P. MURTHA,
JAMES P. MORAN,
JOHN W. OLVER,
Managers on the Part of the House.

CONRAD BURNS,
TED STEVENS,
THAD COCHRAN,
PETE DOMENICI,
ROBERT F. BENNETT,
JUDD GREGG,
BEN NIGHTHORSE CAMPBELL,
SAM BROWNBACK,
BYRON L. DORGAN,
ROBERT C. BYRD,
PATRICK J. LEAHY,
ERNEST HOLLINGS,
HARRY REID,
DIANNE FEINSTEIN,
BARBARA A. MIKULSKI,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2691), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 2691 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 108–195 or Senate Report 108–89 that are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

REPROGRAMMING GUIDELINES

The managers have revised the reprogramming guidelines to address the issue of assessments and charges within departments and agencies or by other agencies, and to clarify other issues. Changes to the guidelines proposed by the House include a technical change to the definition section and a revised section 2(e).

The following are the revised procedures governing reprogramming actions for programs and activities funded in the Interior and Related Agencies Appropriations Act:

1. *Definition*.—"Reprogramming," as defined in these procedures, includes the reallocation of funds from one budget activity to another. In cases where either Committee report displays an allocation of an appropriation below the activity level, that more detailed level shall be the basis for reprogramming. For construction accounts, a reprogramming constitutes the reallocation of funds from one construction project (identified in the justification or Committee report) to another. A reprogramming shall also consist of any significant departure from the program described in the agency's budget justifications. This includes proposed reorganizations even without a change in funding.

2. *Guidelines for Reprogramming*.—(a) A reprogramming should be made only when an unforeseen situation arises; and then only if postponement of the project or the activity until the next appropriation year would result in actual loss or damage. Mere convenience or desire should not be factors for consideration.

(b) Any project or activity, which may be deferred through reprogramming, shall not later be accomplished by means of further

reprogramming; but, instead, funds should again be sought for the deferred project or activity through the regular appropriations process.

(c) Reprogramming should not be employed to initiate new programs or to change allocations specifically denied, limited or increased by the Congress in the Act or the report. In cases where unforeseen events or conditions are deemed to require such changes, proposals shall be submitted in advance to the Committee, regardless of amounts involved, and be fully explained and justified.

(d) Reprogramming proposals submitted to the Committee for approval shall be considered approved 30 calendar days after receipt if the Committee has posed no objection. However, agencies will be expected to extend the approval deadline if specifically requested by either Committee.

(e) Proposed changes to estimated working capital fund bills and estimated overhead charges, deductions, reserves or holdbacks, as such estimates were presented in annual budget justifications, shall be submitted through the reprogramming process.

3. *Criteria and Exception*.—Any proposed reprogramming must be submitted to the Committee in writing prior to implementation if it exceeds $500,000 annually or results in an increase or decrease of more than 10 percent annually in affected programs, with the following exception:

With regard to the tribal priority allocations activity of the Bureau of Indian Affairs, Operations of Indian Programs account, there is no restriction on reprogrammings among the programs within this activity. However, the Bureau shall report on all reprogrammings made during the first six months of the fiscal year by no later than May 1 of each year, and shall provide a final report of all reprogrammings for the previous fiscal year by no later than November 1 of each year.

4. *Quarterly Reports*.—(a) All reprogrammings shall be reported to the Committee quarterly and shall include cumulative totals. (b) Any significant shifts of funding among object classifications also should be reported to the Committee.

5. *Administrative Overhead Accounts*.—For all appropriations where costs of overhead administrative expenses are funded in part from "assessments" of various budget activities within an appropriation, the assessments shall be shown in justifications under the discussion of administrative expenses.

6. *Contingency Accounts*.—For all appropriations where assessments are made against various budget activities or allocations for contingencies, the Committee expects a full explanation, separate from the justifications. The explanation shall show the amount of the assessment, the activities assessed, and the purpose of the fund. The Committee expects reports each year detailing the use of these funds. In no case shall a fund be used to finance projects and activities disapproved or limited by Congress or to finance new permanent positions or to finance programs or activities that could be foreseen and included in the normal budget review process. Contingency funds shall not be used to initiate new programs.

7. *Declarations of Taking*.—The Committee directs the Bureau of Land Management, the U.S. Fish and Wildlife Service, the Na-

tional Park Service, and the Forest Service to seek Committee approval in advance of filing declarations of taking.

8. *Report Language*.—Any limitation, directive, or earmarking contained in either the House or Senate report which is not contradicted by the other report nor specifically denied in the conference report shall be considered as having been approved by both Houses of Congress.

9. *Forest Service*.—The following procedures shall apply to the Forest Service, Department of Agriculture:

(a) The Forest Service shall not change the boundaries of any region, abolish any region, move or close any regional office for research, State and private forestry, or National Forest System administration, without the consent of the House and Senate Committees on Appropriations in compliance with these reprogramming procedures.

(b) Provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) and of 7 U.S.C. 147b shall apply to appropriations available to the Forest Service only to the extent that the proposed transfer is approved by the House and Senate Committees on Appropriations in compliance with these reprogramming procedures.

10. *Assessments*.—No assessments shall be levied against any program, budget activity, subactivity, or project funded by the Interior Appropriations Act unless such assessments and the basis therefore are presented to the Committees on Appropriations and are approved by such Committees, in compliance with these procedures.

11. *Land Acquisitions and Forest Legacy*.—Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91–646) except for condemnations and declarations of taking, unless such acquisitions are submitted to the Committees on Appropriations for approval in compliance with these procedures.

12. *Land Exchanges*.—Land exchanges, wherein the estimated value of the Federal lands to be exchanged is greater than $500,000, shall not be consummated until the Committees on Appropriations have had a 30–day period in which to examine the proposed exchange.

13. The appropriation structure for any agency shall not be altered without advance approval of the House and Senate Committees on Appropriations.

COMPETITIVE SOURCING

The managers support the underlying principle of the Administration's competitive sourcing initiative, which is that the government must continually strive to improve the efficiency of its operations and the delivery of the services it provides to the citizens of the United States. The managers are concerned that this far-reaching initiative appears to be on such a fast track that the Congress and the public are neither able to participate nor understand the costs and implications of the decisions being made. The managers remain concerned that the Administration has failed to budget adequately for the cost of the initiative and to justify such costs in budget documents. As a result, significant sums are being ex-

pended in violation of reprogramming guidelines and at the expense of critical, on-the-ground work such as the maintenance of Federal facilities. While millions have been spent to date, reprogramming letters have not been forwarded to the House and Senate Committees on Appropriations and funds have been diverted from important programs.

The managers have included bill language in Title III, General Provisions, outlining specific spending limits and reporting requirements for each program, project, and activity affected by the competitive sourcing initiative. These fiscal year 2004 funding instructions apply to all studies for which work has not yet begun, even though a department or agency may have previously announced plans to conduct such studies. The managers note that these requirements should not be construed as opposition to the careful and considered conduct of a competitive sourcing program. The managers want to ensure that there is full disclosure on the use of appropriated funds in order to enable Congress and the public to evaluate the costs and tradeoffs involved in an initiative of this magnitude.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides $850,321,000 for management of lands and resources instead of $834,088,000 as proposed by the House and $847,091,000 as proposed by the Senate.

Changes to the House for land resources include increases of $1,000,000 for the National Center for Invasive Plant Management, $500,000 for Idaho weed control, $200,000 for the Rio Puerco watershed, and $200,000 for range monitoring.

The bureau is urged to implement the provisions of a Candidate Conservation Agreement in Idaho concerning Lepidium Papilliferdum should adequate funding exist.

The managers expect the bureau to use the additional funds provided for range management to increase service to grazing permittees by increasing cooperative monitoring on grazing allotments.

Changes to the House for recreation management include an increase of $1,000,000 for the Undaunted Stewardship Program and decreases of $500,000 for Otay Mountains management, and $1,000,000 for the National Landscape Conservation System.

Changes to the House for energy and minerals include an increase of $1,500,000 for processing applications to drill for coalbed methane and conventional fuels on the public lands.

The managers direct that the additional funds for processing applications for coalbed methane and conventional oil and natural gas be earmarked for Colorado, Montana, New Mexico, and Utah. The managers believe that the Bureau has made progress developing necessary mechanisms to ensure that the backlog of oil and gas permitting activities will be addressed in a timely manner. Based on this assessment, the managers have modified Senate report language to give the Director of the Bureau of Land Manage-

ment the discretion on whether to implement the pilot program outlined in Senate Report 108–89.

Several years ago, the Appropriations Committees recognized the need to increase staffing for the Bureau's energy activities to ensure that additional amounts of clean natural gas could be produced on Federal lands where production could be accomplished in an environmentally balanced manner. Based on the recently completed Environmental Impact Statement for the Powder River Basin and increased staffing for the Buffalo and Miles City field offices, the managers expect more than 3,000 permits to drill will be issued in 2004.

The managers understand that the greater Green River and Uinta-Piceance basins have large amounts of producible natural gas. The managers have provided additional resources for these field offices as well as for promising basins in New Mexico, Colorado and Utah. The managers urge the Bureau to contract for the next Energy Policy Act basin study. This information is essential for making decisions on future energy production. The Bureau should continue to work diligently to reduce impediments to production.

The change to the House for Alaska minerals is an increase of $262,000.

Changes to the House for realty and ownership management include increases of $9,500,000 for Alaska conveyance, $1,000,000 for GIS mapping in Utah, $225,000 for Spirit/Twin Lakes Omitted Lands Act activities, $1,000,000 for rights-of-way cost recovery, $750,000 for the Alaska public lands database, and $1,000,000 for recordable disclaimer applications in Alaska.

The managers support the Bureau's efforts to continue implementing realty actions set forth in the Clark County Act.

Changes to the House for resource protection and maintenance include decreases of $200,000 for desert rangers in California, $200,000 for the restoration of lands in Arizona damaged by undocumented aliens, and $500,000 for Imperial Sand Dunes law enforcement and management.

The change to the House for transportation and facilities maintenance is an increase of $1,000,000 for capping oil wells in the National Petroleum Reserve Alaska.

The change to the House for challenge cost share is a decrease of $504,000.

The managers retained House language for the horse and burro program instead of Senate language, which had minor technical differences.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $792,725,000 for wildland fire management instead of $698,725,000 as proposed by both the House and the Senate. The total includes $99,000,000 to repay prior year advances as described below.

The change to the House for preparedness is a decrease of $25,000,000 of which $20,000,000 is redirected to fire suppression operations.

The change to the House for other operations is a decrease of $5,000,000 that is redirected to fire suppression operations.

The change to the House fire suppression operations is an increase of $25,000,000. This funds fire suppression operations at the ten-year average.

The managers have provided an additional $99,000,000 in emergency funding as requested by the Administration to repay prior year advances from other appropriation accounts from which funds were transferred for wildfire suppression activities.

The managers retain Senate language establishing criteria for contracting certain fire activities; the House had similar language.

CENTRAL HAZARDOUS MATERIALS FUND

The conference agreement provides $9,978,000 for the central hazardous materials fund as proposed by the House and the Senate.

CONSTRUCTION

The conference agreement provides $13,976,000 for construction instead of $10,976,000 as proposed by the House and $12,476,000 as proposed by the Senate.

Changes to the House for construction include increases of $1,000,000 for the construction of the California Trail Interpretive Center in Nevada and $2,000,000 for site preparation work associated with the construction of the Agua Caliente Cultural Museum in California. This completes the Bureau's participation in the Agua Caliente project.

LAND ACQUISITION

The conference agreement provides $18,600,000 for land acquisition instead of $14,000,000 as proposed by the House and $25,600,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Blackfoot River Watershed (MT)	$3,000,000
California Wilderness (CA)	750,000
Canyon of the Ancients NM (CO)	600,000
Chain-of-Lakes RMA (MT)	1,750,000
Elkhorn/Ironmask (MT)	750,000
Kasha-Katuwe Tent Rocks NM (NM)	1,500,000
Lower Salmon River ACEC (ID)	750,000
Otay Mountains/Kuchama AHCP (CA)	1,000,000
Sandy River/Oregon NHT (OR)	1,000,000
Santa Rosa and San Jacinto Mountains NM (CA)	750,000
Upper Snake/South Fork Snake River (ID)	1,250,000
Washington County HCP (UT)	500,000
Subtotal	13,600,000
Land Equalization Payment	500,000
Acquisition Management	3,500,000
Emergency/Inholdings/Relocation	1,000,000
Total	18,600,000

OREGON AND CALIFORNIA GRANT LANDS

The conference agreement provides $106,672,000 for Oregon and California grant lands as proposed by both the House and the Senate.

RANGE IMPROVEMENTS

The conference agreement provides an indefinite appropriation for range improvements of not less than $10,000,000 as proposed by both the House and the Senate.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

The conference agreement provides an indefinite appropriation for service charges, deposits, and forfeitures, which is estimated to be $18,657,000 in the Senate bill instead of an estimated $20,490,000 in the House bill.

Changes to the House estimate for service charges, deposits, and forfeitures include decreases of $1,333,000 for rights-of-way processing and $500,000 for realty cost recovery.

MISCELLANEOUS TRUST FUNDS

The conference agreement provides an indefinite appropriation of $12,405,000 for miscellaneous trust funds as proposed by both the House and the Senate.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides $963,352,000 for resource management instead of $959,901,000 as proposed by the House and $942,244,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In endangered species programs, there are increases in candidate conservation of $150,000 for Alaska sea otter and walrus and $10,000 for slickspot peppergrass. In recovery, there are increases of $100,000 for wolf recovery efforts of the Nez Perce Tribe, $100,000 for the Service's Snake River Basin office wolf recovery efforts, $460,000 for the Idaho Office of Species Conservation wolf recovery efforts, $2,000,000 for Atlantic salmon grants administered by the National Fish and Wildlife Foundation, $500,000 for Lahontan cutthroat trout, $150,000 for fresh water mussels at the White Sulphur Springs NFH, WV, and $900,000 for Eider recovery through the Alaska SeaLife Center. There is also an increase in recovery of $15,000 for wolf monitoring in Montana and Wyoming, which provides a total of $515,000 for efforts in those two States.

In habitat conservation, increases for the partners for fish and wildlife program include $500,000 for the Montana Water Center wild fish habitat initiative, $1,250,000 for Nevada biodiversity research, $100,000 for bald eagle restoration through the Vermont natural heritage partners program, $750,000 for Hawaii endangered species, $700,000 for Hawaii invasive species control, $500,000 for ferret reintroduction on Rosebud Sioux tribal lands, $850,000 for wildlife enhancement in Starkville, MS, and $50,000 for technical assistance at the New Jersey Meadowlands. There are also decreases in the partners program of $500,000 for Walla Walla Basin fish passage and salmon recovery, $250,000 for restoration in the Tunkhannock and Bowman's Creek watersheds in Pennsylvania, and a general decrease of $4,000,000. There is an increase

in project planning of $550,000 for Middle Rio Grande/Bosque research.

In refuge operations and maintenance there are general decreases of $3,000,000 for refuge operations and $3,000,000 for refuge maintenance.

In migratory birds programs, increases include $575,000 for seabird bycatch reduction and $800,000 for management of albatross in the north Pacific.

In law enforcement operations, increases include $700,000 for a Louisville, KY port of entry and $700,000 for a Memphis, TN port of entry. There are also decreases of $1,000,000 for wildlife inspectors along the northern and southern borders and $450,000 for the Atlanta, GA port of entry.

In fishery programs, there is a decrease of $312,000 for hatchery operations. In fish and wildlife management, increases include $250,000 for the Connecticut River Commission, $300,000 for whirling disease research through the National Partnership on Management of Wild and Native Coldwater Fisheries, $100,000 for resistant trout research with the Whirling Disease Foundation Health Center in Montana, $400,000 for the Wildlife Health Center in Montana, $403,000 for Yukon River salmon treaty implementation, $150,000 for fish passage adjacent to railroads in Alaska, $250,000 for the Regional Mark Processing Center, and $1,000,000 for marine mammal population surveys in Alaska.

In general administration, increases include $450,000 for operations and maintenance at the National Conservation Training Center, WV, and $400,000 for the Caddo Lake Ramsar Center in Texas.

Bill Language.—The conference agreement includes the House earmark of $2,000,000 for Natural Communities Conservation Planning, as provided in past years, rather than suggesting that this program compete for funds through the cooperative endangered species program as proposed in Senate report language. The conference agreement does not include Senate language on economic development in Starkville, MS, but $850,000 is included under the partners for fish and wildlife program for wildlife enhancement in Starkville, MS.

The managers continue to be concerned about the Service's cost allocation methodology. The Inspector General is currently examining this issue. The Service should work closely with the Inspector General and the House and Senate Committees on Appropriations to resolve the current problems in CAM. The managers agree that CAM needs to be reformed so that it is clearly justified and transparent. It is inappropriate to supplement shortfall funding in headquarters and regional office budgets using CAM. The Service should realign its budget justification line items to budget accurately for the costs of headquarters and regional offices and clearly explain what costs are included in CAM and why.

The managers agree to the following:

1. There is up to $15,000,000 in the Forest Service budget for ESA consultation work associated with fuels reduction projects but these funds have not been fully utilized by the Service. The Service should work more closely with the Forest Service to see that those

funds are released in a timely manner to address critical fuels reduction needs in Montana and elsewhere.

2. Sixty percent of the funding provided for wolf monitoring in Montana and Wyoming is for work in Montana and 40 percent is for work in Wyoming.

3. The partners for fish and wildlife program has been very successful and any increase in base program funding should be used by the Service to fund additional projects within the context of the existing program.

4. While appreciating the merits of an oyster revitalization program in Delaware Bay, no funding is included because this program should be under the jurisdiction of the National Marine Fisheries Service rather than the U.S. Fish and Wildlife Service.

5. The $50,000 provided for the New Jersey Meadowlands project in the partners for fish and wildlife program should be used together with unobligated balances available from fiscal year 2003, and the appropriate amount needed for the project in fiscal year 2005 should be included in the budget request for fiscal year 2005.

6. None of the funds provided for the Caddo Lake Ramsar Center in Texas may be used for infrastructure or construction-related projects.

7. The Service may use a portion of the funds provided for fish passage to continue its effort to develop a computerized fish passage decision support system.

8. With the increase provided for the National Partnership on Management of Wild and Native Coldwater Fisheries whirling disease program, there is a total of $1 million for that program in fiscal year 2004.

9. With the increase provided for resistant trout research with the Whirling Disease Foundation, there is a total of $350,000 for that program in fiscal year 2004.

10. The reprogramming request for expansion of the Service's California/Nevada Office is approved with the understanding that the Service will keep the House and Senate Committees on Appropriations advised on at least a semi-annual basis of progress in phasing-in the additional staffing for the office.

11. Within the funds provided for refuge operations and maintenance, $450,000 should be used for rodent control at the Alaska Maritime NWR.

12. There is no earmark within available funds in the refuge operations and maintenance budget for spartina grass control at the Willapa NWR, WA, because the conference agreement provides an increase of $300,000 for that program as proposed by the House.

13. The Service should work closely with the office of aircraft services to develop a plan for replacement of aircraft. Increased payments to the OAS reserve account will need to be phased in over time and the necessary increases should be included in future budgets as uncontrollable cost increases and should not be funded at the expense of the base budget.

14. While the managers have accepted the travel reductions proposed in the budget request, mission essential travel, including travel associated with mandatory or Service-critical training requirements, should not be reduced.

15. The managers are aware that the U.S. Fish and Wildlife Service has provided assistance to private entities attempting to remove cattle from Chirikof Island in the Alaska Maritime NWR. Given that these efforts have not been entirely successful, the managers urge the Service to work with the State and interested stakeholders on alternative strategies for cattle management. The managers further encourage the State to consider making range available on nearby State-owned islands.

16. In 2003, the Don Edwards National Wildlife refuge expanded by 10,000 acres as a result of acquisition of the former Cargill Salt Ponds, which was financed mainly by non-federal sources. The managers recognize that this expansion may require an increase in the operating budget for the refuge.

CONSTRUCTION

The conference agreement provides $60,554,000 for construction instead of $52,718,000 as proposed by the House and $53,285,000 as proposed by the Senate. Funds are to be distributed as follows:

[Dollars in thousands]

Project	Description	Disposition
Alaska Maritime NWR, AK	Equip visitor center	$400
Anchorage Int'l Airport, AK	Hangar—Phase II [cc]	5,000
Audubon Center for Research of Endangered. Species, LA.	Whooping Crane Breeding Facility [cc]	1,200
Bear River NWR, UT	Water mgmt. improvements	500
Bitter Lake NWR, NM	Joe Skeen Visitors Center [cc]	1,400
Bozeman Fish Technology Center, MT	Laboratory/Administration Building—Phase V [cc]	1,887
Cabo Rojo NWR, PR	Replace Office Building (Seismic)—Phase II [cc]	3,700
Canaan Valley NWR, WV	Visitor improvements/law enforcement housing	600
Cape Romain, NWR, SC	Dike/Water control structures [c]	500
Clark R. Bavin Forensics Laboratory, OR	Security upgrades (not funded in 2003)	765
Crab Orchard NWR, IL	Devil's Kitchen Dam—Phase I [d]	500
Dam Safety	Structural Studies (not funded in 2003)	660
Entiat NFH, WA	Seismic Safety Rehabilitation of Four Buildings—Phase I [p/d].	120
Garrison Dam, ND	Fish pond improvements	300
Iron River NFH, WI	Replace Domes at Schacte Creek with Buildings—Phase III [cc].	600
Jordan River NFH, MI	Replace Great Lakes Fish Stocking Vessel, M/V Togue—Phase III [cc].	5,500
Kenai NWR, AK	Cabins, trails, campgrounds	1,000
Kodiak NWR, AK	Visitor Center [c]	1,000
Kofa NWR, AZ	Seismic Safety Rehabilitation—Phase I [p/d]	350
Lacreek NWR, SD	Little White River Dam—Phase II [d]	730
Lahontan NFH, NV	Seismic Safety Rehabilitation of Two Buildings—Phase I [p/d].	70
Makah NFH, WA	Seismic Safety Rehabilitation of One Building—Phase I [p/d].	80
Mammoth Springs NFH, AR	Visitor center renovation [c]	1,000
National Eagle Repository, CO	Repository incinerator [p/d/cc]	110
Neosho NFH, MO	Office and Visitors Center [c]	1,000
Northeast Fishery Center Complex, PA	Laboratory expansion, accessible fishing, etc	1,150
Northwest Power Planning Area	Fish screens, etc	3,000
Ohio River Islands NWR, WV	Visitors Center, office space & equipment [cc]	1,561
Okeefenokee Concession, GA	Concession facility	525
Puerto Rican Parrot, PR	Replace/Relocate Aviary	1,700
Security Upgrades	Servicewide (not funded in 2003)	700
Servicewide	Bridge Safety Inspections	575
Servicewide	Dam Safety Programs and Inspections	730
Servicewide	Replace Survey Aircraft	1,000

[Dollars in thousands]

Project	Description	Disposition
Servicewide	Initial inspections for recently acquired dams	1,291
Sevilleta NWR, NM	Laboratory construction	1,000
Silvio O. Conte NWR, VT	Nulhegan Div. visitor contact station, office & maintenance buildings [p/d].	450
Visitor Contact Facilities	Servicewide	3,000
White Sulphur Springs NFH, WV	Equipment upgrades	50
Winthrop NFH, WA	Seismic Safety Rehabilitation of Four Buildings—Phase I [p/d].	130
Wolf Creek NFH, KY	Visitors Center [cc]	2,100
World Birding Ctr., TX	Construction	1,300
Subtotal, Line Item Construction		49,234
Nationwide Engineering Services:		
Cost Allocation Methodology		3,058
Environmental Compliance		1,650
Other, non-project specific Nationwide Engineering Services.		6,262
Seismic Safety Program		200
Waste Prevention, Recycling Environmental Mgmt		150
Subtotal, Nationwide Engineering Services		11,320
Total		60,554

The managers agree to the following:

1. Language is included in the resource management account and the departmental management account concerning the replacement of survey aircraft.

2. The funding provided for equipment at the Alaska Maritime NWR, AK, completes the Service's commitment for construction of this project.

3. The funding provided for cabins, trails, and campgrounds at the Kenai NWR, AK, is the full amount needed for this project.

4. The funding provided for laboratory expansion and other improvements at the Northeast Fishery Center Complex, PA, is the full amount needed for these projects.

5. No funding is provided for a master plan and environmental assessment at the Patuxent Research Center, MD. The Service should work closely with the U.S. Geological Survey to develop a budget for this program that clearly and fairly delineates the funding requirements for each of the bureaus. The Service should not fund any costs that are not specifically required for the refuge. The USGS should fund the costs related to the research center.

6. The funding provided for replacing the Puerto Rican parrot aviary is the full Federal share from the Service's construction budget.

7. The funding provided for the Wolf Creek NFH, WV, visitor center completes this project.

LAND ACQUISITION

The conference agreement provides $43,628,000 for land acquisition instead of $23,058,000 as proposed by the House and $64,689,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Alaska Peninsula NWR (AK)	$250,000
Baca NWR (CO)	7,000,000
Back Bay NWR (VA)	750,000
Balcones Canyonland NWR (TX)	2,000,000
Big Muddy NFWR (MO)	500,000
Boyer Chute NWR (NE)	500,000
Canaan Valley NWR (WV)	600,000
Cape May NWR (NJ)	750,000
Chickasaw NWR (TN)	750,000
Clarks River NWR (KY)	500,000
Dakota Tallgrass Prairie (SD)	1,000,000
Great River NWR (MO/IL)	500,000
Great Swamp NWR (NJ)	750,000
James Campbell NWR (HI)	250,000
Lower Hatchie NWR (TN)	1,800,000
Lower Rio Grande NWR (TX)	1,000,000
Northern Tallgrass Prairie (MN/IA)	470,000
Patoka River NWR (IN)	500,000
Rachel Carson NWR (ME)	750,000
Red River NWR (LA)	500,000
Rhode Island refuge complex (RI)	1,000,000
San Diego NWR (CA)	2,000,000
Silvio O Conte NWR (MA/NH/VT)	750,000
Togiak NWR (AK)	1,000,000
Waccamaw NWR (SC)	1,300,000
Western Montana Project/Blackfoot Challenge	2,000,000
White Sulphur Springs NFH (WV)	400,000
Yukon Flats NWR (AK)	500,000
Subtotal	30,070,000
Acquisition Management	8,500,000
Emergencies and Hardship	1,000,000
Exchanges	500,000
Inholdings	1,500,000
Cost Allocation Methodology (CAM)	2,058,000
Total	43,628,000

The managers are supportive of the Detroit River International Wildlife Refuge but have deferred decisions on further appropriations at this time based on information from the Service that additional funds could not be obligated in 2004. Further acquisitions have been delayed pending resolution of outstanding issues related to contaminants. The managers strongly encourage the Service to work to address these issues so that further development of the refuge can proceed.

The managers understand and appreciate the potential benefits of a proposed expansion of the James Campbell National Wildlife Refuge on the island of Oahu, Hawaii. The expansion would restore over 800 acres of prime wetland habitat, while simultaneously mitigating flood risks for neighboring communities. The managers strongly urge the Service to work expeditiously to complete action on the joint EIS.

The managers have not included funding for Minnesota Valley National Wildlife Refuge because there are presently no options to purchase land.

LANDOWNER INCENTIVE PROGRAM

The conference agreement provides $30,000,000 for the landowner incentive program instead of $40,000,000 as proposed by both the House and the Senate.

STEWARDSHIP GRANTS

The conference agreement provides $7,500,000 for stewardship grants instead of $10,000,000 as proposed by both the House and the Senate.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The conference agreement provides $82,614,000 for the cooperative endangered species conservation fund instead of $86,614,000 as proposed by both the House and the Senate. The managers have agreed to a decrease of $4,000,000 for Section 6 grants.

NATIONAL WILDLIFE REFUGE FUND

The conference agreement provides $14,414,000 for the national wildlife refuge fund as proposed by both the House and the Senate.

NORTH AMERICAN WETLANDS CONSERVATION FUND

The conference agreement provides $38,000,000 for the North American wetlands conservation fund instead of $24,560,000 as proposed by the House and $42,982,000 as proposed by the Senate. Increases to the House proposed level include $12,902,000 for wetlands conservation and $538,000 for administration.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

The conference agreement provides $4,000,000 for Neotropical migratory bird conservation instead of $5,000,000 as proposed by the House and $3,000,000 as proposed by the Senate.

MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides $5,600,000 for the multinational species conservation fund instead of $5,000,000 as proposed by the House and $6,000,000 as proposed by the Senate. Changes to the House level include an increase of $200,000 each for the African elephant program, the Asian elephant program, and the great apes program.

STATE AND TRIBAL WILDLIFE GRANTS

The conference agreement provides $70,000,000 for State and tribal wildlife grants instead of $75,000,000 as proposed by both the House and the Senate.

Bill Language.—The conference agreement earmarks $6,000,000 for competitive grants with tribes as proposed by the House instead of $5,000,000 as proposed by the Senate. The conference agreement does not include bill language proposed by the Senate on the use of funds for education efforts. This issue is addressed below.

The managers agree that the purpose of State and tribal wildlife grants is to restore and protect habitat. To the extent that an education component is critical to the success of a habitat restoration and preservation project, it is permissible. The managers expect that such an education component should involve a de minimus amount of funding and will not be required for many projects.

An example of an acceptable education component is on-site posting of signs explaining the purpose of a habitat restoration project and explaining why it is important to avoid trespassing on newly restored habitat. Another example is the development of an explanatory handout or simple brochure that could be distributed to interested parties. In no case should the cost of an education component exceed 10 percent of the funding for a project.

While the managers agree that there may be synergies between the State and tribal wildlife grant program and the State assistance program in the National Park Service, the managers caution the Service and the States that the mission of the State and tribal wildlife grant program is habitat restoration and preservation.

ADMINISTRATIVE PROVISIONS

The conference agreement includes language referring to the reprogramming guidelines in the front of the statement of the managers accompanying this Act. The House and Senate had referenced the reprogramming guidelines in earlier reports.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement provides $1,629,641,000 for the operation of the national park system instead of $1,630,882,000 as proposed by the House and $1,636,299,000 as proposed by the Senate.

The conference agreement provides $340,114,000 for resource stewardship. Changes to the House level include a reduction of $1,106,000 to restore half of the fiscal year 2003 across the board reduction, an increase of $3,102,000 for park specific increases, a reduction of $2,924,000 for inventory and monitoring programs, an increase of $225,000 for Cumberland Piedmont Network, and an increase of $375,000 for Vanishing Treasures.

The conference agreement provides $324,348,000 for Visitor Services. Changes to the House level include a decrease of $1,031,000 to restore half of the fiscal year 2003 across the board reduction, and an increase of $649,000 for park specific increases.

The conference agreement provides $567,230,000 for maintenance. Changes to the House level include a reduction of $1,701,000 to restore half of the fiscal year 2003 across the board reduction, an increase of $1,765,000 for park specific increases, and a reduction of $2,000,000 for facility condition assessments.

The conference agreement provides $286,378,000 for park support. Changes to the House level include reductions of $516,000 for park specific increases, $500,000 for management accountability review, and $927,000 to restore half of the fiscal year 2003 across the board reduction and increases of $300,000 for partnership wild and scenic rivers programs and $400,000 to expand the volunteers in parks programs.

The conference agreement provides $114,571,000 for external administrative costs. This is a reduction of $352,000 from the House level.

There is a general reduction of $3,000,000.

Within the maintenance account, the managers direct the following: $300,000 for landscape improvements at Gettysburg NMP, $550,000 for improvements to comfort stations and the North Shore Cemetery at Great Smoky Mountains NP in North Carolina, $210,000 for a water connection at Indiana Dunes NL, $250,000 for access improvements at Apostle Islands NL, $200,000 for rehabilitation at Valley Forge NMP, $300,000 for Ocmulgee NM repairs, and $250,000 for a boundary survey and $200,000 for building stabilization and demolition work at New River Gorge NR, West Virginia. Up to $1 million of funds appropriated for repair and rehabilitation should be used for maintenance work associated with the First Flight Centennial Celebration at the Wright Brothers National Memorial, North Carolina.

In addition to the statutory requirements and limitations agreed to in this bill, the managers believe that the National Park Service in reviewing requests for use of the Mall for special events should ensure that event organizers have addressed the requirements which such events may impose on public transportation systems and, when events involve very large numbers of visitors or unusual times, ensure that these needs have been coordinated with the Washington Metropolitan Transportation Authority.

The managers urge the Service to provide, to the extent possible, the necessary support for the administration of the National Historic Lighthouse Preservation Act. Within the increases provided above the request for base operations, $500,000 is provided for nationally designated trails.

UNITED STATES PARK POLICE

The conference agreement provides $78,859,000 for the United States Park Police, as proposed by the House instead of $78,349,000 as proposed by the Senate.

The National Academy of Public Administration conducted a comprehensive review of the U.S. Park Police's mission, budget, staffing and other functions and issued a report to the House and Senate Committees on Appropriations in August 2001. The report raised concerns about budget accountability, management issues, and overtime. In addition, the Academy made a recommendation to the Secretary and the Director of the National Park Service to clarify and streamline the mission, responsibilities and priorities of the Park Police. To date this has not been done.

During the past few months, the managers have become increasingly concerned that most of the Academy's major recommendations have not been implemented and that cost growth continues in several areas, particularly the use of overtime. Therefore, the managers direct the Park Police to contract with the Academy for a follow-up review of the actions taken on their recommendations. The managers strongly urge the Secretary to place a high priority on addressing this issue in a timely manner.

NATIONAL RECREATION AND PRESERVATION

The conference agreement provides $62,544,000 for national recreation and preservation, instead of $54,924,000 as proposed by the House and $60,154,000 as proposed by the Senate.

The conference agreement provides $555,000 for recreation programs. The change to the House is a reduction of $300,000 for the federal lands to parks program.

The conference agreement provides $11,011,000 for natural programs. There are no changes to the House level.

The managers are concerned about the findings of the House Appropriation Committee's Surveys and Investigative staff report on the Rivers and Trails technical assistance program. The report raises concerns about the accuracy of the published guidance regarding the availability of financial assistance, the use of non-competitive grants through cooperative agreements and oversight of the program.

The managers continue to support strongly this technical assistance program and recognize that there has been valuable assistance provided to many communities over the years. However, the managers insist that the officially published guidelines clearly reflect what specific types of assistance are available to communities and set a national deadline for applications. In addition, the program should reassess its use of non-competitive cooperative agreements. The Service should address the issues raised in the study in a report to the House and Senate Committees on Appropriations within 60 days of enactment of this Act.

The conference agreement provides $19,936,000 for cultural programs. Changes from the House level include increases of $765,000 for national register programs and $100,000 for technical assistance at Gettysburg Battlefield NHD. Within available funds, $300,000 is provided to continue activities of Heritage Preservation, Inc.

The conference agreement provides $1,626,000 for International park affairs, the same level as the House and Senate.

The conference agreement provides $401,000 for environmental compliance review, the same level as the House and Senate.

The conference agreement provides $1,595,000 for grant administration, the same level as the House and Senate.

The conference agreement provides $14,453,000 for nationally designated heritage areas. Funds, excluding $124,000 for administrative costs, are to be distributed as follows:

Project	*Amount*
America's Agricultural Heritage Partnership	$750,000
Augusta Canal National Heritage Area	400,000
Automobile National Heritage Area	600,000
Blue Ridge National Heritage Area	500,000
Cache La Poudre River Corridor	45,000
Cane River National Heritage Area	800,000
Delaware and Lehigh National Heritage Corridor	800,000
Erie Canalway National Corridor	600,000
Essex National Heritage Area	1,000,000
Hudson River Valley National Heritage Area	550,000
Illinois & Michigan Canal National Heritage Corridor	600,000
John H. Chafee Blackstone River Valley NHC	795,000
Lackawanna Valley National Heritage Area	550,000
National Coal Heritage Area	123,000
Ohio and Erie Canal National Heritage Corridor	1,000,000
Quinebaug and Shetucket Rivers Valley NHC	800,000
Rivers of Steel National Heritage Area	1,000,000
Schuylkill River Valley National Heritage Area	497,000
Shenandoah Valley Battlefields NH District	500,000
South Carolina National Heritage Corridor	1,000,000

Project	*Amount*
Tennessee Civil War Heritage Area	209,000
Wheeling National Heritage Area	1,000,000
Yuma Crossing National Heritage Area	210,000
Total	14,329,000

The conference agreement provides $12,967,000 for statutory or contractual aid, instead of $6,471,000 as proposed by the House and $9,919,000 as proposed by the Senate. The funds are to be distributed as follows:

Project	*Amount*
Benjamin Franklin Tercentenary Commission	$200,000
Blue Ridge Parkway (Folk Art Center)	750,000
Brown Foundation	200,000
Chesapeake Bay Gateways	2,500,000
Dayton Aviation Heritage Commission	87,000
Flight 93 Memorial	298,000
French and Indian War (PA)	500,000
Harry S. Truman Statue	50,000
Ice Age National Scientific Reserve	806,000
Jamestown 2007	199,000
Johnstown Area Heritage Association	49,000
Lake Roosevelt Forum	50,000
Lamprey River	1,000,000
Mandan Interpretive Center and Lodge Project	500,000
Martin Luther King, Jr. Center	528,000
Native Hawaiian Culture and Arts Program	740,000
New Orleans Jazz Commission	66,000
Oklahoma City Memorial	1,600,000
Office of Arctic Studies	1,500,000
Roosevelt Campobello International Park Commission	847,000
Sleeping Rainbow Ranch, Capitol Reef NP	497,000
Total	12,967,000

Funds provided for the Office of Arctic Studies are for work in cooperation with the Anchorage Museum Foundation and funds provided for Sleeping Rainbow Ranch are for work in cooperation with the Utah Valley State College. The $175,000 provided in the Senate bill for activities to commemorate the Louisiana Purchase at the Jean Lafitte NHP&P in Louisiana will be provided from within the additional funds provided to the Service for park operations.

The managers are aware that the Oklahoma City Trust and the National Park Service are cooperatively exploring a proposal to make changes to the law establishing the Oklahoma City Memorial. In the interim, the managers have included bill language that will allow the Service to establish an operating base to conduct ongoing protection and interpretation activities at the site without the requirement for reimbursement or a non-federal match. Also included is a one-time grant to the Trust of $1,600,000.

The managers have not included bill language as proposed by the House regarding the use of cooperative agreements. This issue has been addressed under natural programs. The Service is directed to continue its support for the Northern Forest Canoe Trail through the challenge cost share program at $250,000.

URBAN PARK AND RECREATION FUND

The conference agreement provides $305,000 for the urban park and recreation fund, the same as the House and the Senate.

HISTORIC PRESERVATION FUND

The conference agreement provides $74,500,000 for the historic preservation fund instead of $71,000,000 as proposed by the House and $75,750,000 as proposed by the Senate. Changes to the House level include an additional $1,000,000 for grants-in-aid to States and Territories, a reduction of $1,000,000 for Historically Black Colleges and Universities, an additional $3,000,000 for Save America's Treasures, and an additional $500,000 for grants-in-aid to the National Trust for Historic Preservation.

Of the $33,000,000 provided for Save America's Treasures, $15,000,000 is for competitive grants. The balance of the funds are to be distributed as follows:

Project/State	*Amount*
Adlai Stevenson House, IL	$100,000
Admiral Theater, Bremerton, WA	200,000
Adventure Gloucester, MA	250,000
Artrain USA Museum, Ann Arbor, MI	150,000
Astoria Column, Astoria, OR	345,000
Augusta Theatre, KY	150,000
Avery Point Lighthouse, CT	100,000
Barber Scotia College, NC	100,000
Belfry House, MS	150,000
Belmont Mansion, Philadelphia, PA	200,000
Bemis Auditorium, Bemis, TN	200,000
Benjamin Mays birthplace, Greenwood, SC	300,000
Bethany College, Bethany, WV	220,000
Bogalusa City Hall, LA	100,000
Borman Arts Center, Martinsburg, WV	100,000
Buckland Preservation, VA	50,000
Camp Washington Carver Cliff Top, WV	150,000
Carillo Ranch, CA	200,000
Cheraw & Darlington Railroad Depot Society Hill, SC	75,000
Chester Academy, Chester, OH	237,000
Conservation of paintings in Old State Capitol, Frankfort, KY	75,000
Council House Grounds, NY	100,000
Crotona Park Bath House, New York, NY	100,000
Davidge Hall, Baltimore, MD	350,000
Edgar Allan Poe Cottage, New York, NY	100,000
El Paso Plaza Theater, El Paso, TX	200,000
Emily Dickinson Homestead, Amherst, MA	200,000
Emporium Building, San Francisco, CA	200,000
Estudillo Mansion, CA	250,000
F.W. Woolworth Building, Greensboro, NC	150,000
Falling Waters, PA	100,000
Feehan Memorial Library, Mundelein, IL	200,000
Fitz-Green Hallock House, Lake Ronkokoma, NY	40,000
Five Fingers Lighthouse, Juneau, AK	200,000
Fort Reno historic restoration, Fort Reno, OK	300,000
Fox Theatre, WA	250,000
Frank Theater, Abbeville, LA	100,000
Fremont Adobe, CA	150,000
French Gratitude Boxcar, Bismarck, ND	80,000
Ft. Abercrombie State Historical Site, Ft. Abercrombie, ND	200,000
Gen. Joseph Wheeler Home, Pond Spring, AL	150,000
Grand Opera House of the South, Crowley, LA	150,000
Grand Opera, GA	250,000
Gray Building Northfield, VT	250,000
Graycliff Estate, Derby, NY	275,000
Great Brick Chapel, St. Mary's City, MD	200,000
H. Alden Smith Mansion, Minneapolis, MN	200,000
Haines House, OH	56,000
Hardman Art Building, Macon, GA	150,000
Hayesville Opera House, OH	92,000
Henry Whitfield House, Guilford, CT	150,000

Project/State	*Amount*
Homesteak Opera House Lead, SD	375,000
Johnstown Flood Memorial, St. Michael's, PA	325,000
Karl L. King Band Shell, Fort Dodge, IA	253,000
Landers Theatre, MO	250,000
Lloyd House, Alexandria, VA	100,000
Lombard Theatre, IL	300,000
Lopez Adobe, San Fernando, CA	150,000
Madison County Courthouse, MT	250,000
Mansion House, VA	200,000
Marks-Rothenberg Building, Meridian, MS	200,000
Martin Luther King, Jr. Memorial in Columbia, MO	100,000
McKinley High School, Baton Rouge, LA	100,000
McKinley Museum, OH	50,000
McVicker House, Irvington, NY	200,000
Metropolitan Hotel Project, Paducah, KY	250,000
Morris Lighthouse, SC	100,000
Municipal Auditorium, LA	100,000
Murphy-Bromelsick House, Lawrence, KS	100,000
Ohio Theatre, OH	25,000
Old Dutch Church repairs, Kingston, NY	100,000
Old Henderson County, Courthouse, NC	400,000
Old Main Building, PA	200,000
Old Marion High School, Marion, SC	200,000
Oneida County Courthouse, WI	240,000
Paramount Theater, Middletown, NY	100,000
Pastime Theatre, AL	50,000
Pendleton Courthouse, WV	100,000
Pennsylvania Academy of Fine Arts, Hamilton Building, Philadelphia, PA	200,000
Perry County Courthouse, OH	180,000
Pontotoc Courthouse and Downtown Restoration, MS	300,000
Providence Performing Arts Center, Providence, RI	275,000
Ramirez Solar House, PA	250,000
Rowan Courthouse, KY	50,000
Rye Bath House, Rye NY	200,000
Seaman Mineral Museum, Houghton, MI	225,000
Sears Art Deco Tower, Miami, FL	125,000
Single Sisters House, NC	200,000
Ste. Genevieve Memorial Cemetery, MO	150,000
Story Mansion, Bozeman, MT	500,000
Sunnyhill Pavillion, KY	200,000
Taliesen West, Scottsdale, AZ	75,000
Tennessee Theatre, TN	47,000
The Grand Jury Building, Eutaw, AL	435,000
The Music Hall, Portsmouth, NH	400,000
Veterans National Cemetery, Alexandria, VA	100,000
Walking Box Ranch, Clark County, NV	275,000
Ward Chapel AME Episcopal Church & Museum, Prattville, AL	200,000
Wilderstein Preservation, NY	150,000
Total	18,000,000

Bill language is included authorizing the grant to the national trust and setting conditions for Save America's Treasures grants. Funds provided for the historically black colleges and universities are competitive and cost shared at 70 percent federal, 30 percent private.

CONSTRUCTION

The conference agreement provides $333,995,000 for construction instead of $303,199,000 as proposed by the House and $342,131,000 as proposed by the Senate. The funds are to be distributed as follows:

Project	*Amount*
Acadia NP, ME (rehabilitation)	$7,017,000
American Memorial Park, Saipan (upgrade water delivery)	892,000
Badlands NP, SD (safety/ADA deficiencies)	3,996,000
Big Bend NP, TX (plan curatorial facility)	268,000
Big Cypress NPres, FL (complete rehabilitation of ORV trails)	500,000
Blue Ridge Pkwy (historic guard walls)	3,186,000
Blue Ridge Pkwy, NC (visitor center)	1,000,000
Boston Harbor Islands NRA, MA (George's Island)	727,000
Boston NHP, MA (USS Constitution, maintenance facility)	2,408,000
Bryce Canyon NP, UT (renovation)	859,000
Chesapeake and Ohio Canal NHP, MD (stabilize towpath wall, construct footbridge)	1,538,000
Colonial NHP, VA (visitor center & Jamestown collections)	7,611,000
Colonial NHP, VA (Yorktown museum collection)	725,000
Crater Lake NP, OR (restore historic residence)	999,000
Craters of the Moon NM, ID (upgrade visitor center)	1,334,000
Cuyahoga NRA, OH (rehabilitation)	2,500,000
Dayton Aviation NHP, OH (various)	1,550,000
Delaware Water Gap NRA, PA (cabin replacement)	300,000
Denali NP & Pres, AK	750,000
Eleanor Roosevelt NHS, NY (restoration)	2,750,000
Everglades NP, FL (water system)	12,990,000
Fort Washington Park, MD (rehabilitation)	2,724,000
Frederick Douglass NHS, DC (rehabilitation)	955,000
Fredericksburg & Spotsylvania County Battlefields Memorial NMP, VA (stabilization)	1,560,000
Gateway NRA, NY (rehabilitation)	2,416,000
General Grant NMem, NY (rehabilitation)	1,732,000
George Washington Carver NM, MO (rehab/expand visitor center)	2,000,000
George Washington Memorial Pkwy, VA	400,000
George Washington Memorial Pkwy, VA (Marine Corps War Memorial)	3,383,000
Gettysburg NMP, PA (conservation)	2,000,000
Grand Teton NP, WY (visitor center)	3,000,000
Great Smoky Mountains NP, TN (rehabilitate comfort stations & picnic areas)	525,000
Harpers Ferry NHP, WV (rehabilitate buildings, transportation system)	3,200,000
Homestead NM of America, NE (plan visitor facility)	50,000
Horace M. Albright Training Center, AZ (rehabilitation)	7,437,000
Hot Springs NP, AR	1,012,000
Independence NHP, PA (Independence Square, site rehab)	1,750,000
Independence NHP, PA (Independence Mall improvements)	1,250,000
Indiana Dunes NL, IN (cultural/historic reports)	225,000
Jefferson National Expansion Memorial, MO (security)	4,339,000
John H. Chafee Blackstone River Valley NHC, RI/MA	750,000
L.Q.C. Lamar House NHL, MS	300,000
Lake Mead NRA, NV (wastewater system)	3,514,000
Lincoln Library, IL	5,000,000
Lowell NHP, MA (stabilize/rehabilitate railroad tunnel)	674,000
Mammoth Cave NP, KY (electrical system)	3,593,000
Mammoth Cave NP, KY (water system)	6,014,000
Marsh-Billings-Rockefeller NHP, VT (rehabilitate barn)	750,000
Mesa Verde NP, CO (design curatorial facility)	600,000
Mesa Verde NP, CO (HVAC systems)	1,207,000
Minute Man NHP, MA (protect resources, access)	1,365,000
Moccasin Bend NAD, TN (erosion control)	500,000
Morris Thompson Visitor and Cultural Center, AK	2,250,000
Morristown NHP, NJ (rehabilitation)	1,789,000
Mount Rainier NP, WA (electrical system)	4,000,000
Natchez Trace Parkway (resurfacing)	1,000,000
National Capital Parks-Central (Jefferson Memorial Security)	4,858,000
National Capital Parks-Central (Washington Monument Security-vehicle barrier)	15,100,000
New Bedford Whaling NHP, MA (Corson Building)	2,500,000
New River Gorge NR, WV	2,691,000
Olympic NP, WA (Elwha River restoration)	12,950,000

Organ Pipe Cactus NM, AZ (vehicle barrier)	4,405,000
Pacific Coast Immigration Museum, CA	385,000
Petersburg NB, VA (Appomattox Manor)	881,000
Petrified Forest NP, AZ (rehabilitation)	3,124,000
Puukohola Heiau NHS, HI (re-establish historic scene)	3,046,000
Rock Creek Park, DC (Fitzgerald rehabilitation)	1,400,000
San Francisco Maritime NHP, CA (C.A. Thayer)	4,177,000
Sequoia and Kings Canyon NP, CA (water tanks, fire suppression)	2,210,000
Southwest Pennsylvania Heritage Comm., PA	2,500,000
St. Croix NSR, WI (complete administrative building)	4,900,000
Stones River NB, TN (trails)	300,000
Sun Watch NHL, OH	375,000
Tallgrass Prairie NPres, KS (design resource center)	500,000
Thomas Stone NHS, MD (restrooms, kiosk, office space)	500,000
Timucuan Ecological and Historic Reserve, FL (structural analysis, improvements)	765,000
Tuskegee Airmen NHS, AL (continue planning)	500,000
Utah Public Lands Artifact Preservation Act, UT	3,000,000
Western Arctic National Parklands, AK (heritage and administrative center)	700,000
White House, DC (rehabilitation)	3,443,000
Wind Cave NP, SD (wastewater treatment)	3,909,000
Wrangell-St. Elias NP & Pres, AK (rehabilitation)	933,000
Yellowstone NP, WY (Old House and Old Faithful Inn)	5,973,000
Yellowstone NP, WY (snowcoaches and support infrastructure)	1,892,000
Yellowstone NP, WY (west entrance station)	1,888,000
Subtotal	216,969,000
Emergency/Unscheduled Projects	5,500,000
Housing replacement	8,000,000
Dam safety	2,700,000
Equipment replacement	35,460,000
Construction planning	24,480,000
Construction program management	27,466,000
General management planning	13,420,000
Total	333,995,000

The National Park Service has developed a planning model for visitor facilities that can be a very useful tool for parks contemplating visitor centers and other improvements. The model was developed after extensive research into visitor facilities across the nation, including NPS examples, and visitor facilities developed by other public (Federal, State, local) agencies as well as private museums. The managers expect any proposal for park visitor centers improvements to be run through the model. Project proposals that exceed the model's baseline will receive significant scrutiny.

The model is a predictive tool. Its results on a facility-by-facility basis must be weighed by senior Service officials to determine whether the investment proposed could be justified in light of the tremendous infrastructure and operational needs facing the Service, even if the project is within the model's parameters. The managers remain concerned about the scope and cost of proposed NPS capital improvements, especially visitor and other centers, and will work with the Service to continue addressing this issue. The Service must expand its efforts to manage expectations about future funding, especially very early in the conceptual stages, both for NPS and partnership projects.

Funding is not proposed at this time for further work on the proposed visitor center at Assateague Island National Seashore. In fiscal year 2002, the managers expressed concerns about the scope and cost of the project and directed the Service to provide a report

analyzing the costs of the proposed visitor and learning centers. The managers expect the requested report by February 1, 2004, and expect it to include an analysis of the proposed visitor center as compared with the facility-planning model for visitor centers developed by the NPS.

Little Rock Central High School NHS was authorized in 1998. A general management plan, completed in 2002, recommends a visitor facility. The Service has not yet prioritized this project through the line-item construction five-year planning process. While the managers recognize the importance of addressing the most critical deferred maintenance needs of the Service, important mission and resource projects should also be considered in the establishment of construction priorities. The Service should work to analyze the appropriate level of visitor services for this park using the facility-planning model for visitor centers. The park should be aware that recent actions by the managers regarding visitor centers at other small park units have capped facilities in the $3–$4 million range.

No funding is provided for security improvements at Independence National Historical Park in Philadelphia. The managers have deferred funding in light of the unresolved issues between the National Park Service, the Department of the Interior, the Department of Homeland Security, and local interests. The project presented in the budget assumed the closure of Chestnut Street. Because that closure decision was reversed earlier this year, the managers await a revised plan and cost estimate.

The managers have included $1,750,000 requested in the budget for completion of the site rehabilitation of Independence Square. In addition, $1,250,000 is provided as a Federal contribution toward landscaping improvements for Independence Mall between Independence Hall and the National Constitution Center. The managers are aware of a $17,000,000 estimate to complete the rehabilitation of Independence Mall, and strongly encourage the continued use of partnerships to leverage this Federal investment.

Funding provided for Mesa Verde National Park is to begin planning for the proposed curatorial facility. The managers understand that the concept for the proposed partnership project at Mesa Verde assumes non-Federal funding for the cultural center component of the project. The managers are concerned about the Federal costs of phases 1 (curatorial) and 2 (operations) and expect the Service to examine the scope and costs of these components and to explore opportunities for partnership.

The managers have provided $300,000 to improve lodging conditions at the Pocono Environmental Education Center at Delaware Water Gap NRA, PA. The managers understand the estimated cost of these facility improvements is $2,500,000, and encourage the park and its partner to complete the site development plan before initiating detailed project design. A value analysis of alternatives should be conducted so that the entire project can be completed within the $2,500,000 estimate.

The managers have provided $3,000,000 towards the Federal share of a joint partnership for a proposed new visitor center at Grand Teton National Park. With the deferred maintenance challenges facing the Service, the managers expect parks and partners to seek cost-effective design solutions that address visitor and re-

source protection needs while recognizing the significant costs needed to address problems across the Service. The managers are concerned about the size and cost of the proposed facility at Grand Teton National Park, which is currently estimated in excess of 29,000 square feet. The managers understand that the current visitor facility at this location is approximately 3,000 square feet, and does not adequately serve the needs of today's visitors. The managers expect the project to be downsized to remain within the parameters of the facility planning model, which is about a 23,000 square foot facility. The managers do not intend for the Federal contribution towards this visitor facility to exceed $8,000,000. Any costs associated with a facility larger than the benchmark should be 100 percent non-Federal.

Funding has been reduced for the security improvements to the Washington Monument consistent with the recent decision by the Department of the Interior to proceed with the vehicle barrier proposal, and not to pursue the underground screening and visitor facility and tunnel. The current approach includes the construction of the vehicle barriers, improvements to the plaza, and landscaping on the mall grounds.

Tallgrass Prairie National Preserve was established in 1996. A general management plan, completed in 2000, recommends a visitor facility. The Service has not yet prioritized this project through the line-item construction five-year planning process. While the managers recognize the importance of addressing the most critical deferred maintenance needs of the Service, important mission and resource projects should also be considered in the establishment of construction priorities. The Service should work to analyze the appropriate level of visitor services for this park using the facility-planning model for visitor centers. The park should be aware that recent actions by the managers regarding visitor centers at other small park units have capped facilities in the $3–$4 million range.

Funding of $500,000 is recommended to complete enhancements at Thomas Stone NHS. Funds provided in fiscal year 2003 allow for renovation of the east wing and improvements to the parking lot. The managers understand that these funds have not yet been obligated. Funding provided this year allows for office improvements to move staff out of the historic home as well as to expand the existing visitor contact station to allow for larger group events. Given the limited visitation to this site, the managers do not recommend significant visitor education space expansion. Progress to complete planning for this project should proceed so that all the work can be accomplished with the funds provided in fiscal years 2003 and 2004.

The managers have not provided funds for the following projects due to a delay in the project construction schedule: Big Bend NP (Chisos Basin water supply), Boston Harbor Islands NRA (Commandant's House), Dry Tortugas NP (stabilize fort), Petersburg NB (maintenance facility), and Rock Creek Park (Meridian Hill Park).

Additional funding is not recommended for Lincoln Home NHS because previously appropriated funds remain unobligated. The managers understand that nearly $700,000 remains from funds appropriated in fiscal years 1994 and 2000.

The managers have provided $1,550,000 for Dayton Aviation NHP for the following projects: $600,000 for interpretive film and wayside exhibits, $800,000 for a parking lot and $150,000 for a historic sites report on 26 South Williams Street. Funds provided in the Senate bill under the construction account for the Harry S Truman statue have been moved to the National Recreation and Preservation account. Funds provided for the Pacific Coast Immigration Museum in California complete the federal investment. Within available funds, the managers direct the Service to complete rehabilitation of the Saratoga Monument.

The managers are concerned that the Department has failed to complete the study authorized in section 7 of Public Law 106–271, the "Corinth Battlefield Preservation Act of 2000". The managers direct the Department to complete this study no later than 90 days after the enactment of this Act.

Bill language is included authorizing funds from the historic preservation fund for L.Q.C. Lamar House NHL and Sun Watch NHL. Also included is Senate proposed language prohibiting the use of funds for planning, design or construction of an underground security screening or visitor contact facility at the Washington Monument.

The managers have included language contained in the House bill, conditioning release of Modified Water Deliveries money to annual reports from the Secretary of the Interior, the Administrator of EPA and the Attorney General, which guarantees that the State of Florida is meeting water quality standards.

Funds for the Oklahoma City Memorial are provided in the National Recreation and Preservation account. Within available funds, the Service is directed to conduct a heritage area study for Muscle Shoals and a watershed study for San Gabriel. The House report contained language directing a study on the SW Campaign. The managers have been made aware that this study has not been authorized therefore this study is not included in the conference agreement.

The managers are aware that the U.S. Army will be relocating some of its fire and emergency services personnel currently located in Hawaii. This relocation will severely undercut the availability of vital services at Hawaii Volcanoes National Park. The managers understand, and greatly appreciate, that the County of Hawaii is willing to provide these services and direct the Service to provide the county with $250,000 in transition funding.

The managers strongly urge the Service to accelerate the General Management Plan for Cedar Creek and Belle Grove NHP.

LAND ACQUISITION AND STATE ASSISTANCE

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $142,350,000 for land acquisition and State assistance instead of $131,154,000 as proposed by the House and $158,473,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Big Thicket National Preserve (TX)	$3,500,000
Civil War Battlefield Sites (Grants)	2,000,000
Ft. Clatsop NM (OR)	1,250,000

Area (State)	*Amount*
Great Sand Dunes NP (CO)	2,000,000
Gulf Islands NS (Cat Island) (MS)	4,000,000
Gulf Islands NS (Horn Island) (MS)	1,100,000
Hawaii Volcanoes NP (HI)	4,000,000
Ice Age NST (WI)	2,000,000
New Jersey Pinelands Preserve (NJ)	750,000
Obed Wild and Scenic River (TN)	750,000
Shenandoah Valley Battlefields NHD (VA)	1,000,000
Sleeping Bear Dunes NL (MI)	1,000,000
Timucuan Ecological and Historic Preserve (FL)	500,000
Tumacacori NHP (AZ)	1,500,000
Valley Forge NHP (PA)	5,000,000
Wrangell-St. Elias NP (AK)	2,500,000
Subtotal	32,850,000
Acquisition Management	10,500,000
Emergencies/Hardships	2,000,000
Inholdings/Exchanges	2,000,000
Stateside Grants	92,500,000
Stateside Administration	2,500,000
Total	142,350,000

The conference agreement includes bill language under the Park Service land acquisition account dealing with unobligated balances for South Florida Restoration as proposed by the House.

The managers recommend $2,000,000 for matching grants pursuant to the Civil War Battlefield Protection Act of 2002. The managers are aware that many of the lands identified by the Civil War Sites Advisory Commission as high priorities for protection are located within or adjacent to national park boundaries. This has led to questions about the relationship between the battlefield grant program and the national park system. In no case should battlefield grants be used for the acquisition of lands within the existing boundaries of a park unit. The process for the acquisition of lands within park boundaries is well established, and should not be complicated by the introduction of a separate Federal program. With regard to lands adjacent to park boundaries, the managers are concerned that the acquisition of such lands using battlefield grant funds could ultimately increase pressures to include those lands in the national park system. The Service should make clear to all recipients of battlefield grants that the award of funds for acquisition of lands adjacent to park units should in no way be construed as an indication of Service or Congressional support for the ultimate inclusion of such lands in the park system. The process for the expansion of park boundaries is well established, and involves consideration of many factors that are beyond the scope of the battlefield grants program. These considerations include the cost to the Service of maintaining and interpreting lands to be acquired, consistency of proposed expansions with a park's general management plan, and the priority of a given park expansion relative to other needs in the park system. While the managers do not propose a prohibition on the use of battlefield grants to acquire lands adjacent to park boundaries, grant recipients and park managers should be aware of these concerns. The managers will reevaluate program guidelines in the event battlefield grants lead to a flood of proposed park boundary expansions.

The managers agree to the following revisions to the reprogramming guidelines for the National Park Service only. Lands

shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91–646) except for condemnations, declarations of taking, and tracts with an appraised value of $500,000 or less, unless such acquisitions are submitted to the House and Senate Committees on Appropriations for approval in compliance with established procedures.

The managers are aware that the Service recently released a Finding of No Significant Impact (FONSI) for the acquisition of lands near Theodore Roosevelt's historic Elkhorn Ranch in North Dakota. While the finding did recommend acquisition of lands within the viewshed of the existing Elkhorn Unit and associated river lands, it did not offer specific information on the number of acres that should be acquired or the cost of such an acquisition. The managers therefore direct the Service to submit a report to the House and Senate Appropriations Committees by January 1, 2004, outlining the number of acres the Service recommends be acquired and the anticipated cost of the acquisition.

The managers note that the funding for Valley Forge NHP completes the project.

ADMINISTRATIVE PROVISIONS

The managers have retained the Senate language regarding the National Park Passport program and authority for a grant to construct a memorial to Kris Eggle.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $949,686,000 for surveys, investigations, and research instead of $935,660,000 as proposed by the House and $928,864,000 as proposed by the Senate.

Changes to the House for national mapping programs include an increase of $2,795,000 for information technology and decreases of $1,500,000 for geospatial one-stop, and $625,000 for the national map.

The managers are aware of the recent malfunction of scanning equipment onboard the Landsat 7 earth observing satellite and the disappointing failure to correct the problem. This failure has resulted in degraded data collected by the satellite. The managers recognize the significance of Landsat data to many activities, including agricultural monitoring and research, environmental monitoring, and regional planning, to name a few. The managers understand that, although the data has relatively small gaps, the remainder of each image has data of original quality and hence will remain useful for many of the activities they currently support. The managers believe that the Survey should take a proactive approach where Federal agencies are concerned, particularly the Departments of Agriculture and Defense, to try to secure data purchase agreements now in order to have a stable funding source. In addition, the managers expect the Survey to investigate and document the current level of interest from the user community for continued data purchases. The Survey should conduct data sales in the near term and, based on this, estimate potential annual revenues that may be derived from this source. This analysis will provide the

basis for subsequent recommendations regarding the types and amounts of funding necessary to continue operation of Landsat 7. The managers also expect the Survey, Federal agencies, and other users needing medium resolution data to work together to determine how the degraded Landsat data can best meet their needs prior to seeking data from alternative sources. To the degree that Landsat data does meet the needs of Federal agencies, the managers encourage them to use the Survey as the provider of this data.

The managers are supportive of the Survey's efforts to manage more efficiently the growing volume of collected, archived, and distributed data at the EROS Data Center. Accordingly, the managers support efforts by the Survey to convert its archived remote sensing data to a modern disk based storage system. The managers believe that such a conversion will accommodate the growing volume of data, and provide access to users more efficiently and at lower costs. Finally, the managers support implementation of a continuity of operations capability utilizing "remote mirroring" technology.

Changes to the House for geology programs include increases of $1,500,000 to support the Western Aleutians volcano monitoring effort, $200,000 for Mauna Loa volcano monitoring in Hawaii, $244,000 for the National Cooperative Geological Mapping program, $1,500,000 for the minerals at risk program in Alaska which completes this project, $500,000 for the expansion of the ANSS program, $500,000 for the coastal erosion program in North Carolina, $750,000 for the minerals information program, $500,000 for a mineral inventory in Clark County Nevada, $300,000 for a well log inventory in Kansas, $900,000 for the Tongue River coalbed methane study, and decreases of $475,000 for science on DOI lands, $600,000 for national energy policy assessments, $500,000 for the geothermal program, and $500,000 for the Central Great Lakes Geologic Mapping Coalition.

Within the funding increase provided for the expansion of the Advanced National Seismic System, the managers have earmarked $250,000 for seismic monitoring and hazard assessment in the Jackson Hole/Yellowstone area.

Changes to the House for water resources include increases of $1,500,000 for cooperative research on the Roubidoux Aquifer at the University of Oklahoma, $200,000 for the Berkeley Pit study in Montana, $50,000 for mercury contamination in South Carolina rivers, $500,000 for the Potomac River Basin ground water research, $299,000 for the Lake Champlain toxics study, $450,000 for Hawaiian water monitoring, $250,000 for Delaware River flow modeling, and $350,000 for Hood Canal fish mortality research and decreases of $375,000 for science on DOI lands, $500,000 for the U.S./Mexico border initiative, and $250,000 for the Chesapeake Bay program.

Changes to the House for biological research include increases of $750,000 for the Mark Twain National Forest mining study that will be completed and a final report issued in 2005, $800,000 for molecular biology at the Leetown Science Center, $500,000 for the Pallid Sturgeon study, $200,000 for the Diamondback Terrapin study, $1,000,000 for the Northern Continental Divide Ecosystem

Genetic Survey in Montana, $300,000 for a multidisciplinary study into the quality and quantity of the water at the Leetown Science Center, $500,000 for a Lake Tahoe decision support system, $500,000 for the NBII Mid Atlantic node, and $500,000 for the cooperative research units and decreases of $1,025,000 for invasive species, $625,000 for chronic wasting disease research, and $650,000 for science on DOI lands.

The managers are aware and supportive of efforts by the Great Lakes Science Center to rehabilitate Lake Sturgeon in the Detroit River. The managers encourage the Survey to work with existing partnerships on Lake Sturgeon research in Lake Michigan, the Milwaukee River, and the Manitowoc River.

Within the funds provided for invasive species, the managers have earmarked $1,000,000 for the GeoResources Institute of Mississippi State University. The managers understand that the University will work with the Survey through the National Institute of Invasive Species Science in developing remote sensing techniques and monitoring strategies for early detection of SE invasives, control techniques for invasive aquatic plants, and assessment of new invaders.

Changes to the House for science support include an increase of $600,000 for accessible data transfer and a decrease of $500,000 for enterprise GIS.

The change to the House for facilities is an increase of $200,000 for unanticipated construction costs at the Leetown Science Center.

The managers are aware that the request for the Survey's facilities budget activity may not contain sufficient funding for rent and operations and maintenance for some of the Survey's science centers. The managers understand that this is due, in part, to insufficient funds being transferred when this budget activity line was created in fiscal year 2000. The managers remain concerned about this situation and direct the Survey to develop a funding strategy by March 15, 2004, to resolve this issue and avoid jeopardizing ongoing science programs.

The managers have restored $3,013,000 in streamlining reductions proposed in the Administration's budget request. The survey is directed to spread these funds to the program areas based on a pro rata distribution.

ADMINISTRATIVE PROVISIONS

The managers have agreed to bill language proposed by the House continuing a provision included in the fiscal year 2003 Interior and Related Agencies Appropriations Act to make it easier for the Survey to co-locate its facilities.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

The conference agreement provides $165,316,000 for royalty and offshore minerals management instead of $164,216,000 as proposed by the House and $166,016,000 as proposed by the Senate.

Changes to the House for royalty and offshore minerals management include increases of $800,000 for the Center for Marine

Resources, MS and $800,000 for the Marine Mineral Technology Center, AK and a decrease of $500,000 for the regulatory program.

The managers have provided $900,000 to the Offshore Technology Research Center, TX instead of $1,400,000 as proposed by the Senate to perform critical mission research for MMS through the cooperative agreement dated June 18, 1999.

Within the funds provided for royalty and offshore minerals management $150,000 is earmarked for the Alaska Whaling Commission.

OIL SPILL RESEARCH

The conference agreement provides $7,105,000 for oil spill research as proposed by both the House and the Senate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

The conference agreement provides $106,699,000 for regulation and technology as proposed by the House and the Senate. This total includes an indefinite appropriation estimated to be $275,000.

ABANDONED MINE RECLAMATION FUND

The conference agreement provides $192,969,000 for the abandoned mine reclamation fund instead of $194,469,000 as proposed by the House and $190,893,000 as proposed by the Senate. Funding for the activities should follow the House recommendation except there is a reduction of $1,500,000 from State grants for environmental restoration. The managers note that this funding will provide all States with at least as much funding as in fiscal year 2003, with an increase of $2,076,000 to be spread by the normal formula. The conference agreement does not include the House bill language on the emergency program but the Senate proposed bill language concerning grants in Maryland is included.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The conference agreement provides $1,916,317,000 for the operation of Indian programs instead of $1,902,106,000 as proposed by the House and $1,912,178,000 as proposed by the Senate.

Changes to the House for tribal priority allocations include increases of $1,000,000 for welfare assistance, and $1,000,000 for tribal courts and a decrease of $560,000 for new tribes.

Changes to the House for other recurring programs include increases of $10,000,000 for tribally controlled community colleges, $7,000 for Western Washington Boldt, $261,000 for Great Lakes resource management, $66,000 for fish hatchery maintenance, $100,000 for the Alaska Sea Otter Commission, $800,000 for the Bering Sea Fisherman's Association, $600,000 for the intertribal bison program, $350,000 for the Chugach Regional Resources Commission, and $320,000 for the upper Columbia River tribes.

The managers direct that the $10,000,000 increase for the tribally controlled community college operating grants be allocated to the Title II institution at a level commensurate with the fiscal year

2003 grant, taking into account concerns expressed by the Congress with respect to the Bureau's proposed allocation of the 2003 increases.

The managers have revised Senate report language regarding reimbursable support agreements to read the Assiniboine Sioux rural water system.

Changes to the House for non-recurring programs include increases of $750,000 for the distance-learning program in Montana, $750,000 for the Rural Alaska fire program, $392,000 for Alaska legal services, and $1,000,000 for the Salish and Kootenai College nursing program (housing project) and a decrease of $150,000 for the Seminole Tribe Everglades restoration program.

Changes to the House for central office operations include decreases of $250,000 for the branch of acknowledgment and $5,000,000 for information technology.

Changes to the House for special programs and pooled overhead include increases of $200,000 for special higher education scholarships, $450,000 for the United Sioux Tribes Development Corporation, $750,000 for the Alaska native aviation training program, $1,250,000 for the western heritage center, and $125,000 for the Crownpoint Institute of Technology.

The managers are concerned about the growing number of tribes, both landless and with an existing reservation, that are attempting to claim reservation rights that would allow them to engage in gaming operations in States where they have no reservation or trust land status. For example, the Seneca-Cayuga tribe of Oklahoma is attempting to open a gaming operation in the State of New York. The Jena Band of Choctaw in Louisiana is attempting to take land into trust for gaming purposes in an area of Louisiana that is outside their traditional service area. Trust status for gaming purposes on non-contiguous lands requires that a tribe engage in a rigorous approval process requiring approval by the Governor of an affected State as well as input and support from the local community. The managers expect the Department of the Interior and the National Indian Gaming Commission to implement fully the existing rules and regulations governing these types of gaming operations.

The managers are aware of the delays experienced by the Mashpee Wampanoag Indians in the recognition process and urge the Bureau to complete its review of the Mashpee petition as expeditiously as possible.

CONSTRUCTION

The conference agreement provides $351,154,000 for construction as proposed by the Senate instead of $345,154,000 as proposed by the House.

The managers have provided a $6,000,000 increase above the House for the Redwater Elementary School in Mississippi as part of the tribal school construction demonstration program.

The managers have agreed to amend the tribal school construction demonstration program to allow schools not funded by the Bureau of Indian Affairs to participate in this demonstration program. In addition, funds have been earmarked for the Redwater Elementary School in Mississippi and the Saginaw-Chippewa Tribal School

in Michigan. The funding for the Saginaw-Chippewa Tribal School is from carryover funds that were appropriated in fiscal year 2003.

The managers are concerned by the pace of completion of replacement schools. The replacement school priority list is not being updated in a timely fashion, resulting in delays in advance planning and design. The managers direct that the Secretary submit a new priority list by February 15, 2004, containing a sufficient number of schools to continue the replacement school program through fiscal year 2007. The priority list should address the most critical needs based on the Bureau's facility management information system.

Within carryover and slippage, the Bureau may use up to $1,000,000 for the Chiloquin Dam removal study.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $55,583,000 for Indian land and water claim settlements and miscellaneous payments to Indians as proposed by the House instead of $50,583,000 as proposed by the Senate. This total excludes $4,968,000 derived by transfer as explained below.

The managers have agreed to $9,968,000 for the Quinault Indian Nation settlement of which $4,968,000 is derived by transfer from prior year appropriations from the U.S. Fish and Wildlife Service land acquisition account.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides $6,497,000 for the Indian guaranteed loan program as proposed by both the House and the Senate.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The conference agreement provides $76,343,000 for assistance to territories instead of $74,343,000 as proposed by the House and $71,343,000 as proposed by the Senate. The managers have agreed to the House distribution of funding with an increase of $2,000,000 for technical assistance activities. Funds provided for the CNMI water system repair should be focused on Saipan where the problem is most acute. The managers expect that the increase for the technical assistance program will be used for priority needs of the territories and the freely associated States, in consultation with the House and Senate Committees on Appropriations. These funds should be used to facilitate the operation of the newly revised Compact of Free Association, to address the situation of the Prior Services Trust Fund, and to address other high priorities. The managers note that Compact impact assistance funding of $15,000,000 will be available from the Compact of Free Association mandatory account, a substantial increase from fiscal year 2003. The House

proposed bill language is included which encourages a grant for the Pacific Basin Development Council.

COMPACT OF FREE ASSOCIATION

The conference agreement provides $6,434,000 for the Compact of Free Association instead of $16,354,000 as proposed by the House and $16,434,000 as proposed by the Senate. The managers note that $10,000,000 has been transferred to mandatory activities according to the new financial arrangements of the Compact of Free Association. The managers have agreed to the Senate proposal to provide $1,700,000 for Enewetak support instead of the $1,620,000 proposed by the House. The remaining balance provides $2,734,000 for Federal postal services for the Freely Associated States and the cost of conducting audits for Palau and $2,000,000 for program grant assistance in the fields of education and health care for Palau.

The conference agreement also includes bill language to guarantee that mandatory payments are continued for financial assistance to the Federated States of Micronesia and the Republic of the Marshall Islands in accordance with the terms and conditions of the 2003 negotiated agreements until such time as Congress completes its actions to approve the amended Compacts of Free Association.

The managers are aware that in accordance with Section 118(d) of P.L. 104–134, on September 19, 1996, the United States Department of the Interior entered into an agreement providing ex gratia assistance to the Rongelap Atoll Local Government to support radiological rehabilitation and resettlement of Rongelap Island. Section 2(c) of the agreement recognizes that a final payment of $5,300,000 to the Rongelap Resettlement Trust Fund will complete funding for resettlement of Rongelap as authorized by Congress and agreed to by the Department of the Interior pursuant to Section 118(d) of P.L. 104–134. The managers understand that these funds have been recommended by the Senate Committee on Energy and Natural Resources for inclusion in the Compact of Free Association Amendments Act of 2003.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides $78,933,000 for departmental management instead of $76,027,000 as proposed by the House and $78,433,000 as proposed by the Senate. Changes to the House include increases of $3,000,000 to restore funds cut on the House floor and $6,000 for worker compensation, and a decrease of $100,000 for the public lands volunteers program. This total is offset partially by the cancellation of $1,400,000 in unobligated balances in the special foreign currency account as proposed by the Senate.

The conference agreement retains bill language contained in the Senate bill concerning the Buy American Act.

The conference agreement retains bill language contained in the House bill restricting the number of reserve accounts in the Working Capital Fund.

The managers agree that benefiting parties should pay for operation of the airport at Midway Atoll National Wildlife Refuge if it remains open and note that the airport is not critical for U.S. Fish and Wildlife Service refuge operations and maintenance.

The managers expect the Office of Aircraft Safety to move forward with the replacement of the Fish and Wildlife Service survey aircraft using funds from the replacement reserves and, at a minimum, to match the funding included in the FWS construction account. The Fish and Wildlife Service should work with OAS to repay the reserves over time to minimize the impacts to other programs.

The managers expect OAS to develop a plan for all bureaus that considers options for recovering the full cost of replacing aircraft, with inflationary increases, for all new aircraft as they enter the fleet. This plan can consider options that allow the Department to raise fees over time to reduce the impacts to ongoing programs. The managers remain concerned that the process for funding aircraft replacement is being subsidized by programmatic funding.

The managers reluctantly approve the consolidation of realty appraisal functions within the Department. The managers are particularly concerned about the effect of the consolidation on the small easement acquisition program within the Fish and Wildlife Service. The Department should take special consideration to ensure the ongoing success of the small easement program. The managers direct the Department to report to the Committees on Appropriations on consolidation implementation within six months of enactment of this Act. The report should demonstrate that the consolidation has not harmed agencies' realty programs, and it should also note cost savings and efficiencies gained by the consolidation of appraisal functions. The managers will revisit this issue in fiscal year 2005 should the report prove unsatisfactory. Given that the reasons for this proposal were partly to provide consistency between agencies and realize cost savings to the government, the managers strongly urge the Department not to charge any surcharges or assessments for services provided by the National Business Center to this office.

The managers are aware of the Department's initiatives to make the resources of electronic-based geographic information systems widely available to federal, state, and local governments, and the public through the Geospatial One-Stop Initiative (GOS). An important component of this effort is the GOS Web Port Version 2.0. The managers believe that the entire system must be built upon widely accepted industry standards for interoperability in order to ensure that the GOS program can efficiently and broadly access the maximum available governmental and private sector geospatial data, exclusive of National security information. The managers expect the Department to move the GOS initiative in a direction that is consistent with such widely accepted interoperability standards. To that end, the managers direct the Department to submit to the House and Senate Committees on Appropriations a brief report detailing the actions that have been taken thus far with respect to the electronic-based geographic information systems, the GOS initiative and related initiatives. This report should include the Department's plans for follow-on procurement and any

interoperability requirements for existing and future GOS initiatives and when it expects to begin a competitive procurement. This report should be submitted no later than January 30, 2004.

WORKING CAPITAL FUND

The conference agreement cancels $20,000,000 in unobligated balances in the working capital fund as proposed by the House instead of $11,700,000 as proposed by the Senate. The conference agreement also permits the use of $11,700,000 for the financial and business management system migration project as proposed by the Senate instead of no funding as proposed by the House.

The managers caution the Department on the implementation of the financial management system migration project. The Department's previous record with new database systems suggests that the Department should proceed cautiously and provide the Committees on Appropriations with regular updates on its progress, including any revisions to timelines and funding requirements of the new system.

The managers have included language that requires the Department to justify Working Capital Fund charges to bureaus and offices in annual budget justifications; request approval of the Appropriations Committees for any departures from the budget justification; and require the Secretary to provide a semi-annual report to the House and Senate Committees on Appropriations on reimbursable agreements between the Office of the Secretary, the National Business Center, and the bureaus and offices of the Department.

PAYMENTS IN LIEU OF TAXES

The conference agreement provides $227,500,000 for payments in lieu of taxes instead of $225,000,000 as proposed by the House and $230,000,000 as proposed by the Senate.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

The conference agreement provides $50,374,000 for salaries and expenses of the office of the solicitor as proposed by the House instead of $50,179,000 as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides $38,749,000 for salaries and expenses of the office of inspector general, instead of $39,049,000 as proposed by the House and $37,474,000 as proposed by the Senate. Changes to the House include increases of $190,000 for policy and management fixed costs, and decreases of $90,000 for audits fixed costs, $100,000 for investigations fixed costs, and $300,000 for program integrity reviews.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

The conference agreement provides $189,641,000 for Federal trust programs instead of $219,641,000 as proposed by both the House and the Senate.

Changes to the House include a shift of $981,000 from program operation, support, and improvements into executive direction and a reduction of $30,000,000 for the historical accounting project.

The Department of the Interior's July 2, 2002, report to Congress detailed the cost involved if the government were required to undertake a transaction-by-transaction historical accounting of the Individual Indian Money accounts without regard to when the funds were deposited. The Department indicated that such an accounting would cost at least $2.4 billion over 10 years. Both prior to and subsequent to submission of that report, Congress has stated in no uncertain terms that it would not appropriate billions of dollars for a historical accounting of such magnitude. Partly in response to Congressional concerns, the Department submitted to the Court a $335 million accounting plan that included both a transaction-by-transaction accounting as well as the use of sound, well-proven statistical methods. The Department argues that such an accounting is consistent with its duties under law.

In its September 25, 2003, ruling in the Cobell v. Norton class action lawsuit, the Court dismissed Congressional concerns about the scope of the accounting and ordered a greatly expanded effort that surpasses even the accounting described in the July 2, 2002, report to Congress. Initial estimates indicate that the accounting ordered by the Court would cost between $6 billion and $12 billion over this Court-mandated time frame.

There is only one source of money available to the Subcommittee on Interior and Related Agencies, and an accounting of this magnitude would require that vast amounts of funds be diverted away from other high-priority programs, including Indian programs. That would be devastating to Indian country and to the other programs in the Interior bill. The managers note that, over the past three years, funding increases for the Bureau of Indian Affairs were primarily for trust reform related activities. The Office of Special Trustee for American Indians also tended to receive a disproportionate share of the funding increases available to the Department.

The managers continue to believe that fixing trust systems prospectively is a high priority, thereby allowing the Secretary to meet her trust and fiduciary responsibility to Indian country. But Indian country would be better served by a settlement of this litigation than the expenditure of billions of dollars on an accounting. Those billions would not provide a single dollar to the plaintiffs, and would without question displace funds available for education, health care and other services.

There will be further court proceedings in the Cobell case based on the government's likely appeal of the September 25, 2003, court ruling. The managers believe that it would be unwise to expend hundreds of millions of dollars on further accounting while this case is under appeal. Furthermore, the managers reject the no-

tion that in passing the American Indian Trust Management Reform Act of 1994 Congress had any intention of ordering an accounting on the scale of that which has now been ordered by the Court. Such an expansive and expensive undertaking would certainly have been judged to be a poor use of Federal and trust resources.

The managers therefore feel that it is time for Congress to act to delineate the exact scope of the historical accounting called for in the 1994 Act, or to develop alternative methods of resolving the current dispute. To provide time for thoughtful action on this question, language has been included in the bill affirmatively declaring that nothing in the 1994 Act or common law shall be construed to require the type of accounting described in the September 25th ruling. It is not the intent of the managers to forestall indefinitely either the Cobell litigation or any efforts to conduct an historical accounting. But in light of the expansive accounting and constrained timelines contemplated in the Court's order, it is clear that time is needed for Congress to consider the issues and tradeoffs at stake. The managers have therefore limited the funds available to the Department for historical accounting to those activities that need to be accomplished and can be accomplished in the short-term. Beyond that, the managers will not provide any funding until the scope of an historical accounting is resolved by the courts or by the legislative committees of jurisdiction.

During floor debate over the Interior bill, the chairman of the authorizing committee in the House made a commitment to develop a comprehensive legislative solution to what has become an intractable problem. The authorizing committee in the Senate has held numerous hearings, and has also expressed interest in addressing the problem. The managers believe that a legislative solution may be the only way to resolve these trust reform issues.

INDIAN LAND CONSOLIDATION

The conference agreement provides $21,980,000 for Indian land consolidation programs instead of $20,980,000 as proposed by the House and $22,980,000 as proposed by the Senate. The increase above the House is to support the land consolidation efforts of the Quapaw Nation.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides $5,633,000 for the natural resource damage assessment fund as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS

The conference agreement includes the Senate proposed language regarding administrative provisions for Departmental Offices. The agreement also requires a semiannual report on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

The conference agreement includes sections 103–107, and 111, which were identical in both the House and Senate bills.

The conference agreement includes the text of the following sections in the House bill, which contained identical text in the Senate bill, but had different section numbers in the Senate bill. The House section numbers were 109, 110, 112, 115, 116, 117, 119, 121, 123, 125, 129, 130, and 132.

The conference agreement retains Senate sections 101 and 102, which continue provisions providing authority to expend or transfer program funds for expenditures in cases of emergencies. The House had similar provisions.

The conference agreement does not include House section 108 prohibiting the expenditure of funds for Outer Continental Shelf leasing activities in the North Aleutian planning area. This area is not included in the current five-year oil and gas-leasing plan.

Section 112—The conference agreement modifies House section 113 permitting the transfer of funds between the Bureau of Indian Affairs and the Office of the Special Trustee for American Indians to exclude the transfer of funds for historical accounting activities. The Senate had a similar provision.

The conference agreement does not include House section 114 dealing with the renewal of grazing permits under the Federal Lands Policy and Management Act of 1976. This issue is addressed in Title III—General Provisions.

Section 116—The conference agreement includes House section 118 that continues a provision limiting the use of Huron Cemetery in Kansas City to religious and cultural purposes. The Senate had a similar provision.

Section 118—The conference agreement modifies House section 120 making permanent a provision authorizing a cooperative agreement with the Golden Gate National Parks Association. The Senate contained a similar provision.

Section 120—The conference agreement retains Senate section 120 which continues a provision permitting the sale of improvements and equipment at the White River Oil Shale mine in Utah. The House had a similar provision.

Section 122—The conference agreement retains Senate section 122 which provides for the purchase of land and the protection of paleontological resources pursuant to the Virgin River Dinosaur Footprint Preserve Act.

Section 123—The conference agreement modifies House section 124 authorizing federal funds for Shenandoah Valley Battlefield NHD, Ice Age NST, and New Jersey Pinelands Preserve to be transferred to a State, local government, or other governmental land management entity for acquisition of lands. The Senate had a similar provision.

Section 125—The conference agreement retains House section 126 continuing a provision preventing the demolition of a bridge between New Jersey and Ellis Island.

Section 126—The conference agreement retains House section 127 continuing a provision prohibiting the posting of signs at Ca-

naveral National Seashore as clothing optional areas if it is inconsistent with county ordinance.

Section 127—The conference agreement retains language in House section 128 continuing a provision limiting compensation for the Special Master and Court Monitor appointed in the Cobell v. Norton litigation.

Section 130—The conference agreement includes language proposed in House section 131 continuing a provision allowing the transfer of Departmental Management funds for operational needs at the airport at Midway Atoll National Wildlife Refuge.

Section 131—The conference agreement modifies language in Senate section 127 clarifying the effect of section 134 of the Department of the Interior and Related Agencies Appropriations Act of 2002, regarding certain lands in Kansas.

Section 133—The conference agreement retains language in Senate section 129 allowing the National Indian Gaming Commission to collect $12,000,000 in fees for fiscal year 2005.

The conference agreement does not include Senate section 130 prohibiting the use of funds for Cooperative Ecosystem Study Units in Alaska.

Section 134—The conference agreement modifies Senate section 131 which deems the State of Utah's contribution requirement complete for the purposes of Public Law 105–363.

Section 135—The conference agreement retains Senate section 132 designating Congaree National Monument as Congaree National Park.

Section 136—The conference agreement modifies language in House section 133 allowing schools that are not funded by the Bureau of Indian Affairs to participate in the tribal school demonstration program with certain limitations.

Section 137—The conference agreement retains Senate section 133 requiring the Secretary of the Interior to submit distribution plans for Indian Settlement Judgment Funds.

Section 138—The conference agreement replaces House section 134 to include the text of H.R. 1409, the "Eastern Band of Cherokee Indian Land Exchange Act of 2003".

Section 139—The conference agreement modifies Senate section 134 establishing a demonstration project with respect to compacting and management of Tribal trust resources.

The conference agreement does not include House section 135 providing for a land exchange at the Mojave National Preserve.

The conference agreement does not include Senate section 135 requiring the Department of the Interior to report on competitive sourcing activities. This issue is addressed in Title III—General Provisions.

Section 140—The conference agreement retains House section 136 establishing the Blue Ridge National Heritage Area.

Section 141—The conference agreement retains Senate section 136 authorizing payment of $11,750 to the Harriet Tubman Home in Auburn, New York.

The conference agreement does not include House section 137 limiting the use of funds to support the Klamath Fishery Management Council.

Section 142—The conference agreement retains Senate section 137 dealing with the issuance of grazing permits authorized by the Bureau of Land Management for the Jarbidge field office.

Section 143—The conference agreement retains Senate section 138 amending section 2303(b) of Public Law 106–246 dealing with interim compensation payments to fishermen in Glacier Bay NP, Alaska.

Section 144—The conference agreement modifies Senate section 139 retroactively restoring a mining claim voided because of a defective waiver of the $100 hard rock mining maintenance fee.

Section 145—The conference agreement retains Senate section 140 prohibiting the use of funds for certain special events on the National Mall.

The conference agreement does not include House section 336 limiting the use of funds for implementing competitive sourcing studies at Archeological Centers in Nebraska and Florida. The Department has completed competitive sourcing at the Southeastern Archeological Center in Tallahassee, Florida and the Federal employees won the competition. Based on lessons learned in the study of this archeological center, the Department has concluded that no further study of the Midwestern Center is necessary.

Section 146—The conference agreement provides for a $5,000,000 grant to Kendall County, IL.

Section 147—The conference agreement modifies Senate section 341 amending a previous act conveying land in Clark County to the City of Las Vegas, NV.

Section 148—The conference agreement retains Senate section 343 revising the boundary of Congaree Swamp NM, SC.

Section 149—The conference agreement retains Senate section 344 amending the Marine Mammal Protection Act amendments of 1994 to permit the importation of polar bears harvested prior to the enactment of final regulations.

Section 150—The conference agreement includes language directing the National Park Service to promulgate rules regarding hunting at New River Gorge National River and to do so in compliance with the Administrative Procedures Act and the National Environmental Policy Act.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

The conference agreement provides $269,710,000 for forest and rangeland research instead of $267,230,000 as proposed by the House and $266,180,000 as proposed by the Senate. The managers agree to the following changes to the House recommendations as proposed by the Senate:

1. There is a general reduction of $3,384,000.

2. The forest inventory and analysis program (FIA) is increased by $2,911,000. The managers note that with the additional $5,000,000 provided for the forest resource information and anal-

ysis activity within the State and Private Forestry appropriation below, the FIA program is provided a total of $57,359,000, the same total as proposed by the Senate.

3. The allocation of $500,000 for global climate change work in the Northeast is not provided.

4. The administrative cost adjustment for the Pacific NW station is not provided.

5. Baltimore urban watershed research is allocated $200,000.

6. The Northeast States research cooperative is provided $2,000,000.

7. The hardwood tree improvement program, IN, is allocated $921,000.

8. The Sitka, AK lab is allocated $1,130,000.

The managers agree to the following additional changes to the House recommendations:

1. Funding for the advanced housing research consortium is reduced by $300,000 for a total of $1,200,000.

2. Research on adelgids and insects in the east is provided $1,500,000 as proposed by the House, but the $500,000 described by the Senate for pest and pathogen research in Morgantown, WV, should come from this allocation.

3. The invasive species initiative is reduced $650,000 from the House recommendation.

4. The conference agreement includes $250,000 for the Joe Skeen Institute for Range Research in New Mexico and $250,000 for the Joe Skeen Institute at Montana State University.

5. The Forest Products Lab, WI, research on salvage lumber is allocated $450,000.

6. A total of $230,000, transferred from the State and Private Forestry account where it was proposed by the Senate, is provided for the Fernow Experimental Forest, WV, flood modeling and associated research.

7. Bill language is included which specifies that $52,359,000 is available for the FIA program.

STATE AND PRIVATE FORESTRY

The conference agreement provides $308,140,000 for State and Private Forestry instead of $290,758,000 as proposed by the House and $295,349,000 as proposed by the Senate. Funding for this appropriation should follow the House recommendations unless otherwise instructed herein.

Forest Health Management.—The conference agreement provides $54,500,000 for Federal lands forest health management, instead of $56,000,000 as proposed by the House and $48,642,000 as proposed by the Senate. This allocation includes a general decrease of $1,500,000 below the House recommendation. The southern pine beetle initiative is provided $3,000,000 as proposed by the House.

The conference agreement includes $45,300,000 for cooperative lands forest health management instead of $47,000,000 as proposed by the House and $31,431,000 as proposed by the Senate. This allocation includes a general decrease of $2,000,000 below the House recommendation. The southern pine beetle initiative is provided $7,000,000 as proposed by the House. The agreement also includes $300,000 for Vermont forest monitoring as proposed by the Senate,

but the specific allocation for Lake Arrowhead, CA, hazardous tree removal is now part of the allocation for southern California mountains within the State fire assistance activity. The managers emphasize the urgent forest health situation in southern California and encourage the Forest Service to give this area special consideration. Within the cooperative forest health activity, $250,000 should be provided to the American Chestnut Foundation, southern Appalachian office, to help with recovery efforts for the American chestnut.

The managers have provided no bill language nor funding for the proposed new emerging pest and pathogens fund which was proposed by the Senate, but the managers agree that the Forest Service should withhold forest health funding, up to $2,000,000, from immediate distribution so it is available later in the year to address new problems that may emerge.

Cooperative Fire Assistance.—The conference agreement includes $33,800,000 for State fire assistance instead of $36,000,000 as proposed by the House and $25,486,000 as proposed by the Senate. This allocation includes $5,000,000 as proposed by the House for urgent work in southern California Mountains, including the Lake Arrowhead and Idyllwild areas emphasized by the Senate under a different heading. The managers also agree to the $300,000 proposed by the Senate for Cook Inlet Tribal Council, AK and instructions concerning distribution of these funds in the Senate report should be followed. The agreement includes a general program decrease of $2,500,000 below the House level.

The conference agreement includes $5,100,000 for volunteer fire assistance as proposed by the House instead of $5,043,000 as proposed by the Senate. The conference agreement also includes additional funds for State fire and volunteer fire assistance as part of the national fire plan funding within the wildland fire management account.

Forest Stewardship.—The conference agreement includes $32,282,000 for forest stewardship instead of $32,683,000 as proposed by the House and $32,012,000 as proposed by the Senate. This allocation includes the $500,000 proposed by the House for the New York City watershed, and Senate proposals for: an increase above the House of $250,000 for the Chesapeake Bay forestry program; $300,000 for Utah forestry education; and a general decrease of $951,000.

Forest Legacy Program.—The conference agreement includes $64,934,000 for the forest legacy program instead of $45,575,000 as proposed by the House and $84,716,000 as proposed by the Senate. The conference agreement includes the following distribution of funds for the forest legacy program:

State and project		*Conference*
AL	Mobile Tensaw Delta	$3,000,000
WA	Raging River Forest Headwaters	1,000,000
NH	Pillsbury/Sunapee Highlands	2,530,000
NC	Cool Springs	1,500,000
DE	Green Horizons	2,000,000
NJ	Upper Delaware River Watershed	4,900,000
UT	Chalk Creek/South Fork	800,000
WA	Yakima River Forest Headwaters Phase II	1,500,000
SC	Cooper River Corridor	7,700,000
CA	Dofflemeyer Ranch	2,500,000

State and project	Conference
ME Machias River Project Phase I	2,000,000
NM Lagunas Bonitas	3,000,000
AK Diamond Creek	450,000
MT Dutton Ranch	441,000
CT Peaceful Hill	200,000
MA Belmont Springs	1,400,000
CO Soap Mesa	1,000,000
IN Shawnee Hills	2,000,000
VT Chittenden Uplands	3,150,000
ID St. Joe Basin/Mica Creek Phase I	3,500,000
GA Rocky Creek at Broxton Rocks	1,500,000
UT Cedar Project	1,550,000
MN Lester River	500,000
IA Canyons	290,000
PA River Hills	580,000
VA Dragon Run	2,000,000
RI Great Grass Pond	328,000
VA The Cove	1,000,000
TN Ray Gettelfinger (Rugby)	1,000,000
MD Broad Creek	1,000,000
IL Byron Rock River	1,200,000
CT Nipmuck	350,000
ME Mt. Blue/Tumbledown Phase III	1,500,000
NH Moose Mountain	1,000,000
MA Bush Hill	227,000
TN Jim Creek parcel	838,000
MT Swan River Valley	3,000,000
WI Holy Hill Woods	2,000,000
NY Pochuck Mtn	1,300,000
VT Monadnock Mtn	500,000
KY New State Start-up	500,000
MI New State Start-up	500,000
WV New State Start-up	500,000
MT Schiemann project (complete)	400,000
Project Subtotal	68,134,000
Administration, Acquisition Management & AON Planning	3,800,000
Use of Prior Year Funds	−7,000,000
Total, Forest Legacy	64,934,000

The conference agreement retains bill language proposed by the House requiring notification of the Appropriations Committees when the Forest Service makes funds available for specific forest legacy projects and the conference agreement includes the Senate proposal to derive the forest legacy program funding from the Land and Water Conservation Fund.

Urban and Community Forestry.—The conference agreement includes $35,299,000 for the urban and community forestry program instead of $36,000,000 as proposed by the House and $35,999,000 as proposed by the Senate. Changes from the House proposal for this activity include a decrease of $100,000 for northeast PA community forestry and a total of $200,000 for the Chicago greenstreets program, $200,000 for Cook County forest preserve, IL, and $150,000 for the People and Parks Fund for work on Baltimore, MD urban watershed activities and a $1,151,000 general decrease.

The managers do not concur with the House proposal concerning the implementation of a new methodology for the allocation of urban and community forestry funds prior to the disbursal of funds in fiscal year 2004. The managers believe that before a new allocation methodology is adopted by the agency, additional infor-

mation is needed so the Committees can fully evaluate the consequences of such a change on the program. Accordingly, the managers direct the agency to present to the House and Senate Committees on Appropriations, by April 1, 2004, a report describing the current allocation methodology and one or more alternative methodologies that focus additional emphasis on program performance. The report must include at least one methodology which considers both State and large urban area populations, and this methodology should propose increasing allocations to States with large urban centers. The report may also include other allocation methodologies which do not increase allocations to more populated States but instead focus on means to enhance program performance. At least one of the proposed methodologies should include competitive funding for nationally or regionally significant projects. The report shall also include an analysis of whether it is still necessary to require certain specific staffing levels by a State as a condition for obtaining grants through the program. The managers expect that this report shall be done in collaboration with participating State and non-governmental partners and with public input.

Economic Action Programs.—The conference agreement includes $25,925,000 for the economic action programs instead of $17,400,000 as proposed by the House and $24,020,000 as proposed by the Senate. The managers have provided $1,000,000 for the wood in transportation program with the understanding that this will be the final year of Federal assistance. The conference agreement does not include the specific allocation of $2,000,000 for the Northeast-Midwest in the rural development through forestry program. The conference agreement includes bill language concerning a $500,000 direct payment for the Kake land exchange, AK. The allocation for Cradle of Forestry conservation education, NC, includes $250,000 for the Pisgah Forest Institute and $300,000 for the Cradle of Forestry, USDA. The allocation of $750,000 for the education and research consortium of western North Carolina includes $250,000 for the new educational program at Pisgah Forest Institute, $250,000 for expanding this educational program in northeastern Pennsylvania, and $250,000 for the landscape management system program. The Senate instructions on the disbursal of funds for the Chugach Avalanche Center and Ketchikan Wood Technology Center should be followed.

The conference agreement includes the following distribution of funds for the economic action programs:

Program/Project	*Amount*
Economic recovery base program	$5,000,000
Rural development base program	4,000,000
Forest products, conservation & recycling	1,300,000
Wood in transportation	1,000,000
Subtotal, Programs	11,300,000
Special projects:	
Alabama rural economic action	500,000
Arid Lands Research Consortium	400,000
Cradle of Forestry conservation education, NC	550,000
Gonzaga Univ. Inland NW Natural Resources Center, WA	600,000
KY mine waste reforestation	1,000,000
Lake Tahoe erosion control grants, CA, NV	1,750,000
Education & research consortium of western NC	750,000

Program/Project	*Amount*
Rural forestry technology, Univ. WA and WA St. U.	625,000
Woody biomass applications, SUNY, Syracuse, NY	750,000
Wood Education & Resource Center, WV	2,700,000
Chugach avalanche center, AK	200,000
Ketchikan wood technology Center, AK	750,000
Mountain studies institute, CO	500,000
Environmental Science & public policy research, ID	250,000
Missouri forest foundation biomass project	1,000,000
Fuels-in-schools biomass program, MT	1,250,000
Univ. of Idaho collaborative working forests	350,000
Northern forests partnership program	100,000
Fontana Lake, Swain county econ. development Study, NC	100,000
Kake land exchange, AK	500,000
Subtotal, Special Projects	14,625,000
Total, Economic Action	25,925,000

Forest Resource Information and Analysis.—The conference agreement includes $5,000,000 for forest resource information and analysis instead of $9,000,000 as proposed by the House and no Senate funding. Additional information on the FIA program is under the forest and rangeland research heading.

International Program.—The conference agreement includes $6,000,000 for the International program as proposed by both the House and the Senate.

NATIONAL FOREST SYSTEM

The conference agreement provides $1,382,916,000 for the national forest system instead of $1,394,792,000 as proposed by the House and $1,370,731,000 as proposed by the Senate. Funds should be distributed as follows:

Land management planning	$70,868,000
Inventory and monitoring	171,776,000
Recreation, heritage & wilderness	258,232,000
Wildlife & fish habitat management	137,375,000
Grazing management	46,471,000
Forest products	268,319,000
Vegetation & watershed management	196,106,000
Minerals and geology management	54,065,000
Landownership management	92,692,000
Law enforcement operations	83,862,000
Vales Calderas National Preserve, NM	3,150,000
Total	1,382,916,000

The following discussion describes funding changes from the House passed bill.

1. The land management planning activity includes $400,000 for the environmental training program proposed by the Senate and the Senate proposed general decrease of $3,461,000.

2. The inventory and monitoring activity includes a decrease of $100,000 for Lake Tahoe basin adaptive management and the Senate proposed general decrease of $1,620,000.

3. The recreation activity does not include the $1,900,000 for national trails management proposed by the House; however, these funds have been transferred to the capital improvement and maintenance account. The agreement includes Senate proposals for $250,000 for Coffman Cove, AK, $150,000 for the backcountry hut network plan, AK, and a general decrease of $2,550,000. Additional

instructions concerning the backcountry hut project are under the Capital Improvement and Maintenance heading.

4. The wildlife and fish habitat management activity includes the Senate proposed increase of $250,000 for the Batten Kill River, VT, $1,100,000 for north continental divide genetic survey, and a general decrease of $2,300,000.

5. The grazing management activity is $400,000 below the House level, an increase of $471,000 from the Senate level. The increased funding over the enacted level should be used to perform NEPA analysis to address the backlog of expiring grazing permits and to engage in cooperative monitoring activities in conjunction with grazing permittees.

6. The forest products activity includes the Senate proposed earmark in bill language of $5,000,000 for Tongass national forest timber sales preparation and the Senate proposed general decrease of $10,185,000. Total funding for forest products is at the requested level so the Forest Service should be able to meet its timber target. The managers do not agree with respect to the Senate proposal concerning the use of the Scribner timber scaling system.

7. The vegetation and watershed management activity includes the general decrease proposed by the Senate of $6,666,000 and increases of: $2,950,000 for the Lake Tahoe basin; $1,000,000 for Tongass National Forest, AK, pre-commercial thinning; $135,000 for Monongahela National Forest hydrology study, WV; and $300,000 for leafy spurge control.

8. The land ownership management activity has a general reduction of $2,645,000 below the House level, and within funds, $200,000 should be used for the Senate proposed Lolo NF, MT, land exchange.

9. The law enforcement activity has an increase of $100,000 for Daniel Boone NF, KY, drug control, a decrease of $100,000 for Mark Twain NF, MO, counter drug work, and an increase of $250,000 for additional officers on the Ouachita NF, OK.

10. The Valles Caldera National Preserve, NM, is funded at the Senate proposed level and includes the Senate bill language for the preserve and its staff.

11. The $6,000,000 general reduction to this account passed on the House floor is not agreed to by the managers.

12. The agreement includes the House bill language concerning transfer authority for the wild horse and burro program.

13. The managers are aware of activities within the southern region to designate portions of the Roosevelt Roads Naval Station in Puerto Rico as a part of the National Forest System. The managers believe that this would impose substantial additional costs on the Forest Service and the agency should not proceed with this proposal before fully consulting with the House and Senate Committees on Appropriations. Other agencies may be better able to manage this marine estuary.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $1,944,212,000 for wildland fire management instead of $1,624,632,000 as proposed by the House and $1,543,072,000 as proposed by the Senate. This total includes $301,000,000 in emergency funds, as requested by the Ad-

ministration, to repay costs incurred during wildfire suppression emergencies. This emergency amount replaces the funds recommended in Title IV of the Senate bill.

Wildfire Suppression Operations.—The conference agreement includes $604,580,000 for suppression operations, instead of $520,000,000 as proposed by the House and $514,327,000 as proposed by the Senate. The managers have provided the full amount requested by the administration for wildfire suppression, an increase of $252,616,000 above the fiscal year 2003 funding level. The conference agreement retains the bill language in administrative provisions, which allows funds from other Forest Service accounts to be transferred for suppression during emergencies if appropriated funds in this account are exhausted, but the language has been modified to require the Forest Service to first transfer some portion of funds not immediately needed for project completion from the land acquisition and forest legacy programs. The wildfire borrowing has caused serious program disruption throughout the Forest Service during the past two years. The managers implore the Administration to work with the Congress to create a more reasoned approach to funding these vital wildfire suppression activities, while implementing new, substantial measures to control costs of large wildfire events.

The conference agreement has modified bill language proposed by the Senate concerning reimbursements to States for non-fire related costs incurred during national emergencies. The new language allows these reimbursements if it is clear that the funds would be derived from Federal emergency agencies, not the Forest Service. The managers agree with the Senate direction concerning the use of a private contract with commercial providers of off-duty or trained personnel with law enforcement backgrounds to provide security services in firefighting camps. The managers expect the Forest Service to develop the mechanisms, plans, and procedures for consistent, efficient, and cost-effective fire camp security and develop a business analysis of the costs and benefits of such a contract compared with the costs and benefits of providing such services using comparable Federal personnel. The managers are pleased with the progress of the first two phases of the Incident Qualification and Certification System project. The managers recognize the importance of this interagency effort in relation to firefighter safety and fire resource management and look forward to its national implementation.

Wildfire Preparedness.—The agreement includes $680,000,000 for preparedness, a reduction of $18,000,000 from the House recommendation and $20,000,000 below the Senate recommendation. The managers note that funds provided in this Act are at a level that approximates the amount used by the agency in fiscal year 2003 to achieve a consistent level of readiness and enable the agency to promptly execute initial attack operations. The managers direct the agency to generate appropriate programming efficiencies that will result in a similar level of on-the-ground resources being available for initial attack operations. The managers expect the agency to maximize efforts to reduce expenses in program management functions to ensure priority is given to maintaining the level of on-the-ground resources that is consistent with levels of the past

two years. The managers also direct the agency to evaluate further actions that may be necessary to maintain this level of readiness and to inform the subcommittees of such actions that are planned for implementation.

Other Wildfire Operations.—The conference agreement includes $358,632,000 for other fire operation activities instead of $406,632,000 as proposed by the House and $328,745,000 as proposed by the Senate. The allocation of this funding is as follows:

Program	*Amount*
Hazardous Fuels	$236,392,000
Rehabilitation & restoration	7,000,000
Research & Development	22,300,000
Joint Fire Science	8,000,000
Forest Health Management federal	15,000,000
Forest Health Management cooperative	10,000,000
State and community fire assistance	51,700,000
Volunteer fire assistance	8,240,000
Total other wildfire operations	358,632,000

The conference agreement includes $236,392,000 for hazardous fuels treatments, a reduction of $10,000,000 below the House level and $5,000,000 above the Senate recommendation. This allocation includes the $5,000,000 proposed by the House for the San Bernardino national forest area, CA, and the Senate proposals of $2,100,000 for the Lake Tahoe basin and $1,500,000 for the Santa Fe watershed, NM. The managers also encourage the Forest Service to coordinate more closely with the Fish and Wildlife Service to ensure that funds provided in the Forest Service budget for ESA consultation are more fully utilized.

The conference agreement includes bill language which specifies $7,000,000 for rehabilitation and restoration activities instead of $40,000,000 as proposed by the House and no funding as proposed by the Senate.

The conference agreement includes $22,300,000 for research and development activities. Changes from the House proposal include an increase of $1,000,000 for the University of Montana landscape analysis center and $200,000 for the related University of Idaho project and a $900,000 general program decrease.

The conference agreement includes $15,000,000 for federal forest health activities and $10,000,000 for cooperative forest health activities as proposed by the House. These funds should be used for high priority work, as part of the national fire plan, to implement activities which should clean up forests and stop forest declines which can increase wildfire danger and result in resource damage and danger to communities.

The managers have included $51,700,000 for State and community fire assistance. Changes from the House recommendation include allocations of $1,700,000 for the Alaska Matanuska-Sustitna Borough, $1,500,000 for the Alaska Kenai peninsula borough, $2,000,000 to the Municipality of Anchorage, and $500,000 for the Alaska, City of Nenana. The Forest Service shall follow Senate instructions concerning disbursal of these funds. There is also a general program decrease of $5,000,000 below the House level.

The conference agreement includes no funding nor bill language for economic action activities associated with the national fire plan as proposed by the Senate instead of $6,000,000 as pro-

posed by the House. Volunteer fire assistance receives $8,240,000 as proposed by the House and the Senate.

Emergency Wildfire Repayment.—The conference agreement includes $301,000,000 for repayment of wildfire suppression funds transferred from other accounts during fiscal year 2003 for wildfire emergencies as requested. This amount replaces the $325,000,000 in Title IV of the Senate passed bill. The managers note that this partial repayment still leaves the Forest Service accounts $141,000,000 short from fiscal year 2003 wildfires as well as the $283,000,000, which the agency had to absorb during fiscal year 2002. The managers have directed the repayments to specific appropriation accounts. The managers direct that in no instance shall projects identified in the agency's fiscal year 2003 budget justification or Congressional projects agreed upon in the fiscal year 2003 conference report be reduced as a result of not fully reimbursing non-fire accounts for fire transfers.

CAPITAL IMPROVEMENT AND MAINTENANCE

The conference agreement provides $562,154,000 for capital improvement and maintenance instead of $560,473,000 as proposed by the House and $532,406,000 as proposed by the Senate. The conference agreement provides for the following distribution of funds:

Activity/Project	*Amount*
Facilities:	
Maintenance	$98,342,000
Capital Improvement	93,993,000
Congressional Priorities:	
Allegheny NF recreation projects, PA	975,000
Bradford RD office completion, PA	190,000
Cherokee NF, Chilhowee rec area I & II, TN	674,000
Cradle Forestry rehab & exhibits, NC	175,000
D. Boone NF, recreation improvements, KY	795,000
Nantahala NF Santeetlah Lake boat ramp improvements, NC	1,250,000
Nantahala NF Jackrabbit rec area, NC	1,030,000
Pisgah NF, Lake Powhatan cmpgrd rehab, NC	1,660,000
Pisgah NF, Mortimer Recreation Area, NC	200,000
San Bernardino NF sanitation rehab, CA	725,000
Waldo Lake rec rehab, OR	450,000
Tongass Juneau housing phase I, AK	1,051,000
Tongass Juneau housing phase II, AK	552,000
Tongass Admir. NM/Juneau RD admin phase I, AK	619,000
Tongass Admir. NM/Juneau RD admin phase II, AK	2,419,000
Black Hills Mystic Lab/common area, SD	4,300,000
Monongahela NF facilities, WV	1,190,000
University of Montana planning, MT	150,000
Smith County lake feasibility study, MS	300,000
Inst. Pacific Islands Forestry, HI	2,500,000
Forest Products lab durability facility, WI	500,000
Camp Ouachita, AR	1,000,000
Tongass NF log transfer facilities, AK	1,500,000
Chugach NF Russian River visitor center planning, AK	500,000
Subtotal, Congressional Priorities	24,705,000
Subtotal, Facilities	217,040,000
Roads:	
Maintenance	$153,000,000
Capital Improvement	75,500,000

Activity/Project	*Amount*
Congressional Priorities:	
Caribbean NF emergency repairs, PR	325,000
Chattahooche NF Rich Mtn rd, GA	318,000
Coweeta research center improvements, NC	125,000
Lake Tahoe basin, rehab & decommissioning, CA NV	2,000,000
Mt. Hood NF, Cloud Cap & Hood River Meadows, OR	396,000
Highland Scenic Hwy, Williams River, WV	800,000
Tongass NF, AK	5,000,000
Subtotal, Congressional Priorities	8,964,000
Subtotal, Roads	237,464,000
Trails:	
Maintenance	$37,750,000
Capital Improvement	32,000,000
Congressional Priorities:	
D. Boone NF, Cave Run & Laurel Lake horse trails, KY	500,000
FL National scenic trail	500,000
Pacific Crest trail improvements, CA OR WA	850,000
Mount Yonah & Pinhoti Trails, GA	350,000
Continental Divide Trail	1,000,000
Pulaski trail, ID	300,000
Fernwood Park, Wasatch-Cache NF, UT	500,000
National trails, national responsibility	1,500,000
National trails, national responsibility	400,000
Subtotal, Congressional Priorities	5,900,000
Subtotal, Trails	75,650,000
Infrastructure Improvement:	
Fish Passage Barriers	7,200,000
Deferred Maintenance	24,800,000
Subtotal, Infrastructure Improvement	32,000,000
Total, Capital Improvement and Maintenance	562,154,000

The managers agree with the overall program direction for this account provided by both the House and the Senate. The funds for fish passage barriers include the $7,000,000 recommended by the House and the $200,000 for the Senate proposed project in Craig, AK. The agreement includes the House bill language concerning road decommissioning but not the Senate bill language earmark for Fernwood Park, UT. Funds for this Utah project are included in the table above.

The managers do not concur with Senate report language contained in the Capital Improvement and Maintenance account regarding the construction of Backcountry Huts in Alaska. Rather, $350,000 shall be available in the economic action budget line item of the State and Private Forestry account from funds appropriated in Public Law 108–7. To facilitate this construction, the managers have included bill language to transfer funds provided in Public Law 108–7, from the Capital Improvement and Maintenance account to the State and Private Forestry account. The managers direct the Forest Service to use expeditiously funds provided in the National Forest System account in this Act and additional funds, as needed, to complete necessary environmental analysis in advance of such construction. The managers direct the Forest Service to make the Economic Action funds available to the Alaska Mountain and Wilderness Huts Association for planning and construc-

tion of the huts. Huts constructed on national forest lands shall be available for use by the general public, as specified in the special use permit administered by the Forest Service. The Association will not have exclusive rights to use of such huts on national forest system land.

The managers note that in several cases specific congressional priority projects involve maintenance, improvement, and construction of a combination of facilities, roads, and trails. Although such congressional priorities are reflected in a single budget line item, the managers expect the agency to comply with congressional intent for completion of the entire project and authorize the agency to move funds between budget lines within the account to complete projects as intended while accurately reflecting project costs.

LAND ACQUISITION

The conference agreement provides $67,191,000 for land acquisition instead of $29,288,000 as proposed by the House and $76,440,000 as proposed by the Senate. Funds should be distributed as follows:

Area (state)	*Amount*
Alabama National Forests, multiple NFs (AL)	$750,000
Arapaho NF: Beaver Brook Watershed (CO)	2,400,000
Black Hills NF (SD)	1,000,000
Chatooga River Corridor, multiple NFs (NC/SC/GA)	750,000
Chattahoochee NF: Georgia Mts.—Riparian Project (GA)	500,000
Chequamegon-Nicolet NF: Wisconsin Wild Waterways (WI)	2,000,000
Cherokee NF: Tennessee Mountain (TN)	3,800,000
Coconino NF: Thomas Point (AZ)	400,000
Columbia River Gorge NSA	1,000,000
Custer NF: Schwend Ranch (MT)	750,000
Daniel Boone NF (KY)	750,000
DeSoto NF (MS)	360,000
Flathead NF: Swan Valley (MT)	2,750,000
Florida National Scenic Trails, multiple NFs (FL)	3,000,000
Francis Marion NF (SC)	1,300,000
Great Lakes/Great Lands, multiple NFs (MI)	1,500,000
Greater Yellowstone Area, multiple NFs (MT)	2,000,000
Green Mountain NF (VT)	1,500,000
Hoosier NF: Hoosier Unique Areas (IN)	500,000
Idaho Wilderness/W&S Rivers, multiple NFs (ID/MT)	706,000
Lake Tahoe Basin sensitive lands (CA/NV)	3,000,000
Los Padres NF: Ahearn Ranch (CA)	1,500,000
Mark Twain NF: Ozark Mountain Streams and Rivers (MO)	500,000
Monongahela NF: Beckwith (WV)	1,800,000
Mt. Baker-Snoqualmie NF: I–90 Corridor (WA)	5,000,000
Pacific Northwest Streams, multiple NFs (OR/WA)	1,875,000
Sawtooth NRA (ID)	1,000,000
Shawnee NF (IL)	500,000
Sumter NF (SC)	1,300,000
Suwannee Wildlife Corridor, multiple NFs (FL)	750,000
Talladega NF: Pinhoti Trail (AL)	1,000,000
Uwharrie NF: Uwharrie Trail (NC)	500,000
Wasatch-Cache NF: Bonneville Shoreline Trail (UT)	1,250,000
Wasatch-Cache NF: High Uintas (UT)	1,500,000
White River NF: High Elk Corridor (CO)	1,000,000
Subtotal	50,191,000
Acquisition Management	15,000,000
Critical Inholdings/Wilderness Protection	1,500,000
Land Exchange Equalization Payment	500,000
Total	67,191,000

For several years the managers have provided funds for the acquisition of small lots in the Lake Tahoe Basin. These funds have been provided under several descriptions, including urban lots, critically sensitive lands, and sensitive lands. The managers direct the Forest Service to consolidate unobligated balances from previous years for acquisition of these lots with the money provided for such acquisitions in this conference agreement.

Within the funds provided for Pacific NW Streams in Washington and Oregon, the managers agree that $1,075,000 is for the Tieton River project in Washington and $800,000 is for projects in the State of Oregon.

The conference agreement includes statutory language proposed by the Senate dealing with the acquisition of certain lands in the Tongass NF, AK. The conference agreement does not include statutory language earmarking funds for the Beaver Brook watershed in the Arapaho NF, CO. These funds have been added to the land acquisition account as shown in the table above.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

The conference agreement provides $1,069,000 for the acquisition of lands for national forests special acts as recommended by both the House and the Senate.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

The conference agreement provides an indefinite appropriation estimated to be $234,000 for the acquisition of lands to complete land exchanges as proposed by both the House and the Senate.

RANGE BETTERMENT FUND

The conference agreement provides an indefinite appropriation estimated to be $3,000,000 for the range betterment fund as proposed by both the House and the Senate.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

The conference agreement provides $92,000 for gifts, donations and bequests for forest and rangeland research as proposed by both the House and the Senate.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

The conference agreement provides $5,535,000 for management of national forest system lands for subsistence uses in Alaska as proposed by both the House and the Senate. The managers have not included the Senate proposed language providing special authority to transfer funds from this account for the Office of the General Counsel.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

The managers have retained the Senate bill language concerning aircraft for replacement. The conference agreement includes the Senate bill language concerning the transfer authority during wildfire emergencies after all fire suppression funds are obligated, but the agreement also specifies that the Forest Service

will first transfer some portion of the funds from the land acquisition and forest legacy programs when available. The conference agreement allows the Forest Service to advance $3,000,000 to the National Forest Foundation and permits the Foundation up to $350,000 for administrative costs. The conference agreement includes the House proposed bill language for the National Fish and Wildlife Foundation. The conference agreement does not include specific direction concerning Jobs in the Woods grants in the State of Washington. The House language concerning High Sierra packers, CA is retained as is the Senate proposal concerning transfers of funds to implement the T'uf Shur Bien Preservation Trust Act in New Mexico. The conference agreement includes the Senate proposal for the Older Americans Act matching funds and the Senate proposal concerning sale of excess buildings on the Wasatch-Cache NF, UT.

The managers are very concerned about USDA working capital fund charges levied against Forest Service accounts that far exceed anticipated levels. Bill language in section 342 of this Act requires greater clarity from all the agencies funded in this Act in their use of assessments.

Both the House and the Senate Committee reports expressed serious concern for the manner in which the Forest Service has implemented competitive sourcing studies. The managers remain very concerned and have provided instructions for the Forest Service and other agencies in section 340 of this Act, which replace the earlier instructions. The managers understand that last year the Forest Service spent at least $18,000,000 on this effort without any prior notification of, or approval by, the Committees on Appropriations. The managers understand that this effort will go forward during fiscal year 2004, but the Administration will provide more timely information to Congress and the public when undertaking competitive sourcing activities.

The managers encourage the Departments of the Interior and Agriculture to resume settlement negotiations regarding the new license for the Box Canyon Project (P–2042) with Public Utility District No. 1 of Pend Oreille County, WA, the Kalispel Tribe of Indians, and others. The goal of these negotiations should be a comprehensive settlement that addresses the power needs of the utility while ensuring reasonable measures are taken to address the environmental impacts of the project.

DEPARTMENT OF ENERGY

The managers agree that all energy technology program offices as well as other agencies and programs participating in the Clean Energy Technology Exports Initiative are strongly urged to contribute to this nine-agency effort.

CLEAN COAL TECHNOLOGY

(DEFERRAL AND RESCISSION)

The conference agreement defers $97,000,000 in clean coal technology funds as proposed by the Senate instead of a deferral of $86,000,000 as proposed by the House. The conference agreement also rescinds $88,000,000 in clean coal technology funds.

These funds have been added to the base budget for the fossil energy research and development account where all continuing research programs and associated administrative expenses should be funded. Clean coal technology funds are limited to completing active projects under that program. Once those projects are completed, a separate clean coal technology account will no longer be required.

The managers have not included bill language authorizing the use of clean coal technology funds for the FutureGen program as proposed by the Senate. Funding is included in the fossil energy research and development account for FutureGen. The managers agree that clean coal technology funds should not be transferred to fund ongoing programs in fossil energy research and development. Rather, a rescission of excess clean coal funds should be proposed and, to the extent new and expanded research program funds are required, including funds for FutureGen, they should be budgeted directly in the fossil energy research and development account.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

The conference agreement includes $681,163,000 for fossil energy research and development, instead of $609,290,000 as proposed by the House and $593,514,000 as proposed by the Senate. The conference agreement includes funds for several ongoing programs that were previously funded under the clean coal technology account, funding to begin the FutureGen program, and funding increases for programs that provide critical underpinning for, and are critical for the success of, FutureGen. The increase in funding above the Senate proposed level is offset fully by the rescission of $88 million in clean coal technology funding. The numerical changes described below are to the House recommended level.

The conference agreement includes increases of $42,000,000 for the clean coal power initiative and $9,000,000 to initiate the FutureGen program. The funds provided for the FutureGen program are contingent on the receipt of a complete program plan that clearly and fully delineates by project and by year the funding for each element of, and milestone associated with, the FutureGen program. This plan should be closely coordinated with industry cooperators and submitted to the House and Senate Committees on Appropriations no later than December 31, 2003. The managers understand the need for a lower cost share for the initial research and planning stages of the FutureGen program, but any demonstration component must include at least a 50 percent industry cost share.

In transportation fuels and chemicals, there is an increase of $700,000 for syngas membrane technology.

In advanced fuels research, there is an increase of $350,000.

In advanced research, there are decreases of $33,000 in technology crosscut for the focus area for computational energy science, $750,000 for materials research, $19,000 for university coal research, and $7,000 for HBCU education and training. There is also an increase of $3,000,000 for coal utilization science as proposed by the Senate.

In distributed generation systems, there is an increase of $2,000,000 for fuel cell systems development for molten carbonate fuel cells including the MCFC/hybrid program.

There is an increase of $1,000,000 for the U.S./China Energy and Environmental Center. This program previously was funded using clean coal funds. The program has been moved from the clean coal account to the fossil energy research and development account. The managers note that this program complements both the clean coal power initiative and the FutureGen program.

In natural gas exploration and production, there is an increase of $3,000,000 for Arctic research.

In the gas hydrates program, there is an increase of $4,000,000, which will restore that program to the fiscal year 2003 level.

There is an increase of $50,000 for program support for the natural gas infrastructure program.

In oil technology, there is an increase of $1,500,000 for the Arctic Energy Office and a decrease of $20,000 for program support in the exploration and production activity. There is also an increase of $1,836,000 for effective environmental protection.

Other changes include an increase of $500,000 for cooperative research and development, a decrease of $234,000 for travel in the headquarters program direction activity, and an increase of $4,000,000 for National Energy Technology Laboratory infrastructure improvements in the general plant projects activity.

Bill Language.—The conference agreement includes $4,000,000 for NETL facilities renovation as proposed by the Senate rather than $2,000,000 as proposed by the House. As noted above, the $4,000,000 is added to the budget for this purpose. The conference agreement also includes language proposed by the Senate limiting headquarters travel expenditures to $536,000.

The managers agree to the following:

1. Any future funding for the FutureGen program should be requested as a direct appropriation in the fossil energy research and development program and should not be derived by transfer from any other account.

2. The FutureGen program should not be funded at the expense of ongoing fossil energy research.

3. The managers support the goals of the national climate change technology initiative—reducing greenhouse gas emissions and sequestering greenhouse gases—and encourage the Department to propose funding in future budgets within the context of existing programs in fossil energy research and development.

4. In addition to the activities described by the House for the use of the funds provided for the Russia technology program, the managers do not object to cooperative Russia/Korea oil and gas technology efforts.

5. There is no earmark for general plant projects other than the $4,000,000 provided in statutory language for NETL.

6. There is no funding provided in fiscal year 2004 for the energy efficiency science initiative.

7. The Department should continue research on mercury emissions reductions from lignite-fired power plants, consistent with the project proposals funded in September 2003. The managers under-

stand that a second round of projects will be funded in January 2004 and expect the Department to consider this important research area when making awards.

The managers are concerned by the lack of progress in product design improvements aimed at reducing the cost of commercial fuel cell technology, especially with respect to tubular solid oxide fuel cell technology. If the fuel cell developers cannot provide evidence that clearly demonstrates that the commercial product will be capable of meeting a $400 per kilowatt target by the end of fiscal year 2004, without needing any additional product development, funding should be redirected to the Solid State Energy Conversion Alliance program and SECA-based hybrid technology development.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The conference agreement provides $18,219,000 for naval petroleum and oil shale reserves instead of $20,500,000 as proposed by the House and $17,947,000 as proposed by the Senate. The change to the House level is a decrease of $2,281,000 for restoration activities in the production and operations program.

ELK HILLS SCHOOL LANDS FUND

The conference agreement provides an advance appropriation of $36,000,000 for the Elk Hills School Lands Fund as proposed by both the House and the Senate. These funds will become available on October 1, 2004.

ENERGY CONSERVATION

The conference agreement provides $888,937,000 for energy conservation instead of $879,487,000 as proposed by the House and $861,645,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In vehicle technologies, there is a decrease of $500,000 in innovative concepts for the graduate automotive technology education program. There is an increase of $1,000,000 in subsystem integration and development for heavy vehicle propulsion and ancillary subsystems to fund an application specific refuse vehicle demonstration. There are decreases for advanced combustion engine research of $1,000,000 for combustion and emissions control for light and heavy-duty vehicles, $1,000,000 for heavy truck engine, and $500,000 for health impacts. There is also an increase in advanced combustion engine research of $2,000,000 for waste heat recovery.

Also in vehicle technologies, there is a decrease of $1,000,000 in materials technology for automotive lightweight materials research. In fuels technology, there are decreases of $3,000,000 for advanced petroleum based fuels and $1,000,000 for environmental impacts and an increase of $400,000 in non-petroleum fuels and lubes for renewable and synthetic fuels. In technology introduction, there is an increase of $500,000 in testing and evaluation for vehicle evaluation. Finally, there is a decrease of $100,000 for the biennial FreedomCAR peer review.

In fuel cell technology, increases include $1,000,000 for transportation systems, $2,500,000 for stack component research and de-

velopment, and $10,000,000 for technology validation. There is a decrease of $4,000,000 for fuel processor research and development.

In weatherization and intergovernmental, there are increases of $500,000 for the clean cities program and $500,000 for the inventions and innovations program and decreases of $10,000,000 for weatherization assistance, $500,000 for State energy programs, and $500,000 for the rebuild America program.

In distributed energy resources, there are decreases of $500,000 for industrial gas turbines, $1,000,000 for reciprocating engines (with the understanding that Argonne National Laboratory will provide technical support for this program), and $2,000,000 for advanced materials and sensors and an increase of $1,000,000 in distributed energy systems applications integration for the National Accounts Energy Alliance. The oil heat research program has been moved to the building technologies activity.

In building technologies, there are increases of $500,000 for oil heat research for residential buildings, $1,250,000 in emerging technologies for lighting research and development, and $500,000 in equipment and analysis for appliance standards and decreases in emerging technologies of $350,000 for space conditioning and refrigeration and $250,000 for appliances and emerging technology research and development.

In industrial technologies there are decreases of $2,500,000 for the black liquor gasification program and $1,000,000 for industrial assessment centers.

In biomass and biorefinery systems, there is an increase of $7,600,000 to restore partially the base budget. The Department should keep the House and Senate Committees on Appropriations advised on how these funds will be used and should ensure that these programs have a direct relationship to programs historically funded in the Interior bill and are clearly distinct from biomass programs funded in the Energy and Water bill.

In program management, there is a decrease of $5,000,000 for the energy efficiency science initiative and an increase of $900,000 for management of the distributed energy resources program, including additional staffing and program management support through the National Energy Technology Laboratory.

Finally, there is an increase of $15,000,000 because the managers have not agreed to the general decrease adopted in House floor action.

Bill Language.—The conference agreement earmarks $274,500,000 for energy conservation grant programs instead of $285,000,000 as proposed by the House and $274,000,000 as proposed by the Senate. The conference agreement earmarks $230,000,000 for weatherization assistance as proposed by the Senate instead of $240,000,000 as proposed by the House. The conference agreement earmarks $44,500,000 for State energy programs instead of $45,000,000 as proposed by the House and $44,000,000 as proposed by the Senate.

The managers agree to the following:

1. The budget justification for fiscal year 2005 should include a program specific table like the one provided separately to the House and Senate Committees on Appropriations for fiscal year 2004. The Department should also clearly indicate, in the budget

justification for the program management account, the amount of management funds and staffing for each program area. The official budget detail table should contain stub entries for sub-activities within each program area. The Department should consult with the House and Senate Committees on Appropriations on the Congressional budget justification presentation for fiscal year 2005 as soon as possible but no later than November 25, 2003.

2. The managers support the goals of the national climate change technology initiative—reducing greenhouse gas emissions and sequestering greenhouse gases—and encourage the Department to propose funding in future budgets within the context of existing programs in energy conservation and fossil energy research and development.

3. The funds available for health impacts research in the vehicle technologies program should be used to continue existing projects.

4. Of the funds provided for waste heat recovery research, $500,000 is to continue the base program and $2,000,000 is for engine turbocharger research.

5. Within the amount provided in vehicle technologies for materials research, the Department should continue work on metal matrix composites and should work on predictive engineering for lightweight materials.

6. With the increased funds provided above the budget request for medium duty trucks in the non-petroleum fuels and lubes program, the managers understand that the Department will partner with industry to design/engineer at least two additional medium duty vehicle platforms with fully integrated natural gas engine and fuel systems to serve critical market niche applications; improve understanding and acceptance of natural gas vehicle technologies among fire, safety, and code officials; and conduct on-road evaluations of natural gas vehicles to determine their performance and identify technology development needs.

7. With the increased funds provided above the budget request for heavy duty trucks in the non-petroleum fuels and lubes program, the managers understand that the Department will develop heavy duty engines to operate on natural gas feedstock fuels used as either neat fuels or as blend stocks with conventional diesel fuels; develop engine and vehicle systems that use liquefied natural gas for optimal use in class eight trucks; and conduct on-road evaluations of liquefied natural gas vehicles to determine their performance and identify technology development needs.

8. With the increased funds provided above the budget request for fueling infrastructure in the non-petroleum fuels and lubes program, the managers understand that the Department will conduct research on a fueling station that could dispense compressed natural gas, liquefied natural gas, and compressed hydrogen; obtain exhaust samples and complete emissions characterization of emissions from natural gas vehicles using various after-treatment devices and ascertain the toxicity of resulting emissions; and complete development of particulate measurement technologies capable of obtaining and characterizing nanometer-scale samples.

9. The amount provided for lighting research includes $7,750,000 for the solid-state lighting program (also known as the next generation lighting initiative).

10. Funding for the National Fenestration Rating Council should continue at the same level as in fiscal year 2003.

11. Not less than $1,000,000 in the distributed energy systems applications integration program shall be used for the National Accounts Energy Alliance. The Department should complete its existing contracts; keep the funds provided in fiscal year 2004 in the base budget for future years; and add new projects as the current ones are completed.

12. Within the funds provided for the black liquor gasification program, research should continue on the low temperature Kraft process.

13. The managers are aware that under current law the Secretary of Energy can qualify additional energy-conservation devices for grants under the weatherization assistance program. The Senate bill included a provision to make electrothermal storage technology explicitly eligible for funds provided under this program. The managers expect the Secretary to consider including electrothermal storage technology as an eligible energy conserving device.

14. There is no funding provided in fiscal year 2004 for the energy efficiency science initiative.

15. The managers encourage the use of the National Energy Technology Laboratory for energy conservation program management support. However, to the maximum extent possible, funds for NETL support should come from the program management activity. The managers agreed, in approving the energy efficiency and renewable energy reorganization, to transfer program management funds from individual programs to a single account. Programs should not be asked to pay additional management costs for NETL. Those costs should already be factored into the program management activity. If sufficient funds are not available in the program management activity, a reprogramming should immediately be submitted to the House and Senate Committees on Appropriations clearly explaining why additional funds are needed and fully justifying any use of program funds for management. Under no circumstances should funds provided in the Interior bill for program management be used to support programs funded in the Energy and Water bill.

The managers agree that the $3,000,000 provided for cooperative programs on technology transfer from National Laboratories with the Education and Research Consortium of the Western Carolinas is for technology maturation research to improve the cost-performance of technologies including late-stage engineering and high-performance computing support, when appropriate, as well as database development and data mining and monitored field evaluations of novel technologies.

The DOE National Laboratories have developed numerous new energy conservation technologies that have the potential to reduce the energy required to heat and cool buildings in southeastern climates. Their micro sensors, controls, and wireless communications inventions can significantly improve the energy efficiency and eco-

nomic competitiveness of industrial processes such as the pulping and drying of forest products. The National Laboratories also have developed fuel cell devices and engine emission control systems that have significant commercial appeal, can improve air quality, and can strengthen the energy security of the nation. A concerted technology transfer effort will help translate these and other National Laboratory-developed technology concepts into marketable products that have significant potential for reducing both energy usage and energy costs.

ECONOMIC REGULATION

The conference agreement provides $1,047,000 for economic regulation as proposed by both the House and the Senate.

STRATEGIC PETROLEUM RESERVE

The conference agreement provides $173,081,000 for the strategic petroleum reserve as proposed by the Senate instead of $175,081,000 as proposed by the House. The decrease to the House proposed level is for storage facilities development and operations.

The conference agreement does not include bill language proposed by the Senate requiring the Department to develop procedures to obtain oil for the SPR that maximize domestic supply of crude oil and minimize the cost to the Department of the Interior and the Department of Energy. The House had no similar provision.

NORTHEAST HOME HEATING OIL RESERVE

The conference agreement provides $5,000,000 for the northeast home heating oil reserve as proposed by both the House and the Senate. The managers agree that the Department should report to the House and Senate Committees on Appropriations on the circumstances under which the reserve will be used. The report should be submitted no later than December 1, 2003, and should provide various scenarios and the underlying assumptions for each of those scenarios.

ENERGY INFORMATION ADMINISTRATION

The conference agreement provides $82,111,000 for the energy information administration as proposed by the House instead of $80,111,000 as proposed by the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

The conference agreement provides $2,561,932,000 for Indian health services instead of $2,556,082,000 as proposed by the House and $2,546,524,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In hospital and clinic programs there are increases of $850,000 for a mobile women's health unit in the Aberdeen area and $500,000 for staffing and operations at the King Cove, AK clinic

and a decrease of $2,500,000 for the Indian health care improvement fund. In contract health care, there is an increase of $7,000,000.

Bill Language.—The conference agreement earmarks $467,046,000 for contract medical care instead of $460,046,000 as proposed by the House and $472,022,000 as proposed by the Senate. The conference agreement earmarks $270,734,000 for contract support costs as proposed by the House instead of $268,974,000 as proposed by the Senate.

Statutory language is included modifying the Senate-proposed distribution and use of $15,000,000 for alcohol control, enforcement, prevention, treatment, sobriety and wellness education in Alaska. The House had no similar provision. The managers expect the Service to submit a progress report no later than January 15, 2004, detailing how these funds have been used and the accomplishments that have been achieved in each prior year.

The managers agree to the following:

1. The funds provided for a mobile women's health unit in the Aberdeen area supplement a project begun with a grant from a private foundation. The unit will service the entire Aberdeen area, but will be based initially in North Dakota. The managers understand that no more than $50,000 will need to remain in the base budget for fiscal year 2005 for start-up costs. Afterwards the program should be self-sustaining.

2. Any costs paid by the Indian Health Service to any entity within the Department of Health and Human Services should be fully justified and explained in the budget request or justified through the reprogramming process. The Service should not be required to "absorb" any increases in such costs.

3. The managers are extremely concerned about FTE reductions imposed on the Service. This issue is addressed in more detail under administrative provisions.

4. The managers are pleased by the Department's recent decision to exempt the Service from the human resources consolidation effort. The House and Senate Committees on Appropriations should be kept fully informed of any consolidation efforts in HHS that affect the Service.

INDIAN HEALTH FACILITIES

The conference agreement provides $396,232,000 for Indian health facilities instead of $392,560,000 as proposed by the House and $391,188,000 as proposed by the Senate. The change to the House recommended level is an increase in hospital and clinic construction of $3,672,000 for a regional youth treatment center in Wadsworth, NV. Use of these funds is contingent on continued agreement among the tribes in the area.

The managers agree to the following distribution of hospital and clinic construction funds:

Project	*Amount*
Pinon, AZ clinic (complete construction)	$19,577,000
Red Mesa, AZ clinic (ongoing construction)	30,000,000
St. Paul, AK clinic (complete construction)	6,520,000
Metlakatla, AK clinic (complete construction)	9,205,000
Sisseton, SD clinic (ongoing construction)	17,960,000
Eagle Butte, SD clinic (design)	2,800,000

Project	*Amount*
Bethel, AK staff quarters (complete construction)	5,000,000
Dental units (ongoing program)	1,000,000
Regional Youth Treatment Center, Wadsworth, NV (full cost)	3,672,000
Total	95,734,000

The managers agree that if mammography equipment is a high priority for the Alaska Tribal Health Consortium and for the Alaska area, it should be funded within the area's allocation provided for equipment.

Bill Language.—The conference agreement earmarks a maximum of $1,000,000 from the services and facilities accounts for ambulances purchased from the General Services Administration as proposed by the Senate instead of $500,000 from the facilities account only as proposed by the House.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

The conference agreement modifies a provision proposed by the Senate prohibiting the use of funds for HHS-wide consolidation efforts and for associated assessments and charges. The modification drops the reference to consolidation efforts but prohibits the use of funds for HHS assessments or charges that are not specifically identified in the budget request and provided in this Act, or justified through the reprogramming process. The provision also includes a restriction on FTE reductions similar to that carried in past years. The FTE limitation would prohibit the reduction of FTEs in the Service below the fiscal year 2002 level adjusted upward for staffing required for new and expanded facilities, additional staffing requirements funded for the Lawton, OK hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

The conference agreement provides $13,532,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation as proposed by both the House and the Senate.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

The conference agreement provides $6,250,000 for payment to the institute as proposed by the Senate instead of $5,250,000 as proposed by the House.

The change to the House is an increase of $1,000,000 in matching funds that will allow the Institute to begin construction of its new learning center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

The conference agreement provides $494,748,000 for salaries and expenses of the Smithsonian Institution, instead of $489,748,000 as proposed by the House and $487,989,000 and proposed by the Senate. The increase of $5,000,000 to the House level is provided to offset in part the general reduction of $12,349,000 to this account that was included in the fiscal year 2004 budget justification.

FACILITIES CAPITAL

The conference agreement provides $108,970,000 for the Facilities Capital account, instead of $93,970,000 as proposed by the House and $89,970,000 as proposed by the Senate. The increase of $15,000,000 to the House funding level is provided to further assist the National Zoo with its repair and rehabilitation efforts.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

The conference agreement does not include the voluntary separation incentive provision contained in the House-passed bill because such authority has been provided to the Smithsonian Institution through other legislation. The Senate bill contained no such provision.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

The conference agreement provides $87,849,000 for salaries and expenses of the National Gallery of Art instead of $88,849,000 as proposed by the House and $85,650,000 as proposed by the Senate. The change to the House proposed level is a decrease of $1,000,000 for operation and maintenance of buildings and grounds.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

The conference agreement provides $11,600,000 for repair, restoration and renovation of buildings as proposed by both the House and the Senate.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

The conference agreement provides $16,560,000 for operations and maintenance of the Kennedy Center as proposed by both the House and the Senate.

CONSTRUCTION

The conference agreement provides $16,000,000 for construction as proposed by both the House and the Senate.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

The conference agreement provides $8,604,000 for salaries and expenses of the Woodrow Wilson International Center for Scholars as proposed by both the House and the Senate.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

The conference agreement provides $122,480,000 for grants and administration of the National Endowment for the Arts instead of $127,480,000 as proposed by the House and $117,480,000 as proposed by the Senate. Decreases to the House level include $3,000,000 from the Challenge America grants base program and $2,000,000 from Challenge America State partnerships.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

The conference agreement provides $120,878,000 for grants and administration of the National Endowment for the Humanities, instead of $125,878,000 as proposed by both the House and the Senate. Decreases to the House level include $4,000,000 from the "We the People" grants initiative and $1,000,000 from estimated administrative costs associated specifically with that program. When combined with amounts provided within the Matching Grants account that follows, the total appropriation for the NEH for fiscal year 2004 is $137,000,000, an increase of $12,064,000 above the current year enacted level.

The conference agreement includes an amount of $10,000,000 in new funding to support the Administration's "We the People" American history and civics initiative. Both Congress and the Administration have demonstrated strong interest in expanding the monies intended specifically for grants in this area. Legislation currently pending in the Congress may complement and extend the reach of the "We the People" grants proposal put forward by the Administration in its fiscal year 2004 budget justification. Should the authorization bill now under consideration be enacted into law, the managers expect that this will be reflected in future budget requests. The NEH should, however, not wait on potential future action before allocating available funds for the initiative as originally proposed. Further, the managers are aware that throughout the past year, State humanities councils have dedicated considerable time and effort to crafting program proposals for the "We the People" initiative that would be implemented at the local and regional levels. The managers expect that as funds are allocated to the various programmatic areas participating in the American history initiative, state humanities councils will be represented appropriately.

An overall administrative increase of $1,374,000 has been included in the budget that will allow the NEH to meet the escalating costs associated with pay, benefits, rent and the like. How-

ever, the managers do not agree to the establishment of a separate office with its own funding line dedicated to the administration of the "We the People" initiative. These activities should be incorporated and managed through the existing programmatic and administrative structure of the NEH.

MATCHING GRANTS

The conference agreement provides $16,122,000 for matching grants as proposed by the House and the Senate.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

The conference agreement provides $1,422,000 for salaries and expenses of the Commission of Fine Arts as proposed by the House and the Senate.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

The conference agreement provides $7,000,000 for national capital arts and cultural affairs as proposed by the House instead of $6,000,000 as proposed by the Senate. The agreement does not include the bill language proposed by the House and enacted in fiscal year 2003 concerning alterations to the budget structure of this account.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

The conference agreement provides $4,000,000 for salaries and expenses of the Advisory Council on Historic Preservation as proposed by the Senate instead of $4,100,000 as proposed by the House.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $7,730,000 for salaries and expenses of the National Capital Planning Commission as proposed by the House instead of $8,030,000 as proposed by the Senate. The managers direct that no funding be used for the railroad relocation study. The NCPC should not initiate such security planning efforts without clear direction from Federal security agencies and approval by the House and Senate Committees on Appropriations.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

The conference agreement provides $39,997,000 for the Holocaust Memorial Museum as proposed by the House and the Senate.

PRESIDIO TRUST

PRESIDIO TRUST FUND

The conference agreement provides $20,700,000 for the Presidio Trust Fund as proposed by both the House and the Senate.

TITLE III—GENERAL PROVISIONS

The conference agreement includes sections 301–304, 307, 309–317, and 319–321 which were identical in both the House and Senate bills.

The conference agreement includes the text of the following sections in the House bill, which contained identical text in the Senate bill, but had different section numbers in the Senate bill. The House section numbers were 326, 327, and 329.

Section 305—The conference agreement retains Senate section 305 continuing a provision restricting departmental assessments unless approved by the Committees on Appropriations. The House had a similar provision.

Section 306—The conference agreement retains Senate section 306 continuing a provision limiting the actions of the Forest Service and the Bureau of Land Management with regard to the sale of giant sequoia trees. The House had a similar provision.

Section 308—The conference agreement retains House section 308 dealing with contract support costs in the Bureau of Indian Affairs and the Indian Health Service.

Section 318—The conference agreement retains House section 318 continuing a provision regulating the export of Western Red Cedar from the national forest system in Alaska. The Senate had a similar provision.

Section 322—The conference agreement retains House section 322 extending the Forest Service Conveyances Pilot Program.

Section 323—The conference agreement retains Senate section 322 continuing for one year a provision providing authority for the staff of Congressionally established foundations to use GSA contract air and hotel rates. The House proposed to make this provision permanent.

Section 324—The conference agreement retains Senate section 323 providing the Secretary of Agriculture and the Secretary of the Interior the authority to enter into reciprocal agreements with foreign nations concerning the personal liability of firefighters. The House had a similar provision.

Section 325—The conference agreement modifies Senate section 324 continuing a provision dealing with processing expired grazing permits by the Bureau of Land Management and the Forest Service. The House had a similar provision.

Section 328—The conference agreement retains House section 328 continuing a legislative provision limiting funds for oil or gas leasing or permitting on the Finger Lakes National Forest, NY.

The conference agreement does not include Senate section 329 allowing for a local exemption from the Forest Service fee demonstration program.

Section 330—The conference agreement retains Senate section 328 continuing a provision authorizing the Secretary of the Interior

and the Secretary of Agriculture to give consideration to rural communities and non-profit groups for hazardous fuels reduction contracts. The House had a similar provision.

Section 333—The conference agreement retains Senate section 330 modifying the Gallatin Land Consolidation Act of 1998.

Section 331—The conference agreement retains House section 331 limiting the use of funds for filing declarations of takings or condemnations. This provision does not apply to the Everglades National Park Protection and Environmental Act.

Section 336—The conference agreement modifies Senate section 331 allowing the Secretary of Agriculture to convey land acquired under the Forest Legacy program; the new provision applies only to the State of Vermont, and if the conveyed lands or interests in lands are ever sold in the future by the State of Vermont, the State must reimburse the Secretary of Agriculture and this funding would be credited to the Forest Service wildfire management account.

Section 332—The conference agreement modifies House section 332 to extend the Recreation Fee Demonstration Program for 15 months instead of a two-year extension as proposed by the House.

Section 337—The conference agreement retains Senate section 332 amending the Lake Tahoe Restoration Act to modify cost sharing requirements.

Section 334—The conference agreement retains House section 333 making permanent existing procurement authorities for the Land Between the Lakes NRA, KY and TN.

Section 338—The conference agreement retains Senate section 333 concerning legal challenges to timber sales on the Tongass National Forest.

Section 335—The conference agreement retains House section 334 amending and extending the pilot program for the harvest of botanical products on Forest Service lands.

Section 339—The conference agreement modifies Senate section 334 concerning cancellation of certain timber sale contracts in Alaska by removing the first clause, and by adding language so that the authority to terminate a contract under this section shall apply to a maximum number of 70 timber sale contracts on the Tongass National forest awarded between October 1, 1995 and January 1, 2002; and the Secretary of Agriculture must determine that the cost to the government of seeking a legal remedy against a purchaser would likely exceed the cost of terminating the contract.

Section 340—The conference agreement modifies House section 335 requiring full accounting of the funding requirements of competitive sourcing studies and limiting the use of funds for competitive sourcing studies under certain situations.

The managers have modified the House language to require that funding levels for competitive sourcing studies be displayed in annual budget justifications for the programs funded in this bill for the Department of the Interior, the Department of Energy, and the Forest Service. This section also requires these agencies to provide detailed reporting on the results of past competitive sourcing studies by December 31, 2003. In addition, for fiscal year 2004, these agencies and programs are required to submit to the House and Senate Committees on Appropriations, within 60 days of enactment

of this Act, a detailed program of work for competitive sourcing activities planned for fiscal year 2004.

The total amounts that may be spent by the Department of the Interior and the Department of Energy for competitive sourcing activities initiated or continued in fiscal year 2004, without obtaining approval through the reprogramming process, are $2,500,000 and $500,000, respectively. If additional funds are required over and above these amounts, the Department of the Interior and the Department of Energy should follow established reprogramming guidelines. The Forest Service may, on the other hand, spend a maximum of $5,000,000 on competitive sourcing activities initiated or continued in fiscal year 2004.

Each competitive sourcing study involving more than ten Federal employees must be based on a most cost efficient and cost effective organization plan and the contracted function must be less costly to the government by ten percent or $10,000,000. Certain types of procurements and businesses involving non-profit handicap organizations, Indian tribes, and Hawaiian natives are exempt from the most effective and cost efficient organization plan requirement and the ten percent or $10,000,000 threshold.

The conference agreement does not include Senate section 335 permitting use of previously appropriated funds and other funds for acquisition of land in the Blueberry Lake area in Green Mountain NF, Vermont.

The conference agreement does not include House section 336 limiting the use of funds for implementing competitive sourcing studies at Archeological Centers in Nebraska and Florida. This issue is addressed in General Provisions, Department of the Interior at the end of Title I.

The conference agreement does not include Senate section 336 dealing with electrothermal storage technology. This issue is addressed under the energy conservation account.

The conference agreement does not include House section 337 limiting funds to implement amendments to Bureau of Land Management regulations on recordable Disclaimers of Interest.

The conference agreement does not include Senate section 337 establishing a Zortman/Landusky mine reclamation trust fund with annual deposits from the Treasury of $2,250,000.

Sections 341 and 342—The conference agreement modifies Senate section 338 amending the Southern Nevada Public Land Management Act, and includes an additional amendment to the same Act regarding land exchanges.

The conference agreement does not include Senate section 339 authorizing the acquisition of land by donation in Nye County, NV, for administrative and visitor facilities for Death Valley NP.

The conference agreement modifies Senate section 341 dealing with the conveyance of lands to Las Vegas, NV. This issue is also addressed in General Provisions, Department of the Interior at the end of Title I.

The conference agreement does not include Senate section 342 requiring a report detailing the scenarios under which the Northeast Home Heating Oil Reserve will be drawn down.

The conference agreement retains Senate section 343 amending a previous act regarding a boundary revision at Congaree

Swamp NM, SC. This issue is addressed in General Provisions, Department of the Interior at the end of Title I.

The conference agreement retains Senate section 344 amending the Marine Mammal Protection Act. This issue is addressed in General Provisions, Department of the Interior at the end of Title I.

The conference agreement does not include Senate section 345 exempting business size restrictions for rural business enterprise grants for Oakridge, Oregon.

Section 343—The conference agreement includes language requiring Departmental assessments to be displayed in the budget justification and requiring approval of the Committees on Appropriations for any changes to the assessments.

The conference agreement does not include a separate Title IV dealing with wildland fire emergency appropriations as proposed by the Senate. However, $99,000,000 in emergency fire funds for repayment of monies borrowed from other accounts is included in the Bureau of Land Management, Wildland Fire Management account. An additional $301,000,000 for a similar purpose is included in the Forest Service Wildland Fire Management account. These amounts were requested by the Administration.

Section 344—The conference agreement includes an across the board reduction of 0.646 percent. This reduction should be applied to each program, project, and activity.

TITLE IV—FLATHEAD AND KOOTENAI NATIONAL FOREST REHABILITATION ACT

The conference agreement contains, with minor modifications, the text of the Flathead and Kootenai National Forest Rehabilitation Act as proposed by the Senate. This legislation provides authority for the Forest Service to expedite implementation of restoration projects on these national forests.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Management of Lands and Resources				
Land Resources				
Soil, water and air management	35,824	34,936	36,136	+312
Range management	72,256	70,180	72,880	+624
Forestry management	7,188	8,197	8,197	+1,009
Riparian management	21,967	21,972	21,972	+5
Cultural resources management	15,257	14,700	14,700	-557
Wild horse and burro management	29,524	29,422	29,422	-102
Subtotal, Land Resources	182,016	179,407	183,307	+1,291
Wildlife and Fisheries				
Wildlife management	22,201	22,423	22,423	+222
Fisheries management	11,593	11,869	11,869	+276
Subtotal, Wildlife and Fisheries	33,794	34,292	34,292	+498
Threatened and endangered species	21,532	21,831	21,831	+299
Recreation Management				
Wilderness management	17,374	16,999	17,499	+125
Recreation resources management	41,472	48,718	48,718	+7,246
Recreation operations (fees)	993	1,000	1,000	+7
Subtotal, Recreation Management	59,839	66,717	67,217	+7,378
Energy and Minerals				
Oil and gas	86,123	85,953	88,953	+2,830
Coal management	9,526	9,538	9,538	+12
Other mineral resources	10,250	10,434	10,434	+184
Subtotal, Energy and Minerals	105,899	105,925	108,925	+3,026
Alaska minerals	2,484	2,222	2,484	---
Realty and Ownership Management				
Alaska conveyance	36,826	32,943	42,443	+5,617
Cadastral survey	15,024	13,945	16,920	+1,896
Land and realty management	36,770	34,045	35,045	-1,725
Subtotal, Realty and Ownership Management	88,620	80,933	94,408	+5,788
Resource Protection and Maintenance				
Resource management planning	47,242	48,146	49,146	+1,904
Resource protection and law enforcement	14,318	14,798	14,798	+480
Hazardous materials management	16,705	16,726	18,426	+1,721
Subtotal, Resource Protection and Maintenance	78,265	79,670	82,370	+4,105
Transportation and Facilities Maintenance				
Operations	6,386	6,402	6,402	+16
Annual maintenance	31,974	31,025	31,025	-949
Deferred maintenance	13,600	11,503	12,503	-1,097
Infrastructure improvement	30,826	29,414	31,414	+588
Subtotal, Transportation/Facilities Maintenance	82,786	78,344	81,344	-1,442
Land and resources information systems	19,215	18,991	18,991	-224
Mining Law Administration				
Administration	32,696	32,696	32,696	---
Offsetting fees	-32,696	-32,696	-32,696	---
Subtotal, Mining Law Administration	---	---	---	---
Workforce and Organizational Support				
Information systems operations	16,342	18,762	18,762	+2,420
Administrative support	49,785	49,817	49,817	+32
Bureauwide fixed costs	65,885	70,195	70,195	+4,310
Subtotal, Workforce and Organizational Support	132,012	138,774	138,774	+6,762

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Challenge cost share	13,882	20,973	16,378	+2,496
Total, Management of Lands and Resources	820,344	828,079	850,321	+29,977
Wildland Fire Management				
Preparedness	275,411	282,725	277,725	+2,314
Fire suppression operations	159,309	195,310	195,310	+36,001
Supplemental appropriations (P.L. 108-83)	36,000	---	---	-36,000
Borrowing repayment (emergency appropriations)	---	---	99,000	+99,000
Other operations	215,433	220,690	220,690	+5,257
Other appropriations (P.L. 108-7)	189,000	---	---	-189,000
Total, Wildland Fire Management	875,153	698,725	792,725	-82,428
Central Hazardous Materials Fund				
Bureau of Land Management	9,913	9,978	9,978	+65
Construction				
Construction	11,898	10,976	13,976	+2,078
Land Acquisition				
Land Acquisition				
Acquisitions	27,272	18,186	13,600	-13,672
Emergencies and hardships	1,490	1,500	1,000	-490
Acquisition management	3,974	3,500	3,500	-474
Land exchange equalization payment	497	500	500	+3
Total, Land Acquisition	33,233	23,686	18,600	-14,633
Oregon and California Grant Lands				
Western Oregon resources management	85,794	87,454	87,454	+1,660
Western Oregon information and resource data systems	2,192	2,202	2,202	+10
Western Oregon transportation & facilities maintenance	10,887	10,911	10,911	+24
Western Oregon construction and acquisition	297	297	297	---
Jobs in the woods	5,777	5,808	5,808	+31
Total, Oregon and California Grant Lands	104,947	106,672	106,672	+1,725
Range Improvements				
Improvements to public lands	7,873	7,873	7,873	---
Farm Tenant Act lands	1,527	1,527	1,527	---
Administrative expenses	600	600	600	---
Total, Range Improvements	10,000	10,000	10,000	---
Service Charges, Deposits, and Forfeitures				
Rights-of-way processing	1,115	12,000	10,667	+9,552
Adopt-a-horse program	1,225	1,225	1,225	---
Repair of damaged lands	3,666	3,666	3,666	---
Cost recoverable realty cases	515	1,015	515	---
Timber purchaser expenses	50	50	50	---
Copy fees	1,329	2,534	2,534	+1,205
Subtotal (gross)	7,900	20,490	18,657	+10,757
Offsetting fees	-7,900	-20,490	-18,657	-10,757
Total, Service Charges, Deposits & Forfeitures	---	---	---	---
Miscellaneous Trust Funds				
Current appropriations	12,405	12,405	12,405	---
TOTAL, BUREAU OF LAND MANAGEMENT	1,877,893	1,700,521	1,814,677	-63,216

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
UNITED STATES FISH AND WILDLIFE SERVICE				
Resource Management				
Ecological Services				
Endangered species				
Candidate conservation	9,867	8,670	9,930	+63
Listing	9,018	12,286	12,286	+3,268
Consultation	47,459	45,734	47,734	+275
Recovery	65,412	62,029	68,754	+3,342
Subtotal, Endangered species	131,756	128,719	138,704	+6,948
Habitat conservation	85,070	82,336	88,411	+3,341
Environmental contaminants	10,710	10,805	10,805	+95
Subtotal, Ecological Services	227,536	221,860	237,920	+10,384
Refuges and Wildlife				
Refuge operations and maintenance	367,377	402,015	391,315	+23,938
Salton Sea recovery	992	---	---	-992
Migratory bird management	28,697	31,121	32,496	+3,799
Law enforcement operations	51,590	52,666	54,366	+2,776
Supplemental appropriations (P L. 108-83)	5,000	--	---	-5,000
Subtotal, Refuges and Wildlife	453,656	485,802	478,177	+24,521
Fisheries				
Hatchery operations and maintenance	54,098	58,027	58,715	+4,617
Fish and wildlife management	52,538	45,579	57,032	+4,494
Subtotal, Fisheries	106,636	103,606	115,747	+9,111
General Administration				
Central office administration	14,474	17,275	17,275	+2,801
Regional office administration	24,060	23,787	23,787	-273
Servicewide administrative support	58,132	57,709	57,709	-423
National Fish and Wildlife Foundation	7,620	7,670	7,670	+50
National Conservation Training Center	16,037	15,639	16,489	+452
International affairs	8,114	8,178	8,178	+64
Caddo Lake Ramsar Center	199	---	400	+201
Subtotal, General Administration	128,636	130,258	131,508	+2,872
Total, Resource Management	916,464	941,526	963,352	+46,888
Construction				
Construction and rehabilitation				
Line item construction	43,425	24,073	49,234	+5,809
Nationwide engineering services	10,648	11,320	11,320	+672
Total, Construction	54,073	35,393	60,554	+6,481
Land Acquisition				
Fish and Wildlife Service				
Acquisitions - Federal refuge lands	55,507	24,684	30,070	-25,437
Inholdings	1,987	2,500	1,500	-487
Emergencies and hardships	1,987	2,000	1,000	-987
Exchanges	993	1,000	500	-493
Acquisition management	9,935	8,495	8,500	-1,435
Cost allocation methodology	2,484	2,058	2,058	-426
Total, Land Acquisition	72,893	40,737	43,628	-29,265
Landowner Incentive Program				
Grants to States	39,740	40,000	30,000	-9,740
Rescission of FY 2002 funds	-40,000	---	---	+40,000
Total, Landowner incentive program	-260	40,000	30,000	+30,260

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Private Stewardship Grants Program				
Stewardship grants	9,935	10,000	7,500	-2,435
Rescission of FY 2002 funds	-10,000	---	---	+10,000
Total, Private stewardship grants program	-65	10,000	7,500	+7,565
Cooperative Endangered Species Conservation Fund				
Grants to States	26,754	34,029	30,029	+3,275
HCP land acquisition	51,136	50,000	50,000	-1,136
Administration	2,583	2,585	2,585	+2
Total, Cooperative Endangered Species Fund	80,473	86,614	82,614	+2,141
National Wildlife Refuge Fund				
Payments in lieu of taxes	14,320	14,414	14,414	+94
North American Wetlands Conservation Fund				
Wetlands conservation	36,777	47,578	36,480	-297
Administration	1,532	1,982	1,520	-12
Total, North American Wetlands Conservation Fund	38,309	49,560	38,000	-309
Neotropical Migratory Bird Conservation Fund				
Migratory bird grants	2,981	---	4,000	+1,019
Multinational Species Conservation Fund				
African elephant conservation	1,192	1,000	1,400	+208
Rhinoceros and tiger conservation	1,192	1,000	1,400	+208
Asian elephant conservation	1,192	1,000	1,400	+208
Great ape conservation	1,192	1,000	1,400	+208
Neotropical migratory bird conservation	---	3,000	---	---
Total, Multinational Species Conservation Fund	4,768	7,000	5,600	+832
State and Tribal Wildlife Grants				
State and tribal wildlife grants	64,577	59,983	70,000	+5,423
TOTAL, U.S. FISH AND WILDLIFE SERVICE	1,248,533	1,285,227	1,319,662	+71,129
Appropriations	(1,298,533)	(1,285,227)	(1,319,662)	(+21,129)
Rescission	(-50,000)	---	---	(+50,000)
NATIONAL PARK SERVICE				
Operation of the National Park System				
Park Management				
Resource stewardship	338,149	334,646	340,114	+1,965
Visitor services	315,375	318,028	324,348	+8,973
Maintenance	519,970	569,695	567,230	+47,260
Park support	283,305	294,590	286,378	+3,073
Subtotal, Park Management	1,456,799	1,516,959	1,518,070	+61,271
External administrative costs	107,532	114,923	114,571	+7,039
Travel reduction	---	---	-3,000	-3,000
Total, Operation of the National Park System	1,564,331	1,631,882	1,629,641	+65,310
United States Park Police				
Park Police	77,921	78,859	78,859	+938
National Recreation and Preservation				
Recreation programs	548	855	555	+7
Natural programs	10,877	12,511	11,011	+134
Cultural programs	19,918	19,071	19,936	+18
International park affairs	1,708	1,626	1,626	-82
Environmental and compliance review	397	401	401	+4
Grant administration	1,575	1,595	1,595	+20

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Heritage Partnership Programs				
Commissions and grants	14,162	7,616	14,329	+167
Administrative support	118	124	124	+6
Subtotal, Heritage Partnership Programs	14,280	7,740	14,453	+173
Statutory or Contractual Aid				
Aleutian World War II Historic Area	397	---	---	-397
Benjamin Franklin Tercentenary Commission	---	---	200	+200
Blue Ridge Parkway (Folk Art Center)	---	---	750	+750
Brown Foundation	200	101	200	---
Chesapeake Bay Gateway	1,987	798	2,500	+513
Dayton Aviation Heritage Commission	446	47	87	-359
Flight 93 Memorial	298	---	298	---
French and Indian War (PA)	---	---	500	+500
Harry S. Truman Statue	---	---	50	+50
Ice Age National Scientific Reserve	801	806	806	+5
Jamestown 2007	199	---	199	---
Johnstown Area Heritage Association	49	49	49	---
Lake Roosevelt Forum	50	---	50	---
Lamprey River	596	155	1,000	+404
Louisiana Purchase Comm of Arkansas	199	---	---	-199
Mandan Interpetive Center and Lodge project	---	---	500	+500
Martin Luther King, Jr. Center	525	528	528	+3
National Constitution Center, PA	497	---	---	-497
Native Hawaiian culture and arts program	735	740	740	+5
New Orleans Jazz Commission	66	66	66	---
Oklahoma City Memorial	---	---	1,600	+1,600
Office of Arctic Studies	1,490	---	1,500	+10
Penn Center National landmark, SC	497	---	---	-497
Roosevelt Campobello International Park Commission	797	847	847	+50
Sewall-Belmont House	397	---	---	-397
Sleeping Rainbow Ranch, Capitol Reef NP	497	---	497	---
St. Charles Interpretive Center	497	---	---	-497
Vancouver National Historic reserve	248	---	---	-248
Virginia Key Miami Beach	497	---	---	-497
Subtotal, Statutory or Contractual Aid	11,965	4,137	12,967	+1,002
Total, National Recreation and Preservation	61,268	47,936	62,544	+1,276
Urban Park and Recreation Fund				
Urban park grants	298	305	305	+7
Historic Preservation Fund				
State historic preservation offices	33,779	34,000	35,000	+1,221
Tribal grants	2,981	3,000	3,000	+19
Grants for millennium initiative	29,805	30,000	33,000	+3,195
National trust (endowment)	1,987	---	500	-1,487
HBCUs	---	---	3,000	+3,000
Total, Historic Preservation Fund	68,552	67,000	74,500	+5,948
Construction				
Emergency and unscheduled	3,477	5,500	5,500	+2,023
Housing	9,935	8,000	8,000	-1,935
Equipment replacement	31,752	38,460	35,460	+3,708
Planning, construction	25,235	24,480	24,480	-755
General management plans	13,806	13,420	13,420	-386
Line item construction and maintenance	214,194	207,231	216,969	+2,775
Construction program management	24,631	27,466	27,466	+2,835
Dam safety	2,682	2,700	2,700	+18
Total, Construction	325,712	327,257	333,995	+8,283
Land and Water Conservation Fund				
(Rescission of contract authority)	-30,000	-30,000	-30,000	---
Land Acquisition and State Assistance				
Assistance to States				
State conservation grants	94,383	156,000	92,500	-1,883
Administrative expenses	2,981	4,011	2,500	-481
Total, Assistance to States	97,364	160,011	95,000	-2,364

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
National Park Service				
Acquisitions	53,530	58,969	32,850	-20,680
Emergencies and hardships	3,974	4,000	2,000	-1,974
Acquisition management	12,506	11,654	10,500	-2,006
Inholdings	3,974	4,000	2,000	-1,974
Total, National Park Service	73,984	78,623	47,350	-26,634
Total, Land Acquisition and State Assistance	171,348	238,634	142,350	-28,998
TOTAL, NATIONAL PARK SERVICE	2,239,430	2,361,873	2,292,194	+52,764
Appropriations	(2,269,430)	(2,391,873)	(2,322,194)	(+52,764)
Rescission	(-30,000)	(-30,000)	(-30,000)	---
UNITED STATES GEOLOGICAL SURVEY				
Surveys, Investigations, and Research				
Mapping, Remote Sensing, and Geographic Investigations				
Cooperative topographic mapping	81,120	74,108	81,497	+377
Land remote sensing	35,711	34,039	34,039	-1,672
Geographic analysis and monitoring	16,374	12,335	15,355	-1,019
Subtotal, National Mapping Program	133,205	120,482	130,891	-2,314
Geologic Hazards, Resource and Processes				
Geologic hazards assessments	74,990	72,776	75,967	+977
Geologic landscape and coastal assessments	78,698	79,430	79,074	+376
Geologic resource assessments	79,479	69,369	81,213	+1,734
Subtotal, Geologic Hazards, Resource & Processes	233,167	221,575	236,254	+3,087
Water Resources Investigations				
Hydrologic monitoring, assessments and research				
Ground water resources program	5,410	6,529	6,029	+619
National water quality assessment	63,217	63,818	63,818	+601
Toxic substances hydrology	13,437	11,065	15,034	+1,597
Hydrologic research and development	15,386	13,723	17,273	+1,887
National streamflow information program	14,217	14,356	14,356	+139
Hydrologic networks and analysis	25,088	26,069	30,106	+5,018
Subtotal, Hydrologic monitoring, assessments and research	136,755	135,560	146,616	+9,861
Federal-State program	64,433	64,536	64,536	+103
Water resources research institutes	5,963	---	6,500	+537
Subtotal, Water Resources Investigations	207,151	200,096	217,652	+10,501
Biological Research				
Biological research and monitoring	132,133	134,036	136,313	+4,180
Biological information management and delivery	22,787	20,700	24,897	+2,110
Cooperative research units	14,896	14,139	14,889	-7
Subtotal, Biological Research	169,816	168,875	176,099	+6,283
Science support	85,177	91,529	91,629	+6,452
Facilities	90,756	92,948	94,148	+3,392
Streamlining add-back	---	---	3,013	+3,013
TOTAL, UNITED STATES GEOLOGICAL SURVEY	919,272	895,505	949,686	+30,414
MINERALS MANAGEMENT SERVICE				
Royalty and Offshore Minerals Management				
OCS Lands				
Leasing and environmental program	37,521	37,245	37,245	-276
Resource evaluation	26,831	25,708	26,808	-23
Regulatory program	50,774	50,402	50,402	-372
Information management program	22,991	25,851	25,851	+2,860
Subtotal, OCS Lands	138,117	139,206	140,306	+2,189

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Royalty Management				
Compliance and asset management	48,493	46,264	46,264	-2,229
Revenue and operations	34,407	34,117	34,117	-290
Indian allottee refunds	15	15	15	---
Subtotal, Royalty Management	82,915	80,396	80,396	-2,519
General Administration				
Executive direction	2,023	2,062	2,062	+39
Policy and management improvement	4,075	4,150	4,150	+75
Administrative operations	16,540	16,827	16,827	+287
General support services	20,807	21,805	21,805	+998
Subtotal, General Administration	43,445	44,844	44,844	+1,399
Subtotal (gross)	264,477	264,446	265,546	+1,069
Use of receipts	-100,230	-100,230	-100,230	---
Total, Royalty and Offshore Minerals Management	164,247	164,216	165,316	+1,069
Oil Spill Research				
Oil spill research	6,065	7,105	7,105	+1,040
TOTAL, MINERALS MANAGEMENT SERVICE	170,312	171,321	172,421	+2,109
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT				
Regulation and Technology				
Environmental restoration	161	163	163	+2
Environmental protection	78,644	79,463	79,463	+819
Technology development and transfer	12,511	12,749	12,749	+238
Financial management	482	491	491	+9
Executive direction	12,610	13,558	13,558	+948
Subtotal, Regulation and Technology	104,408	106,424	106,424	+2,016
Civil penalties	273	275	275	+2
Total, Regulation and Technology	104,681	106,699	106,699	+2,018
Abandoned Mine Reclamation Fund				
Environmental restoration	173,561	157,137	175,637	+2,076
Technology development and transfer	4,137	4,184	4,184	+47
Financial management	6,139	6,260	6,260	+121
Executive direction	6,661	6,888	6,888	+227
Total, Abandoned Mine Reclamation Fund	190,498	174,469	192,969	+2,471
TOTAL, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT	295,179	281,168	299,668	+4,489
BUREAU OF INDIAN AFFAIRS				
Operation of Indian Programs				
Tribal Budget System				
Tribal Priority Allocations				
Tribal government	386,421	390,494	392,054	+5,633
Human services	149,970	148,588	149,588	-382
Education	49,839	49,991	49,991	+152
Public safety and justice	1,373	1,244	1,244	-129
Community development	40,461	40,467	40,467	+6
Resources management	61,117	63,029	63,029	+1,912
Trust services	58,004	58,373	58,373	+369
General administration	25,296	25,503	25,503	+207
Subtotal, Tribal Priority Allocations	772,481	777,689	780,249	+7,768

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Other Recurring Programs				
Education				
School operations				
Forward-funded	445,073	458,524	458,524	+13,451
Other school operations	67,489	69,991	69,991	+2,502
Subtotal, School operations	512,562	528,515	528,515	+15,953
Continuing education	42,838	39,206	49,206	+6,368
Subtotal, Education	555,400	567,721	577,721	+22,321
Resources management	42,324	34,342	44,076	+1,752
Subtotal, Other Recurring Programs	597,724	602,063	621,797	+24,073
Non-Recurring Programs				
Community development	2,235	---	2,500	+265
Resources management	32,850	36,287	36,437	+3,587
Trust services	37,400	37,256	37,648	+248
Subtotal, Non-Recurring Programs	72,485	73,543	76,585	+4,100
Total, Tribal Budget System	1,442,690	1,453,295	1,478,631	+35,941
BIA Operations				
Central Office Operations				
Tribal government	3,133	2,653	2,903	-230
Human services	901	907	907	+6
Community development	869	875	875	+6
Resources management	3,465	3,488	3,488	+23
Trust services	8,766	5,317	5,317	-3,449
General administration				
Education program management	2,393	2,413	2,413	+20
Education personnel services	2,116	2,134	2,134	+18
Other general administration	47,936	81,574	71,574	+23,638
Subtotal, General administration	52,445	86,121	76,121	+23,676
Subtotal, Central Office Operations	69,579	99,361	89,611	+20,032
Regional Office Operations				
Tribal government	1,327	1,345	1,345	+18
Human services	3,141	3,192	3,192	+51
Community development	847	857	857	+10
Resources management	5,414	5,474	5,474	+60
Trust services	24,225	24,435	24,435	+210
General administration	28,851	29,178	29,178	+327
Subtotal, Regional Office Operations	63,805	64,481	64,481	+676
Special Programs and Pooled Overhead				
Education	16,366	16,254	16,579	+213
Public safety and justice	162,306	171,147	174,647	+12,341
Community development	8,576	1,061	8,232	-344
Resources management	1,299	1,306	1,306	+7
General administration	80,625	82,830	82,830	+2,205
Subtotal, Special Programs and Pooled Overhead	269,172	272,598	283,594	+14,422
Total, BIA Operations	402,556	436,440	437,686	+35,130
Total, Operation of Indian Programs	1,845,246	1,889,735	1,916,317	+71,071
BIA SPLITS				
Natural resources	(146,469)	(143,926)	(153,810)	(+7,341)
Forward-funding	(445,073)	(458,524)	(458,524)	(+13,451)
Education	(181,041)	(179,989)	(190,314)	(+9,273)
Community development	(1,072,663)	(1,107,296)	(1,113,669)	(+41,006)
Total, BIA splits	(1,845,246)	(1,889,735)	(1,916,317)	(+71,071)

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Construction				
Education	293,795	292,634	298,634	+4,839
Public safety and justice	5,013	5,044	5,044	+31
Resources management	38,918	39,162	39,162	+244
General administration	2,168	2,181	2,181	+13
Construction management	6,094	6,133	6,133	+39
Total, Construction	345,988	345,154	351,154	+5,166
Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians				
White Earth Land Settlement Act (Admin)	621	625	629	+8
Hoopa-Yurok settlement fund	248	250	252	+4
Pyramid Lake water rights settlement	141	142	143	+2
Ute Indian water rights settlement	24,567	22,494	21,467	-3,100
Rocky Boy's	5,035	---	33	-5,002
Shivwits Band Settlement	18,876	---	123	-18,753
Santo Domingo Pueblo Settlement	3,116	9,864	9,884	+6,768
Colorado Ute Settlement	7,948	8,000	8,052	+104
Cherokee, Choctaw, and Chickasaw settlement	---	10,000	10,000	+10,000
Quinault Settlement	---	---	9,968	+9,968
Transfer from '03 FWS land acquisition	---	---	-4,968	-4,968
Total, Miscellaneous Payments to Indians	60,552	51,375	55,583	-4,969
Indian Guaranteed Loan Program Account				
Indian guaranteed loan program account	5,457	6,497	6,497	+1,040
TOTAL, BUREAU OF INDIAN AFFAIRS	2,257,243	2,292,761	2,329,551	+72,308
DEPARTMENTAL OFFICES				
Insular Affairs				
Assistance to Territories				
Territorial Assistance				
Office of Insular Affairs	5,261	6,321	6,321	+1,060
Technical assistance	13,374	7,561	12,561	-813
Maintenance assistance fund	2,285	2,300	2,300	+15
Brown tree snake	2,335	2,350	2,350	+15
Insular management controls	1,481	1,491	1,491	+10
Coral reef initiative	497	500	500	+3
Subtotal, Territorial Assistance	25,233	20,523	25,523	+290
American Samoa				
Operations grants	22,950	23,100	23,100	+150
Northern Marianas				
Covenant grants	27,720	27,720	27,720	---
Total, Assistance to Territories	75,903	71,343	76,343	+440
Compact of Free Association				
Compact of Free Association - Federal services	7,306	2,734	2,734	-4,572
Mandatory payments - program grant assistance	12,000	12,000	2,000	-10,000
Enewetak support	1,620	1,391	1,700	+80
Total, Compact of Free Association	20,926	16,125	6,434	-14,492
Total, Insular Affairs	96,829	87,468	82,777	-14,052
Departmental Management				
Departmental direction	13,318	13,524	13,524	+206
Management and coordination	26,283	30,322	28,917	+2,634
Hearings and appeals	8,145	8,280	8,080	-65
Central services	23,375	27,070	27,070	+3,695
Bureau of Mines workers compensation/unemployment	836	4,108	842	+6
Financial management system migration project	---	13,836	---	---
Public lands volunteers	---	---	500	+500

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Foreign currency account	---	---	-1,400	-1,400
Total, Departmental Management	71,957	97,140	77,533	+5,576
Working Capital Fund				
Working capital fund (cancellation)	---	---	-20,000	-20,000
Financial management system migration project	---	---	11,700	+11,700
Subtotal, Working Capital fund	---	---	-8,300	-8,300
Payments in Lieu of Taxes				
Payments to local governments	218,570	200,000	227,500	+8,930
Office of the Solicitor				
Legal services	38,182	39,911	39,911	+1,729
General administration	9,280	9,418	9,418	+138
Ethics	---	1,045	1,045	+1,045
Total, Office of the Solicitor	47,462	50,374	50,374	+2,912
Office of Inspector General				
Audit	19,453	16,480	16,390	-3,063
Contracted CFO Audits	---	3,812	3,812	+3,812
Investigations	7,166	8,176	8,076	+910
Program integrity	1,478	2,155	1,855	+377
Policy and management	7,906	8,426	8,616	+710
Total, Office of Inspector General	36,003	39,049	38,749	+2,746
Office of Special Trustee for American Indians				
Federal Trust Programs				
Program operations, support, and improvements	137,845	273,347	187,366	+49,521
Executive direction	2,514	1,294	2,275	-239
Total, Federal Trust programs	140,359	274,641	189,641	+49,282
Indian Land Consolidation Program				
Indian land consolidation	7,928	20,980	21,980	+14,052
Total, Office of Special Trustee for American Indians	148,287	295,621	211,621	+63,334
Natural Resource Damage Assessment Fund				
Damage assessments	3,901	3,933	3,933	+32
Program management	1,352	1,450	1,450	+98
Restoration support	248	250	250	+2
Total, Natural Resource Damage Assessment Fund	5,501	5,633	5,633	+132
TOTAL, DEPARTMENTAL OFFICES	624,609	775,285	685,887	+61,278
TOTAL, TITLE I, DEPARTMENT OF THE INTERIOR	9,632,471	9,763,661	9,863,746	+231,275
Appropriations	(9,712,471)	(9,793,661)	(9,794,746)	(+82,275)
Emergency appropriations	---	---	(99,000)	(+99,000)
Rescission	(-80,000)	(-30,000)	(-30,000)	(+50,000)
TITLE II - RELATED AGENCIES				
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
Forest and Rangeland Research				
Forest and rangeland research	250,049	252,170	269,710	+19,661

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
State and Private Forestry				
Forest Health Management				
Federal lands forest health management	50,047	44,963	54,500	+4,453
Cooperative lands forest health management	30,836	25,088	45,300	+14,464
Emerging pest and pathogens fund	---	11,968	---	---
Subtotal, Forest Health Management	80,883	82,019	99,800	+18,917
Cooperative Fire Assistance				
State fire assistance	25,486	25,385	33,800	+8,314
Volunteer fire assistance	5,007	5,043	5,100	+93
Subtotal, Cooperative Fire Assistance	30,493	30,428	38,900	+8,407
Cooperative Forestry				
Forest stewardship	32,012	65,609	32,282	+270
Forest Legacy	68,380	90,809	64,934	-3,446
Urban and Community Forestry	35,999	37,893	35,299	-700
Economic action programs	26,268	---	25,925	-343
Forest resource information and analysis	4,964	4,006	5,000	+36
Subtotal, Cooperative Forestry	167,623	198,317	163,440	-4,183
International program	5,713	5,059	6,000	+287
Total, State and Private Forestry	284,712	315,823	308,140	+23,428
National Forest System				
Land management planning	71,726	70,868	70,868	-858
Inventory and monitoring	174,216	177,796	171,776	-2,440
Recreation, heritage and wilderness	252,542	254,941	258,232	+5,690
Wildlife and fish habitat management	132,936	134,794	137,375	+4,439
Grazing management	40,584	43,180	46,471	+5,887
Forest products	263,628	268,019	268,319	+4,691
Vegetation and watershed management	189,703	192,606	196,106	+6,403
Minerals and geology management	52,293	54,065	54,065	+1,772
Landownership management	92,411	91,692	92,692	+281
Law enforcement operations	80,275	80,628	83,862	+3,587
Valles Caldera National Preserve	3,130	984	3,150	+20
Total, National Forest System	1,353,444	1,369,573	1,382,916	+29,472
Wildland Fire Management				
Preparedness	677,996	609,747	680,000	+2,004
Fire suppression operations	351,964	604,580	604,580	+252,616
Supplemental appropriations (P.L. 108-83)	283,000	---	---	-283,000
Borrowing repayment (emergency appropriations)	---	---	301,000	+301,000
Other operations	341,008	327,448	358,632	+17,624
Other appropriations (P.L. 108-7)	636,000	---	---	-636,000
Total, Wildland Fire Management	2,289,968	1,541,775	1,944,212	-345,756
Capital Improvement and Maintenance				
Facilities	202,312	200,876	217,040	+14,728
Roads	231,344	245,358	237,464	+6,120
Trails	69,226	78,337	75,650	+6,424
Infrastructure improvement	45,568	---	32,000	-13,568
Total, Capital Improvement and Maintenance	548,450	524,571	562,154	+13,704
Land Acquisition				
Forest Service				
Acquisitions	113,572	25,756	50,191	-63,381
Acquisition management	14,902	16,374	15,000	+98
Cash equalization	1,490	---	500	-990
Critical inholdings/wilderness protection	2,981	2,000	1,500	-1,481
Total, Land Acquisition	132,945	44,130	67,191	-65,754
Acquisition of lands for national forests, special acts	1,062	1,069	1,069	+7
Acquisition of lands to complete land exchanges	232	234	234	+2
Range betterment fund	3,380	3,000	3,000	-380

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Gifts, donations and bequests for forest and rangeland research	91	92	92	+1
Management of national forest lands for subsistence uses	5,506	5,535	5,535	+29
TOTAL, FOREST SERVICE	4,869,839	4,057,972	4,544,253	-325,586
DEPARTMENT OF ENERGY				
Clean Coal Technology				
Deferral	-87,000	---	-97,000	-10,000
Rescission	---	---	-88,000	-88,000
Total, Clean Coal Technology	-87,000	---	-185,000	-98,000
Fossil Energy Research and Development				
Clean coal power initiative	149,025	130,000	172,000	+22,975
FutureGen	---	---	9,000	+9,000
Fuels and Power Systems				
Central Systems				
Innovations for existing plants	22,056	22,000	22,000	-56
Advanced Systems				
Integrated gasification combined cycle	44,360	51,000	51,000	+6,640
Combustion systems including hybrid	10,332	---	5,000	-5,332
Turbines	16,889	13,000	13,000	-3,889
Subtotal, Advanced Systems	71,581	64,000	69,000	-2,581
Subtotal, Central Systems	93,637	86,000	91,000	-2,637
Sequestration R&D				
Greenhouse gas control	39,939	62,000	40,800	+861
Fuels				
Transportation fuels and chemicals	21,956	5,000	22,200	+244
Solid fuels and feedstocks	5,961	---	6,060	+99
Advanced fuels research	3,279	---	3,350	+71
Subtotal, Fuels	31,196	5,000	31,610	+414
Advanced Research				
Coal utilization science	8,941	9,000	12,000	+3,059
Materials	8,941	12,000	11,250	+2,309
Technology crosscut	11,078	9,500	11,467	+389
University coal research	2,981	5,000	2,981	---
HBCUs, education and training	993	2,000	993	---
Subtotal, Advanced Research	32,934	37,500	38,691	+5,757
Distributed Generation Systems - Fuel Cells				
Advanced research	3,477	10,000	10,000	+6,523
Systems development	9,935	6,000	11,000	+1,065
Vision 21-hybrids	13,412	5,000	13,000	-412
Innovative concepts	33,779	23,500	35,500	+1,721
Novel generation	3,005	2,500	2,500	-505
Subtotal, Distributed Generation Systems - Fuel Cells	63,608	47,000	72,000	+8,392
U.S./China Energy and Environmental Center	---	---	1,000	+1,000
Subtotal, Fuels and Power Systems	261,314	237,500	275,101	+13,787
Gas				
Natural Gas Technologies				
Exploration and production	23,298	14,000	22,480	-818
Gas hydrates	9,438	3,500	9,500	+62
Infrastructure	8,991	---	9,050	+59
Emerging processing technology applications	2,663	6,555	---	-2,663
Effective environmental protection	2,623	2,500	2,500	-123
Subtotal, Gas	47,013	26,555	43,530	-3,483

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Petroleum - Oil Technology				
Exploration and production supporting research	23,248	2,000	18,680	-4,568
Reservoir life extension/management	8,941	5,000	7,000	-1,941
Effective environmental protection	9,836	8,000	9,836	---
Subtotal, Petroleum - Oil Technology	42,025	15,000	35,516	-6,509
Cooperative R&D	8,186	6,000	8,500	+314
Fossil energy environmental restoration	9,652	9,715	9,715	+63
Import/export authorization	2,981	2,750	2,750	-231
Headquarters program direction	18,777	22,700	22,466	+3,689
Energy Technology Center program direction	68,452	70,085	70,085	+1,633
Clean coal program direction	---	---	15,000	+15,000
General plant projects	6,954	3,000	7,000	+46
Advanced metallurgical processes	5,961	10,000	10,000	+4,039
Use of prior year balances	---	-14,000	---	---
Transfer from SPR petroleum account	---	-5,000	---	---
National Academy of Sciences program review	497	---	500	+3
Total, Fossil Energy Research and Development	620,837	514,305	681,163	+60,326
Naval Petroleum and Oil Shale Reserves				
Oil Reserves				
Production and operations	---	9,101	9,820	+9,820
Management	---	7,399	8,399	+8,399
Naval petroleum reserves Nos. 1 & 2	5,391	---	---	-5,391
Naval petroleum reserve No. 3	6,805	---	---	-6,805
Program direction (headquarters)	5,519	---	---	-5,519
Total, Naval Petroleum and Oil Shale Reserves	17,715	16,500	18,219	+504
Elk Hills School Lands Fund				
Elk Hills school lands fund	---	36,000	---	---
Advance appropriations	36,000	---	36,000	---
Total, Elk Hills School Lands Fund	36,000	36,000	36,000	---
Energy Conservation				
Vehicle technologies	---	157,623	180,223	+180,223
Fuel cell technologies	---	77,500	66,000	+66,000
Weatherization and intergovernmental activities				
Weatherization assistance grants	---	288,200	230,000	+230,000
State energy program grants	---	38,798	44,500	+44,500
State energy activities	---	2,353	2,353	+2,353
Gateway deployment	---	27,609	35,609	+35,609
Total, Weatherization and intergovernmental acivities	---	356,960	312,462	+312,462
Distributed energy resources	---	51,784	61,784	+61,784
Building technologies	---	52,563	60,613	+60,613
Industrial technologies	---	64,429	94,229	+94,229
Biomass and biorefinery systems R&D	---	8,808	7,600	+7,600
Federal energy management program	---	19,962	19,962	+19,962
National climate change technology initiative	---	9,500	---	---
Program management	---	76,664	86,064	+86,064
Building Technology, State and Community Sector				
Building research and standards				
Technology roadmaps and competitive R&D	2,342	---	---	-2,342
Residential buildings integration	12,397	---	---	-12,397
Commercial buildings integration	4,481	---	---	-4,481
Equipment, materials and tools	40,155	---	---	-40,155
Subtotal, Building research and standards	59,375	---	---	-59,375
Building Technology Assistance				
Weatherization assistance	223,537	---	---	-223,537
State energy program	44,708	---	---	-44,708
Community partnerships	17,920	---	---	-17,920
Energy star program	4,173	---	---	-4,173
Subtotal, Building technology assistance	290,338	---	---	-290,338

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Management and planning	14,001	---	---	-14,001
Subtotal, Building Technology, State and Community Sector	363,714	---	---	-363,714
Federal Energy Management Program				
Program activities	19,299	---	---	-19,299
Program direction	4,426	---	---	-4,426
Subtotal, Federal Energy Management Program	23,725	---	---	-23,725
Industry Sector				
Industries of the future (specific)	71,646	---	---	-71,646
Industries of the future (crosscutting)	58,228	---	---	-58,228
Management and planning	7,585	---	---	-7,585
Subtotal, Industry Sector	137,459	---	---	-137,459
Power Technologies				
Distributed generation technologies development	68,585	---	---	-68,585
Management and planning	1,609	---	---	-1,609
Subtotal, Power Technologies	70,194	---	---	-70,194
Transportation				
Vehicle technology R&D	163,212	---	---	-163,212
Fuels utilization R&D	20,052	---	---	-20,052
Materials technologies	37,157	---	---	-37,157
Technology deployment	15,995	---	---	-15,995
Management and planning	10,035	---	---	-10,035
Subtotal, Transportation	246,451	---	---	-246,451
Policy and management	41,780	---	---	-41,780
National Academy of Sciences program review	497	---	---	-497
Cooperative programs with States	2,981	---	---	-2,981
Energy efficiency science initiative	4,968	---	---	-4,968
Total, Energy Conservation	891,769	875,793	888,937	-2,832
Economic Regulation				
Office of Hearings and Appeals	1,477	1,047	1,047	-430
Strategic Petroleum Reserve				
Storage facilities development and operations	157,823	158,979	156,979	-844
Management	13,909	16,102	16,102	+2,193
Total, Strategic Petroleum Reserve	171,732	175,081	173,081	+1,349
SPR Petroleum Account				
Oil acquisition	6,954	---	---	-6,954
Rescission of previously appropriated funds	-5,000	---	---	+5,000
Transfer to Fossil energy research and develpment	---	(-5,000)	---	---
Total, SPR petroleum account	1,954	---	---	-1,954
Northeast Home Heating Oil Reserve				
Northeast home heating oil reserve	5,961	5,000	5,000	-961
Energy Information Administration				
National Energy Information System	80,087	80,111	82,111	+2,024
TOTAL, DEPARTMENT OF ENERGY	1,740,532	1,703,837	1,700,558	-39,974

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
INDIAN HEALTH SERVICE				
Indian Health Services				
Clinical Services				
IHS and tribal health delivery				
Hospital and health clinic programs	1,211,988	1,194,600	1,265,373	+53,385
Dental health program	99,633	105,566	105,817	+6,184
Mental health program	50,297	53,959	53,959	+3,662
Alcohol and substance abuse program	136,849	139,975	139,975	+3,126
Contract care	475,022	493,046	485,046	+10,024
Subtotal, Clinical Services	1,973,789	1,987,146	2,050,170	+76,381
Preventive Health				
Public health nursing	39,616	43,112	43,112	+3,496
Health education	10,991	11,940	11,940	+949
Community health representatives program	50,444	51,633	51,633	+1,189
Immunization (Alaska)	1,546	1,580	1,580	+34
Subtotal, Preventive Health	102,597	108,265	108,265	+5,668
Urban health projects	31,323	31,568	32,014	+691
Indian health professions	31,114	35,417	31,158	+44
Tribal management	2,390	2,406	2,406	+16
Direct operations	60,176	56,607	61,471	+1,295
Self-governance	5,553	10,250	5,714	+161
Contract support costs	268,974	270,734	270,734	+1,760
Medicare/Medicaid Reimbursements				
Hospital and clinic accreditation (Est. collecting)	(449,985)	(567,620)	(567,620)	(+117,635)
Total, Indian Health Services	2,475,916	2,502,393	2,561,932	+86,016
Indian Health Facilities				
Maintenance and improvement	49,507	47,331	49,507	---
Sanitation facilities	93,217	114,175	94,175	+958
Construction facilities	81,585	69,947	95,734	+14,149
Facilities and environmental health support	132,254	139,522	139,522	+7,268
Equipment	17,182	16,294	17,294	+112
Total, Indian Health Facilities	373,745	387,269	396,232	+22,487
TOTAL, INDIAN HEALTH SERVICE	2,849,661	2,889,662	2,958,164	+108,503
OTHER RELATED AGENCIES				
OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION				
Salaries and expenses	14,397	13,532	13,532	-865
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT				
Payment to the Institute	5,454	5,250	6,250	+796
SMITHSONIAN INSTITUTION				
Salaries and Expenses				
Museum and Research Institutes				
Anacostia Museum and Center for African American History and Culture	1,968	1,907	1,907	-61
Archives of American Art	1,790	1,849	1,849	+59
Arthur M. Sackler Gallery/Freer Gallery of Art	6,128	5,790	5,790	-338
Center for Folklife and Cultural Heritage	1,899	1,954	1,954	+55
Cooper-Hewitt, National Design Museum	3,030	3,126	3,126	+96
Hirshhorn Museum and Sculpture Garden	4,693	4,150	4,150	-543
National Air and Space Museum	20,269	21,498	21,498	+1,229
National Museum of African Art	4,435	4,566	4,566	+131
National Museum of American Art	8,273	7,739	7,739	-534
National Museum of American History	22,209	20,434	20,434	-1,775
National Museum of the American Indian	33,397	38,610	38,610	+5,213
National Museum of Natural History	44,690	43,319	43,319	-1,371
National Portrait Gallery	5,514	4,986	4,986	-528
National Zoological Park	24,515	18,323	18,723	-5,792

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Astrophysical Observatory	20,984	21,801	21,801	+817
Center for Materials Research and Education	3,438	3,542	3,542	+104
Environmental Research Center	3,487	2,912	2,912	-575
Tropical Research Institute	11,454	11,280	11,280	-174
Subtoal, Museums and Research Institutes	222,173	217,186	218,186	-3,987
Program Support and Outreach				
Outreach	8,329	9,393	9,393	+1,064
Communications	1,347	1,386	1,386	+39
Institution-wide programs	5,967	6,195	6,195	+228
Office of Exhibits Central	2,571	2,659	2,659	+88
Major scientific instrumentation	4,968	5,000	5,000	+32
Museum Support Center	2,453	1,678	1,678	-775
Smithsonian Institution Archives	1,663	1,664	1,664	+1
Smithsonian Institution Libraries	8,433	8,813	8,813	+380
Subtotal, Program Support and Outreach	35,731	36,788	36,788	+1,057
Administration	53,625	64,687	64,687	+11,062
Facilities Services				
Office of Protection Services	58,293	---	---	-58,293
Office of Physical Plant	90,374	---	---	-90,374
Facilities maintenance	---	40,615	40,615	+40,615
Facilities operations, security and support	---	141,821	141,821	+141,821
Subtotal, Facilities Services	148,667	182,436	182,436	+33,769
Offsetting reduction, FY 2003	---	-12,795	---	---
Offsetting reduction, FY 2004	---	-12,349	-7,349	-7,349
Rescission of prior year unobligated funds	-14,100	---	---	+14,100
Total, Salaries and Expenses	446,096	476,553	494,748	+48,652
Repair, Restoration and Alteration of Facilities				
Base program	82,883	---	---	-82,883
Construction				
National Museum of the American Indian	15,896	---	---	-15,896
Facilities Capital				
Revitalization	---	71,670	90,670	+90,670
Construction	---	10,000	10,000	+10,000
Facilities planning and design	---	8,300	8,300	+8,300
Total, Facilities capital	---	89,970	108,970	+108,970
TOTAL, SMITHSONIAN INSTITUTION	544,875	566,523	603,718	+58,843
NATIONAL GALLERY OF ART				
Salaries and Expenses				
Care and utilization of art collections	27,739	29,927	29,927	+2,188
Operation and maintenance of buildings and grounds	16,599	21,757	20,757	+4,158
Protection of buildings, grounds and contents	17,729	19,717	19,717	+1,988
General administration	14,650	17,448	17,448	+2,798
Total, Salaries and Expenses	76,717	88,849	87,849	+11,132
Repair, Restoration and Renovation of Buildings				
Base program	16,125	11,600	11,600	-4,525
TOTAL, NATIONAL GALLERY OF ART	92,842	100,449	99,449	+6,607
JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS				
Operations and maintenance	16,204	16,560	16,560	+356
Construction	17,486	16,000	16,000	-1,486
TOTAL, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS	33,690	32,560	32,560	-1,130

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS				
Salaries and Expenses				
Fellowship program	1,251	1,331	1,331	+80
Scholar support	655	647	647	-8
Public service	2,246	2,319	2,319	+73
General administration	1,955	1,897	1,897	-58
Smithsonian fee	207	284	284	+77
Conference planning	1,955	1,961	1,961	+6
Space	164	165	165	+1
TOTAL, WOODROW WILSON CENTER	8,433	8,604	8,604	+171
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES				
National Endowment for the Arts				
Grants and Administration				
Grants				
Direct grants	46,964	47,121	47,121	+157
Challenge America grants	16,889	10,200	13,200	-3,689
State partnerships				
State and regional	24,641	24,723	24,723	+82
Underserved set-aside	6,668	6,691	6,691	+23
Challenge America grants	---	6,800	8,800	+8,800
Subtotal, State partnerships	31,309	38,214	40,214	+8,905
Subtotal, Grants	95,162	95,535	100,535	+5,373
Program support	1,296	1,304	1,304	+8
Administration	19,274	20,641	20,641	+1,367
Total, Arts	115,732	117,480	122,480	+6,748
National Endowment for the Humanities				
Grants and Administration				
Grants				
Federal/State partnership	31,622	31,829	31,829	+207
Preservation and access	18,782	18,905	18,905	+123
Public programs	13,029	13,114	13,114	+85
Research programs	12,978	13,063	13,063	+85
Education programs	12,542	12,624	12,624	+82
Program development	394	397	397	+3
We The People Initiative grants	---	23,000	10,000	+10,000
Subtotal, Grants	89,347	112,932	99,932	+10,585
Administrative Areas				
Administration	19,572	20,946	20,946	+1,374
We The People Initiative administration	---	2,000	---	---
Total, Grants and Administration	108,919	135,878	120,878	+11,959
Matching Grants				
Treasury funds	5,649	5,686	5,686	+37
Challenge grants	10,368	10,436	10,436	+68
Total, Matching Grants	16,017	16,122	16,122	+105
Total, Humanities	124,936	152,000	137,000	+12,064
TOTAL, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES	240,668	269,480	259,480	+18,812
COMMISSION OF FINE ARTS				
Salaries and expenses	1,216	1,422	1,422	+206

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS				
Grants	6,954	5,000	7,000	+46
ADVISORY COUNCIL ON HISTORIC PRESERVATION				
Salaries and expenses	3,643	4,100	4,000	+357
NATIONAL CAPITAL PLANNING COMMISSION				
Salaries and expenses	7,206	8,230	7,730	+524
UNITED STATES HOLOCAUST MEMORIAL MUSEUM				
Holocaust Memorial Museum	38,412	39,997	39,997	+1,585
PRESIDIO TRUST				
Operations	21,188	20,700	20,700	-488
TOTAL, TITLE II, RELATED AGENCIES	10,479,010	9,727,318	10,307,417	-171,593
Appropriations	(10,549,110)	(9,727,318)	(10,155,417)	(-393,693)
Emergency appropriations	---	---	(301,000)	(+301,000)
Advance appropriations	(36,000)	---	(36,000)	---
Rescission	(-19,100)	---	(-88,000)	(-68,900)
Deferrals	(-87,000)	---	(-97,000)	(-10,000)
TITLE IV - WILDLAND FIRE SUPPLEMENTAL				
DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Wildland fire management (contingent emergency appropriation)	---	99,000	---	---
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
Wildland fire management (contingent emergency appropriation)	---	301,000	---	---
TOTAL, TITLE IV, WILDLAND FIRE SUPPLEMENTAL	---	400,000	---	---
GRAND TOTAL, ALL TITLES	20,111,481	19,890,979	20,171,163	+59,682

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2004 recommended by the Committee of Conference, with comparisons to the fiscal year 2003 amount, the 2004 budget estimates, and the House and Senate bills for 2004 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2003	$20,111,481
Budget estimates of new (obligational) authority, fiscal year 2004	19,890,979
House bill, fiscal year 2004	19,601,125
Senate bill, fiscal year 2004	20,012,291
Conference agreement, fiscal year 2004 [1]	20,171,163
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2003	+59,682
Budget estimates of new (obligational) authority, fiscal year 2004	+280,184
House bill, fiscal year 2004	+570,038
Senate bill, fiscal year 2004	+158,872

[1] Conference agreement excludes 0.646% across-the-board cut.

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BILL YOUNG,
RALPH REGULA,
JIM KOLBE,
GEORGE R. NETHERCUTT, Jr.,
ZACH WAMP,
JOHN E. PETERSON,
DON SHERWOOD,
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NORMAN D. DICKS,
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Managers on the Part of the House.

CONRAD BURNS,
TED STEVENS,
THAD COCHRAN,
PETE DOMENICI,
ROBERT F. BENNETT,
JUDD GREGG,
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BYRON L. DORGAN,
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ERNEST HOLLINGS,
HARRY REID,
DIANNE FEINSTEIN,
BARBARA A. MIKULSKI,
Managers on the Part of the Senate.

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