

108TH CONGRESS }  
*2d Session* }

HOUSE OF REPRESENTATIVES

{ REPORT  
{ 108-792

MAKING APPROPRIATIONS FOR FOREIGN  
OPERATIONS, EXPORT FINANCING, AND  
RELATED PROGRAMS FOR THE FISCAL  
YEAR ENDING SEPTEMBER 30, 2005, AND  
FOR OTHER PURPOSES

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CONFERENCE REPORT

TO ACCOMPANY

H.R. 4818



NOVEMBER 20 (legislative day, NOVEMBER 19), 2004.—Ordered to be  
printed

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AND RELATED PROGRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER  
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U.S. GOVERNMENT PRINTING OFFICE

96-906

WASHINGTON : 2004



MAKING APPROPRIATIONS FOR FOREIGN OPERATIONS,  
EXPORT FINANCING, AND RELATED PROGRAMS FOR  
THE FISCAL YEAR ENDING SEPTEMBER 30, 2005, AND  
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NOVEMBER 20 (legislative day of NOVEMBER 19), 2004.—Ordered to be printed

Mr. YOUNG of Florida, from the committee of conference,  
submitted the following

CONFERENCE REPORT

[To accompany H.R. 4818]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4818) “making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, 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:

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Consolidated Appropriations Act, 2005”.*

**SEC. 2. TABLE OF CONTENTS.**

*The table of contents for this Act is as follows:*

- Sec. 1. Short Title*
- Sec. 2. Table of Contents*
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- Sec. 4. Statement of Appropriations*

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- Title I—Agricultural Programs*
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JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005**

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**DIVISION C—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT,  
2005**

*Title I—Department of Defense—Civil*  
*Title II—Department of the Interior*  
*Title III—Department of Energy*  
*Title IV—Independent Agencies*  
*Title V—General Provisions*  
*Title VI—Reform of the Board of Directors of the Tennessee Valley Authority*

**DIVISION D—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED  
PROGRAMS APPROPRIATIONS ACT, 2005**

*Title I—Export and Investment Assistance*  
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*Title III—Military Assistance*  
*Title IV—Multilateral Economic Assistance*  
*Title V—General Provisions*

**DIVISION E—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES  
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*Title I—Department of the Interior*  
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*Title IV—Urgent Wildland Fire Suppression Activities*  
*Title V—General Reduction*

**DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES,  
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*Title I—Department of Labor*  
*Title II—Department of Health and Human Services*  
*Title III—Department of Education*  
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**DIVISION G—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005**

*Title I—Legislative Branch Appropriations*  
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**DIVISION H—TRANSPORTATION, TREASURY, INDEPENDENT AGENCIES,  
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*Title I—Department of Transportation*  
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*Title III—Executive Office of the President and Funds Appropriated to the President*  
*Title IV—Independent Agencies*  
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*Title VI—General Provisions*

**DIVISION I—DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND  
URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS  
ACT, 2005**

*Title I—Department of Veterans Affairs*

*Title II—Department of Housing and Urban Development*  
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**DIVISION J—OTHER MATTERS**

*Title I—Miscellaneous Provisions and Offsets*  
*Title II—225th Anniversary of the American Revolution Commemoration Act*  
*Title III—Rural Air Service Improvement Act of 2004*  
*Title IV—L-1 Visa and H-1B Visa Reform Act*  
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*Title VII—Mississippi Gulf Coast National Heritage Area Act*  
*Title VIII—Federal Lands Recreation Enhancement Act*  
*Title IX—Satellite Home Viewer Extension and Reauthorization Act of 2004*  
*Title X—Snake River Water Rights Act of 2004*

**DIVISION K—SMALL BUSINESS**

**SEC. 3. REFERENCES.**

*Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.*

**SEC. 4. STATEMENT OF APPROPRIATIONS.**

*The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005.*

**DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005**

**TITLE I**

**AGRICULTURAL PROGRAMS**

**PRODUCTION, PROCESSING, AND MARKETING**

**OFFICE OF THE SECRETARY**

*For necessary expenses of the Office of the Secretary of Agriculture, \$5,124,000: Provided, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.*

**EXECUTIVE OPERATIONS**

**CHIEF ECONOMIST**

*For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), \$10,317,000.*

**NATIONAL APPEALS DIVISION**

*For necessary expenses of the National Appeals Division, \$14,331,000.*

DIVISION E—DEPARTMENT OF THE INTERIOR AND  
RELATED AGENCIES APPROPRIATIONS ACT, 2005

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)), \$848,939,000, to remain available until expended, of which \$1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; \$4,000,000 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 \$3,500,000 shall be available in fiscal year 2005 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 \$848,939,000, 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.*

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, \$743,099,000, 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*

*ated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be \$1,500,000 per State in fiscal year 2005: Provided further, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95-87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: 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: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.*

#### ADMINISTRATIVE PROVISION

*With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and Tribal regulatory and reclamation programs.*

#### 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, \$1,955,047,000, to remain available until September 30, 2006 except as otherwise provided herein, of which not to exceed \$87,638,000 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 \$136,314,000 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 2005, 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 \$456,057,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2005, and shall remain available until September 30, 2006; and of which not to exceed \$61,801,000 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 \$45,348,000 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 2004 for the operation of Bureau-funded schools, and up to \$1,000,000 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, 2006, may be transferred during fiscal year 2007 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, 2007.*

#### 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, \$323,626,000, 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 2005, 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 per-*

*formed: 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(b), 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. 2504(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. 2507(e): Provided further, That in order to ensure timely completion of replacement school construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any tribe or tribal organization receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction of the replacement school: Provided further, That, of the funds provided for the tribal school demonstration program, notwithstanding the provisions of paragraph (b)(1) of section 122 of division F of Public Law 108-7, as amended by section 136 of Public Law 108-108, \$4,500,000 is for the Eastern Band of Cherokee education campus at the Ravensford tract, \$4,000,000 is for the Sac and Fox Meskwaki Settlement school, and \$4,000,000 is for the Twin Buttes elementary school on the Fort Berthold Reservation: Provided further, That this Appropriation may be reimbursed from the Office of the Special Trustee for American Indians Appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.*

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS  
PAYMENTS TO INDIANS

*For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, \$44,771,000, to remain available until expended, for implementation of Indian land and water claim settlements pursuant to Public Laws 99-264, 100-580, 101-618, 106-554, 107-331, and 108-34, and for implementation of other land and water rights settlements, of which \$10,032,000 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.*

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

*For the cost of guaranteed and insured loans, \$6,421,000, of which \$695,000 is for administrative expenses, 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 \$84,699,000.*

## 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 char-*

ter 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.

*Notwithstanding any other provision of law, including sec. 113 of Title I of Appendix C of Public Law 106-113, if a Tribe or tribal organization in fiscal year 2003 or 2004 received indirect and administrative costs pursuant to a distribution formula based on sec. 5(f) of Public Law 101-301, the Secretary shall continue to distribute indirect and administrative cost funds to such Tribe or tribal organization using the sec. 5(f) distribution formula.*

#### DEPARTMENTAL OFFICES

##### INSULAR AFFAIRS

##### ASSISTANCE TO TERRITORIES

*For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$76,255,000, of which: (1) \$69,682,000 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) \$6,563,000 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 Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104-134: Provided further, That of the amounts provided for technical assistance, sufficient 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 pro-*

*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.), \$5,818,000, 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 replacement 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 semi-annual 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 as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108–287, 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 as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287, 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 to the Department of the Interior shall hereafter 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 hereafter 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 to the Department of the Interior shall hereafter 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 by the Department of the Interior 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 hereafter 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 Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2005. 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 2005 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 hereafter 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 with-*

in the State of Minnesota; and (2) for all activities authorized by Public Law 100-696; 16 U.S.C. 460zz.

SEC. 118. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings, may hereafter 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. 119. 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. 120. (a) LIMITATION ON INCREASES IN CLAIMS MAINTENANCE AND LOCATION FEES.—The fees established in 30 U.S.C. 28f and 28g shall be equal to the fees in effect immediately prior to the rule of July 1, 2004 (69 Fed. Reg. 40,294) until the Department of the Interior has complied with the obligations established in subsections (b) and (c).

(b) ESTABLISHMENT OF PERMIT TRACKING SYSTEM.—The Department of the Interior shall establish a nationwide tracking system to determine and address the length of time from submission of a plan of operations to mine on public lands to final approval of such submission.

(c) REPORT.—Within one year of enactment, the Department shall file a detailed report 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 providing detailed information on the length of time it takes the Department to approve proposed mining plans of operations and recommending steps to reduce current delays.

SEC. 121. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other 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. 122. 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. 123. 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. 124. 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 Ex-

*ecutive Service rate of pay for the Washington-Baltimore locality pay area.*

*SEC. 125. 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. 126. 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. 127. 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. 128. (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. 129. 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. 130. 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 2006 shall not exceed \$12,000,000.*

*SEC. 131. Notwithstanding any implementation of the Department of the Interior's trust reorganization or reengineering plans, or the implementation of the "To Be" Model, funds appropriated for fiscal year 2005 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 and Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation through the same methodology as funds were distributed in fiscal year 2003. This Demonstration Project*

shall continue to operate separate and apart from the Department of the Interior's trust reform and reorganization and the Department 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 responsibilities under the same written and implemented fiduciary standards as those being carried by the Secretary of the Interior: Provided further, That they demonstrate to the satisfaction of the Secretary that they have the capability to do so: Provided further, That the Department shall provide funds to the tribes in an amount equal to that required by 25 U.S.C. Section 458cc(g)(3), including funds specifically or functionally related to the provision of trust services to the tribes or their members.

SEC. 132. Notwithstanding any provision of law, including 42 U.S.C. 4321 *et. seq.*, nonrenewable grazing permits authorized in the Jarbidge Field Office, Bureau of Land Management within the past 8 years, shall be renewed. The Animal Unit Months contained in the most recently expired nonrenewable grazing permit, authorized between March 1, 1997, and February 28, 2003, shall continue in effect under the renewed permit. Nothing in this section shall be deemed to extend the nonrenewable permits beyond the standard 1-year term.

SEC. 133. 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: AKFF061472, AKFF085155–AKFF085156, AKFF061632–AKFF061633, AKFF061636–AKFF061637, and AKFF084718.

SEC. 134. Section 702(b)(2) of Public Law 107–282 (116 Stat. 2013) is amended by striking “that if the land” and all that follows through “conveyed by the Foundation.” and inserting the following: “that provides that (except in a case in which the proceeds of a lease are provided to the Foundation to carry out the purposes for which the Foundation was established), if the land described in paragraph (3) is sold, leased, or otherwise conveyed by the Foundation—”.

SEC. 135. AMENDMENT OF THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977. (a) Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking “September 30, 2004” and inserting “June 30, 2005”.

(b) Section 125 of Public Law 108–309 is hereby repealed.

SEC. 136. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of

such facilities on such terms and conditions as the Secretary may determine reasonable.

SEC. 137. ERNEST F. HOLLINGS ACE BASIN NATIONAL WILDLIFE REFUGE. (a) REDESIGNATION.—The ACE Basin National Wildlife Refuge in the State of South Carolina shall be known and designated as the “Ernest F. Hollings ACE Basin National Wildlife Refuge”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the refuge referred to in subsection (a) shall be deemed to be a reference to the Ernest F. Hollings ACE Basin National Wildlife Refuge.

SEC. 138. FINANCIAL ASSISTANCE; FLOOD INSURANCE. The limitations on Federal expenditures or financial assistance in section 5 of the Coastal Barrier Resources Act (16 U.S.C. 3504) and the limitations on flood insurance coverage in section 1321(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4028(a)) shall not apply to lots 15, 16, 25, and 29 within the Jeremy Cay Subdivision on Edisto Island, South Carolina, depicted on the reference map entitled “John H. Chafee Coastal Barrier Resources System Edisto Complex M09/M09P” dated January 24, 2003.

SEC. 139. (a) There is hereby released, without consideration, all right, title, and interest of the United States in and to the surface portion of that portion of the existing building located at 615 North Burnett Road in Tipton, California, which encroaches upon land that, subject to a reversionary interest, was conveyed by the United States pursuant to the Act of July 27, 1866 (14 Stat. 292). The United States retains any subsurface mineral rights held by the United States as of the date of the enactment of this Act associated with that property. The Secretary of the Interior shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests made by this subsection.

(b) Section 314 of the National Parks and Recreation Act of 1978 (Public Law 95-625; 92 Stat. 3480) is amended—

(1) in subsection (c)(2), by striking “Such rights of use and occupancy shall be for not more than twenty-five years or for a term ending at the death of the owner or his or her spouse, whichever is later.”; and

(2) in subsection (d)(2)(B), by inserting “and to their heirs, successors, and assigns” after “those persons who were lessees or permittees of record on the date of enactment of this Act”.

(c)(1) The first section of Public Law 99-338 is amended by striking “one renewal” and inserting “3 renewals”.

(2) Section 3 of Public Law 99-338 is amended to read as follows:

“SEC. 3. The permit shall contain the following provisions:

“(1) A prohibition on expansion of the Kaweah Project in Sequoia National Park.

“(2) A requirement that an independent safety assessment of the Kaweah Project be conducted, and that any deficiencies identified as a result of the assessment would be corrected.

“(3) A requirement that the Secretary prepare and submit to Congress an update of the July 1983 report on the impact of the operations of the Kaweah No. 3 facility on Sequoia National Park.

“(4) A requirement that the permittee pay the park compensation as determined by the Secretary in consultation with the permittee.

“(5) Any other reasonable terms and conditions that the Secretary of the Interior deems necessary and proper for the management and care of Sequoia National Park and the purposes for which it was established.”

(3) Public Law 99-338 is further amended by adding at the end the following new section:

“SEC. 4. The proceeds from any fees imposed pursuant to a permit issued under this Act shall be retained by Sequoia National Park and Kings Canyon National Park and shall be available, without further appropriation, for resources protection, maintenance, and other park operational needs.”

SEC. 140. (a) *SHORT TITLE.* This section may be cited as the “Gaylord A. Nelson Apostle Islands National Lakeshore Wilderness Act”.

(b) *DEFINITIONS.*—In this section:

(1) *MAP.*—The term “map” means the map entitled “Apostle Islands Lakeshore Wilderness”, numbered 633/80,058 and dated September 17, 2004.

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

(3) *HIGH-WATER MARK.*—The term “high-water mark” means the point on the bank or shore up to which the water, by its presence and action or flow, leaves a distinct mark indicated by erosion, destruction of or change in vegetation or other easily recognizable characteristic.

(c) *DESIGNATION OF APOSTLE ISLANDS NATIONAL LAKESHORE WILDERNESS.*—

(1) *DESIGNATION.*—Certain lands comprising approximately 33,500 acres within the Apostle Islands National Lakeshore, as generally depicted on the map referred to in subsection (b), are hereby designated as wilderness in accordance with section 3(c) of the Wilderness Act (16 U.S.C. 1132), and therefore as components of the National Wilderness Preservation System.

(2) *MAP AND DESCRIPTION.*—

(A) The map referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(B) As soon as practical after enactment of this section, the Secretary shall submit a description of the boundary of the wilderness areas to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the United States House of Representatives.

(C) The map and description shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the description and maps.

(3) *BOUNDARY OF THE WILDERNESS.*—Any portion of wilderness designated in paragraph (c)(1) that is bordered by Lake Superior shall use as its boundary the high-water mark.

(4) *NAMING.*—The wilderness area designated by this section shall be known as the Gaylord A. Nelson National Wilderness.

*(d) ADMINISTRATION.—*

*(1) MANAGEMENT.—Subject to valid existing rights, the lands designated as wilderness by this section shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act (16 U.S.C. 1131), except that—*

*(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this section; and*

*(B) where appropriate, any reference to the Secretary of Agriculture shall be considered to be a reference to the Secretary on the Interior with respect to lands administered by the Secretary.*

*(2) SAVINGS PROVISIONS.—Nothing in this section shall—*

*(A) modify, alter, or in any way affect any treaty rights;*

*(B) alter the management of the waters of Lake Superior within the boundary of the Apostle Islands National Lakeshore in existence on the date of enactment of this section; or*

*(C) be construed to modify, limit, or in any way affect the use of motors on the lake waters, including snowmobiles and the beaching of motorboats adjacent to wilderness areas below the high water mark, and the maintenance and expansion of any docks existing at the time of the enactment of this section.*

*SEC. 141. Upon the request of the permittee for the Clark Mountain Allotment lands adjacent to the Mojave National Preserve, the Secretary shall also issue a special use permit for that portion of the grazing allotment located within the Preserve. The special use permit shall be issued with the same terms and conditions as the most recently-issued permit for that allotment and the Secretary shall consider the permit to be one transferred in accordance with section 325 of Public Law 108–108.*

*SEC. 142. SALE OF WILD FREE-ROAMING HORSES AND BURROS.*

*(a) IN GENERAL.—Section 3 of Public Law 92–195 (16 U.S.C. 1333) is amended—*

*(1) in subsection (d)(5), by striking “this section” and all that follows through the period at the end and inserting “this section.”; and*

*(2) by adding at the end the following:*

*“(e) SALE OF EXCESS ANIMALS.—*

*“(1) IN GENERAL.—Any excess animal or the remains of an excess animal shall be sold if—*

*“(A) the excess animal is more than 10 years of age; or*

*“(B) the excess animal has been offered unsuccessfully for adoption at least 3 times.*

*“(2) METHOD OF SALE.—An excess animal that meets either of the criteria in paragraph (1) shall be made available for sale without limitation, including through auction to the highest bidder, at local sale yards or other convenient livestock selling facilities, until such time as—*

*“(A) all excess animals offered for sale are sold; or*

*“(B) the appropriate management level, as determined by the Secretary, is attained in all areas occupied by wild free-roaming horses and burros.*

“(3) *DISPOSITION OF FUNDS.*—Funds generated from the sale of excess animals under this subsection shall be—

“(A) credited as an offsetting collection to the Management of Lands and Resources appropriation for the Bureau of Land Management; and

“(B) used for the costs relating to the adoption of wild free-roaming horses and burros, including the costs of marketing such adoption.

“(4) *EFFECT OF SALE.*—Any excess animal sold under this provision shall no longer be considered to be a wild free-roaming horse or burro for purposes of this Act.”

(b) *CRIMINAL PROVISIONS.*—Section 8(a)(4) of Public Law 92-195 (16 U.S.C. 1338(a)(4)) is amended by inserting “except as provided in section 3(e),” before “processes”.

*SEC. 143. (a) SHORT TITLE.*—This section may be cited as the “Migratory Bird Treaty Reform Act of 2004”.

(b) *EXCLUSION OF NON-NATIVE SPECIES FROM APPLICATION OF CERTAIN PROHIBITIONS UNDER MIGRATORY BIRD TREATY ACT.*—Section 2 of the Migratory Bird Treaty Act (16 U.S.C. 703) is amended—

(1) in the first sentence by striking “That unless and except as permitted” and inserting the following: “(a) *IN GENERAL.*—Unless and except as permitted”; and

(2) by adding at the end the following:

“(b) *LIMITATION ON APPLICATION TO INTRODUCED SPECIES.*—

“(1) *IN GENERAL.*—This Act applies only to migratory bird species that are native to the United States or its territories.

“(2) *NATIVE TO THE UNITED STATES DEFINED.*—

“(A) *IN GENERAL.*—Subject to subparagraph (B), in this subsection the term “native to the United States or its territories” means occurring in the United States or its territories as the result of natural biological or ecological processes.

“(B) *TREATMENT OF INTRODUCED SPECIES.*—For purposes of paragraph (1), a migratory bird species that occurs in the United States or its territories solely as a result of intentional or unintentional human-assisted introduction shall not be considered native to the United States or its territories unless—

“(i) it was native to the United States or its territories and extant in 1918;

“(ii) it was extirpated after 1918 throughout its range in the United States and its territories; and

“(iii) after such extirpation, it was reintroduced in the United States or its territories as a part of a program carried out by a Federal agency.”.

(c) *PUBLICATION OF LIST.*—

(1) *IN GENERAL.*—Not later than 90 days after the date of enactment of this section, the Secretary of the Interior shall publish in the Federal Register a list of all nonnative, human-introduced bird species to which the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) does not apply. As necessary, the Secretary may update and publish the list of species exempted from protection of the Migratory Bird Treaty Act.

(2) *PUBLIC COMMENT.*—Before publishing the list under paragraph (1), the Secretary shall provide adequate time for public comment.

(3) *EFFECT OF SECTION.*—Nothing in this subsection shall delay implementation of other provisions of this section or amendments made by this section that exclude nonnative, human-introduced bird species from the application of the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).

(d) *RELATIONSHIP TO TREATIES.*—It is the sense of Congress that the language of this section is consistent with the intent and language of the 4 bilateral treaties implemented by this section.

**SEC. 144. (a) SHORT TITLE.**—This section may be cited as the “Foundation for Nevada’s Veterans Land Transfer Act of 2004”.

(b) **TRANSFER OF ADMINISTRATIVE JURISDICTION, BUREAU OF LAND MANAGEMENT LAND, CLARK COUNTY, NEVADA.**—

(1) *IN GENERAL.*—Administrative jurisdiction over the land described in paragraph (2) is transferred from the Secretary of the Interior to the Secretary of Veterans Affairs.

(2) *DESCRIPTION OF LAND.*—The parcel of land referred to in paragraph (1) is the approximately 150 acres of Bureau of Land Management land in Clark County, Nevada, as generally depicted on the map entitled “Veterans Administration Conveyance” and dated September 24, 2004.

(3) *USE OF LAND.*—The parcel of land described in paragraph (2) shall be used by the Secretary of Veterans Affairs for the construction and operation of medical and related facilities, as determined to be appropriate by the Secretary of Veterans Affairs.

**SEC. 145. CUMBERLAND ISLAND WILDERNESS BOUNDARY ADJUSTMENT. (a) IN GENERAL.**—Public Law 97-250 (96 Stat. 709) is amended by striking section 2 and inserting the following:

**“SEC. 2. CUMBERLAND ISLAND WILDERNESS.**

**“(a) DEFINITIONS.**—In this section:

**“(1) MAP.**—The term ‘map’ means the map entitled ‘Cumberland Island Wilderness’, numbered 640/20,038I, and dated September 2004.

**“(2) SECRETARY.**—The term ‘Secretary’ means the Secretary of the Interior.

**“(3) WILDERNESS.**—The term ‘Wilderness’ means the Cumberland Island Wilderness established by subsection (b).

**“(4) POTENTIAL WILDERNESS.**—The term ‘Potential Wilderness’ means the 10,500 acres of potential wilderness described in subsection (c)(2), but does not include the area at the north end of Cumberland Island known as the ‘High Point Half-Moon Bluff Historic District’.

**“(b) ESTABLISHMENT.**—

**“(1) IN GENERAL.**—Approximately 9,886 acres of land in the Cumberland Island National Seashore depicted on the map as ‘Wilderness’ is designated as a component of the National Wilderness Preservation System and shall be known as the ‘Cumberland Island Wilderness’.

**“(2) EXCLUSIONS.**—The 25-foot wide roadways depicted on the map as the ‘Main Road’, ‘Plum Orchard’, and the ‘North Cut Road’ shall not be included in the Wilderness and shall be maintained by the Secretary for continued vehicle use.

“(c) *ADDITIONAL LAND.*—In addition to the land designated under subsection (b), the Secretary shall—

“(1) on acquisition of the approximately 231 acres of land identified on the map as ‘Areas Become Designated Wilderness upon Acquisition by the NPS’; and

“(2) on publication in the Federal Register of a notice that all uses of the approximately 10,500 acres of land depicted on the map as ‘Potential Wilderness’ that are prohibited under the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased, adjust the boundary of the Wilderness to include the land.

“(d) *AVAILABILITY OF MAP.*—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

“(e) *ADMINISTRATION.*—Subject to valid existing rights, the Wilderness shall be administered by the Secretary, in accordance with the applicable provisions of the Wilderness Act (16 U.S.C. 1131 et seq.) governing areas designated by that Act as wilderness areas, except that—

“(1) any reference in such provisions to the effective date of that Act shall be deemed to be a reference to the effective date of this Act; and

“(2) where appropriate, any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary.

“(f) *EFFECT.*—Any person with a right to utility service on Cumberland Island on the date of enactment of this subsection shall continue to have the right to utility service in the Wilderness after the date of enactment of this subsection.

“(g) *MANAGEMENT PLAN FOR ACCESS TO MAIN ROAD AND NORTH CUT ROAD.*—Not later than one year after the date of the enactment of the Cumberland Island Wilderness Boundary Adjustment Act of 2004, the Secretary shall complete a management plan to ensure that not more than 8 and not less than 5 round trips are made available daily on the Main Road north of the Plum Orchard Spur and the North Cut Road by the National Park Service or a concessionaire for the purpose of transporting visitors to and from the historic sites located adjacent to Wilderness.”.

(b) *TOURS OF CUMBERLAND ISLAND NATIONAL SEASHORE.*—Section 6 of Public Law 92–536 (86 Stat. 1066) is amended—

(1) in subsection (b), by inserting “, except as provided in subsection (c),” before “no development of the project”; and

(2) by adding at the end the following:

“(c) *TOURS OF THE SEASHORE.*—Notwithstanding subsection (b), the Secretary may enter into not more than 3 concession contracts, as the Secretary determines appropriate, for the provision of tours for visitors to the seashore that are consistent with—

“(1) this Act;

“(2) the Wilderness Act (16 U.S.C. 1131 et seq.); and

“(3) Public Law 97–250 (96 Stat. 709).”.

(c) *SHORT TITLE.*—This section may be cited as the “Cumberland Island Wilderness Boundary Adjustment Act of 2004”.

*SEC. 146.* Notwithstanding any other provision of law, the National Park Service final winter use rules published in Part VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348, et

*seq., shall be in force and effect for the winter use season of 2004–2005 that commences on or about December 15, 2004.*

**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, \$280,278,000, to remain available until expended: Provided, That of the funds provided, \$56,714,000 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, \$296,626,000, to remain available until expended, as authorized by law of which \$57,939,000 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: Provided further, That notwithstanding any other provision of law, of the funds provided under this heading, \$2,000,000 shall be made available to Kake Tribal Corporation as an advance direct lump sum payment to implement the Kake Tribal Corporation Land Transfer Act (Public Law 106–283), and \$1,500,000 shall be made available to Canton, NC, as an advance direct lump sum payment for wood products waste water treatment repairs.*

**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, \$1,400,260,000, 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 under this heading available at the start of fiscal year 2005 shall be displayed by budget line item in the fiscal year 2006 budget justification: Provided further, That, through fiscal year 2009, 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*

## 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, \$2,633,072,000, 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 \$487,085,000 for contract medical care shall remain available for obligation until September 30, 2006: 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 \$267,398,000 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 2005, 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: 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 15 percent may be used by any entity receiving funding for administrative overhead including indirect costs.*

#### 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, \$394,048,000, 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 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 notwithstanding any other provision of law, funds appropriated for the planning, design, and construction of the replacement health care facility in Barrow, Alaska, may be used to purchase land up to approximately 8 hectares for a site upon which to construct the new health care facility: Provided further, That not to exceed \$500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: Provided further, That up to \$2,700,000 from unobligated balances may be used for the purchase of land at two sites for the construction of the northern and southern California Youth Regional Treatment Centers subject to advance approval from the House and Senate Committees on Appropriations.*

## 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 purposes, 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 V 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 V 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 Indian Health Service may purchase 8.5 acres of land for expansion of parking facilities at the W.W. Hastings hospital in Tahlequah, Oklahoma using third party collections subject to advance approval from the House and Senate Committees on Appropriations.*

*Notwithstanding any other provision of law, the Tulsa and Oklahoma City Clinic demonstration projects shall be permanent programs under the direct care program of the Indian Health Service; shall be treated as service units and operating units in the allocation of resources and coordination of care; shall continue to meet the requirements applicable to an Urban Indian organization under this title; and shall not be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).*

*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, \$5,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified*

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

## SALARIES AND EXPENSES

*For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$4,600,000: 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, \$8,000,000: Provided, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses to host international visitors engaged in the planning and physical development of world capitals.*

## 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), \$41,433,000, 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, \$20,000,000 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 2004.*

*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, 2005, 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, 108–7, and 108–108 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 2004 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organi-*

zations 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, for fiscal year 2005 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. 315. Amounts deposited during fiscal year 2004 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. 316. 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. 317. 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 the current fiscal year, 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 the current fiscal year, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed "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. 318. Section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—*

*(1) by striking "The Secretary of Agriculture may, when in his" and inserting "(a) The Secretary of Agriculture may, when in his or her";*

*"(b) Amounts deposited under subsection (a)";*

*(2) by striking "may direct:" and all that follows through "That the Secretary of Agriculture" and inserting "may direct. The Secretary of Agriculture"; and*

*(3) by adding at the end the following new subsection:*

“(c) Any portion of the balance at the end of a fiscal year in the special fund established pursuant to this section that the Secretary of Agriculture determines to be in excess of the cost of doing work described in subsection (a) (as well as any portion of the balance in the special fund that the Secretary determined, before October 1, 2004, to be excess of the cost of doing work described in subsection (a), but which has not been transferred by that date) shall be transferred to miscellaneous receipts, National Forest Fund, as a National Forest receipt, but only if the Secretary also determines that—

“(1) the excess amounts will not be needed for emergency wildfire suppression during the fiscal year in which the transfer would be made; and

“(2) the amount to be transferred to miscellaneous receipts, National Forest Fund, exceeds the outstanding balance of unreimbursed funds transferred from the special fund in prior fiscal years for wildfire suppression.”.

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; and

(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, 2005, 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 Conti-

*mental 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 “30” and inserting “40”;
- (2) in subsection (c) by striking “8” and inserting “13”;
- (3) in subsection (d), by striking “2007” and inserting “2008”.

**SEC. 323.** Section 3(c) of the Harriet Tubman Special Resource Study Act (Public Law 106-516; 114 Stat. 2405) is amended by striking “section 8 of section 8” and inserting “section 8.”

**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.** Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2005, 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. 326.** 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. 327.** 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 2005.

**SEC. 328.** 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 notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, 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. 329. 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. 330. Section 338 of Public Law 108-108 is amended by striking “2003” and inserting in lieu thereof “2004”.

SEC. 331. Section 315 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. 4601-6a note), is amended—

(1) in subsection (b), by inserting “subject to subsection (g) but” before “notwithstanding” in the matter preceding paragraph (1); and

(2) by adding at the end the following new subsection:

“(g) The Secretary of Agriculture may not charge or collect fees under this section for the following:

“(1) Admission to a unit of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

“(2) The use, either singly or in any combination, of the following:

“(A) undesignated parking along roads;

“(B) overlook sites or scenic pullouts;

“(C) information offices and centers that only provide general area information and limited services or interpretive exhibits; and

*“(D) dispersed areas for which expenditures in facilities or services are limited.”.*

SEC. 332. (a) *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 2005, not more than the maximum amount specified in paragraph (2) may be used by the Secretary of Energy or the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2005 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 reprogramming guidelines in House Report 108-330.*

(2) *For the purposes of paragraph (1) the maximum amount—*

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

*(B) with respect to the Department of the Interior is \$3,250,000.*

(3) *Of the funds appropriated by this Act, not more than \$2,000,000 may be used in fiscal year 2005 for competitive sourcing studies and related activities by the Forest Service.*

(b) *COMPETITIVE SOURCING STUDY DEFINED.*—*In this section, 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.*

(c) *Section 340(b) of Public Law 108-108 is hereby repealed.*

(d) *COMPETITIVE SOURCING EXEMPTION FOR FOREST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2005.*—*Notwithstanding requirements of Office of Management and Budget Circular A-76, Attachment B, the Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider; no net savings was achieved by conducting the study, and the study was completed prior to the date of this Act.*

(e) *In preparing any reports to the Committees on Appropriations on competitive sourcing activities, agencies funded in this Act shall include the incremental cost directly attributable to conducting the competitive sourcing competitions, including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management.*

SEC. 333. *Estimated overhead charges, deductions, reserves or holdbacks from programs, projects and activities to support govern-*

mentwide, 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. 334. None of the funds in this Act or prior Acts making appropriations for the Department of the Interior and Related Agencies may be provided to the managing partners or their agents for the SAFECOM or Disaster Management projects.

SEC. 335. CONVEYANCE OF A SMALL PARCEL OF PUBLIC DOMAIN LAND IN THE SAN BERNARDINO NATIONAL FOREST IN THE STATE OF CALIFORNIA. (a) FINDINGS.—The Congress finds that—

(1) a select area of the San Bernardino National Forest in California is heavily developed with recreation residences and is immediately adjacent to comparably developed private property;

(2) it is in the public interest to convey the above referenced area to the owners of the recreation residences; and

(3) the Secretary of Agriculture should use the proceeds of such conveyance for critical San Bernardino National Forest infrastructure improvements or to acquire additional lands within the boundaries of the San Bernardino National Forest.

(b) CONVEYANCE REQUIRED.—Subject to valid existing rights and such terms, conditions, and restrictions as the Secretary deems necessary or desirable in the public interest, the Secretary of Agriculture shall convey to the Mill Creek Homeowners Association (hereinafter Association) all right, title, and interest of the United States in and to the Mill Creek parcel of real estate described in subsection (c)(1). In the event the Secretary and the Association for any reason do not complete the sale within two years from the date of enactment of this Act, this authority shall expire.

(c) LEGAL DESCRIPTION AND CORRECTION AUTHORITY.—

(1) DESCRIPTION.—The Mill Creek parcel, approximately 35 acres, as shown on a map, “The Mill Creek Conveyance Parcel—San Bernardino National Forest, dated June 1, 2004” generally located in the northeast quarter of Section 8, T.1S., R.1W., San Bernardino Meridian, of the United States Public Lands Survey System, California. The map shall be on file and available for inspection in the office of the Chief, Forest Service, Washington, DC and in the office of the Forest Supervisor, San Bernardino National Forest until such time as the lands are conveyed.

(2) CORRECTIONS.—The Secretary is authorized to make minor corrections to this map and may modify the description to correct errors or to reconfigure the property in order to facilitate conveyance. In the event of a conflict between the map description and the USPLSS description of the land in paragraph (1), the map will be considered the definitive description of the land.

(d) CONSIDERATION.—Consideration for the conveyance under subsection (b) shall be equal to the appraised fair market value of the parcel of real property to be conveyed. Such appraisal shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisition.

(e) *ACCESS REQUIREMENTS.*—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real estate to be conveyed under subsection (b).

(f) *ADMINISTRATIVE COSTS.*—All costs incurred by the Secretary of Agriculture and any costs associated with the creation of a subdivided parcel, conducting and recordation of a survey, zoning, planning approval, and similar expenses with respect to the conveyance under subsection (b), shall be borne by the Association.

(g) *ASSUMPTION OF LIABILITY.*—By acceptance of the conveyance of the parcel of real property referred to in subsection (b), the Association and its successors and assigns will indemnify and hold harmless the United States for any and all liability to any party that is associated with the parcel.

(h) *TREATMENT OF RECEIPTS.*—All funds received pursuant to the conveyance of the parcel of real property referred to in subsection (b) shall be deposited in the fund established under Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, for critical San Bernardino National Forest infrastructure improvements or the acquisition of lands, waters, and interests in land for inclusion in the San Bernardino National Forest.

SEC. 336. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106-291; 114 Stat. 996), is amended—

(1) in subsection (a), by striking “Until September 30, 2004, the” and inserting “The”; and

(2) by adding at the end the following new subsections:

“(d) *INCLUSION OF COLORADO BLM LANDS.*—The authority provided by this section shall also be available to the Secretary of the Interior with respect to public lands in the State of Colorado administered by the Secretary through the Bureau of Land Management.

“(e) *EXPIRATION OF AUTHORITY.*—The authority of the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements and contracts under this section expires September 30, 2009, and the term of any cooperative agreement or contract entered into under this section shall not extend beyond that date.”

SEC. 337. *FEDERAL AND STATE COOPERATIVE FOREST, RANGELAND, AND WATERSHED RESTORATION IN UTAH.* (a) *AUTHORITY.*—Until September 30, 2006, the Secretary of Agriculture, via cooperative agreement or contract (including sole source contract) as appropriate, may permit the State Forester of the State of Utah to perform forest, rangeland, and watershed restoration services on National Forest System lands in the State of Utah. Restoration services provided are to be on a project basis as planned or made ready for implementation under existing authorities of the Forest Service. The types of restoration services that may be contracted under this authority include treatment of insect infected trees, reduction of hazardous fuels, and other activities to restore or improve forest, rangeland, and watershed health including fish and wildlife habitat.

(b) *STATE AS AGENT.*—Except as provided in subsection (c), a cooperative agreement or contract under subsection (a) may authorize the State Forester of the State of Utah to serve as agent for the

*Forest Service in providing services necessary to facilitate the performance and treatment of insect infested trees, reduction of hazardous fuels, and to restore or improve forest, rangeland, and watershed health including fish and wildlife habitat under subsection (a). The services to be performed by the State Forester of Utah may be conducted with subcontracts utilizing State of Utah contract procedures. Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract under subsection (a).*

*(c) RETENTION OF NEPA RESPONSIBILITIES.—With respect to any treatment activity to restore and improve forest, rangeland, and watershed health including fish and wildlife habitat services on National Forest System lands programmed for treatment by the State Forester of the State of Utah under subsection (a), any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4821 et seq.) may not be delegated to any officer or employee of the State of Utah.*

*SEC. 338. (a) IN GENERAL.—An entity that enters into a contract with the United States to operate the National Recreation Reservation Service (as solicited by the solicitation numbered WO-04-06vm) shall not carry out any duties under the contract using:*

- (1) a contact center located outside the United States; or*
- (2) a reservation agent who does not live in the United States.*

*(b) NO WAIVER.—The Secretary of Agriculture may not waive the requirements of subsection (a).*

*(c) TELECOMMUTING.—A reservation agent who is carrying out duties under the contract described in subsection (a) may not telecommute from a location outside the United States.*

*(d) LIMITATIONS.—Nothing in this Act shall be construed to apply to any employee of the entity who is not a reservation agent carrying out the duties under the contract described in subsection (a) or who provides managerial or support services.*

*SEC. 339. For fiscal years 2005 through 2007, a decision made by the Secretary of Agriculture to authorize grazing on an allotment shall be categorically excluded from documentation in an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if: (1) the decision continues current grazing management of the allotment; (2) monitoring indicates that current grazing management is meeting, or satisfactorily moving toward, objectives in the land and resource management plan, as determined by the Secretary; and (3) the decision is consistent with agency policy concerning extraordinary circumstances. The total number of allotments that may be categorically excluded under this section may not exceed 900.*

*SEC. 340. SALMON RIVER COMMERCIAL OUTFITTER HUNTING CAMPS. Section 3(a)(24) of Public Law 90-542 (16 U.S.C. sec. 1274) is amended to add the following after paragraph (C) and redesignate subsequent paragraphs accordingly:*

*“(D) The established use and occupancy as of June 6, 2003, of lands and maintenance or replacement of facilities and structures for commercial recreation services at Stub Creek located in section 28, T24N, R14E, Boise Principal Meridian, at Arctic Creek located in section 21, T25N,*

*R12E, Boise Principal Meridian and at Smith Gulch located in section 27, T25N, R12E, Boise Principal Meridian shall continue to be authorized, subject to such reasonable regulation as the Secretary deems appropriate, including rules that would provide for termination for non-compliance, and if terminated, reoffering the site through a competitive process.”*

**SEC. 341. (a) IN GENERAL.—**

*(1) The Secretary of Agriculture and the Secretary of the Interior are authorized to make grants to the Eastern Nevada Landscape Coalition for the study and restoration of rangeland and other lands in Nevada’s Great Basin in order to help assure the reduction of hazardous fuels and for related purposes.*

*(2) Notwithstanding 31 U.S.C. secs. 6301–6308, the Director of the Bureau of Land Management shall enter into a cooperative agreement with the Eastern Nevada Landscape Coalition for the Great Basin Restoration Project, including hazardous fuels and mechanical treatments and related work.*

*(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.*

**SEC. 342. (a) FINDINGS.—**

*(1) In 1953, Public Land Order 899 (PLO 899) eliminated approximately 80 acres from the Tongass National Forest, for the Community of Elfin Cove, Alaska. From 1953 until 2001, the USDA Forest Service believed two small islets within the Elfin Cove Harbor (Lots 1 and 2 of U.S. Survey 13150, approximately 0.29 acres) were included as part of PLO 899. However, due to a Bureau of Land Management rule in effect when PLO 899 was issued, ownership of unsurveyed, unmapped islets remained with the original landowner, in this case the United States.*

*(2) These two islets are needed by the Community of Elfin Cove to resolve public health and safety problems.*

*(3) The two islets serve no national forest purposes, but the Forest Service has no authority to transfer ownership of them to the Community of Elfin Cove, without receiving fair market value for the land interests.*

*(4) Neither the Bureau of Land Management nor the Forest Service intended to retain federal ownership of these two islets, and they remained in ownership of the United States only through an inadvertent error.*

*(5) Conveyance of these two islets from the United States to the Community of Elfin Cove, Alaska, without consideration, is in the public interest.*

*(b) Based on the findings in subsection (a) and notwithstanding any other provision of law, Congress hereby authorizes and directs the Secretary of Agriculture to convey in fee simple without compensation, Lots 1 and 2 of U.S. Survey 13150, comprising approximately 0.29 acres, to the Community of Elfin Cove, Alaska.*

**SEC. 343. (a)** *Notwithstanding any other provision of law, and until October 1, 2007, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93–638 (25 U.S.C. 450 et seq.) to any Alaska Native village or*

*Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.*

*(b) Nothing in this section shall be construed to prohibit the disbursement of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 2004, or to prohibit the renewal of any such agreement.*

*(c) For the purpose of this section, Eastern Aleutian Tribes, Inc. shall be treated as an Alaska Native regional health entity to whom funds may be disbursed under this section.*

*SEC. 344. Notwithstanding any other provision of law and using funds previously appropriated for such purpose under Public Law 106-291 (\$1,630,000) and Public Law 108-199 (\$2,300,000), the National Park Service shall (1) not later than 60 days after enactment of this section purchase the seven parcels of real property in Seward, Alaska identified by Kenai Peninsula tax identification numbers 14910001, 14910002, 14911033, 14913005, 14913020, 14913007, and 14913008 that have been selected for the administrative complex, visitor facility, plaza and related parking for the Kenai Fjords National Park and Chugach National Forest which shall hereafter be known as the Mary Lowell Center; and (2) transfer to the City of Seward any remaining balance of previously appropriated funds not necessary for property acquisition and design upon the vacation by the City of Seward of Washington Street between 4th Avenue and 5th Avenue and transfer of title of the appropriate portions thereof to the federal government, provided that the City of Seward uses any such funds for the related waterfront planning, pavilions, boardwalks, trails, or related purposes that complement the new federal facility.*

*SEC. 345. Section 331, of Public Law 106-113, is amended—*

- (1) in part (a) by striking “2004” and inserting “2005”; and*
- (2) in part (b) by striking “2004” and inserting “2005.”*

*SEC. 346. FEDERAL BUILDING, SANDPOINT, IDAHO.*

*(a) DEFINITIONS.—In this section:*

*(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.*

*(2) MAP.—The term “map” means the map that is—*

- (A) entitled “Sandpoint Federal Building”;*
- (B) dated September 12, 2002; and*
- (C) on file in—*

*(i) the Office of the Chief of the Forest Service; and*

*(ii) the Office of the Supervisor, Idaho National Forests, Coeur d’Alene, Idaho.*

*(3) PROPERTY.—The term “property” means the Sandpoint Federal Building and approximately 3.17 acres of land in Sandpoint, Idaho, as depicted on the map.*

*(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.*

*(b) CONVEYANCE OF PROPERTY.—*

*(1) IN GENERAL.—Notwithstanding subtitle I of title 40, United States Code, the Administrator may convey to the Secretary, all right, title, and interest of the United States in and to the property.*

*(2) CONDITIONS.—The conveyance of the property under paragraph (1) shall be on a noncompetitive basis, for consideration, and subject to any other terms and conditions to which*

*the Administrator and the Secretary may agree, including a purchase period with multiple payments over multiple fiscal years.*

(3) *SOURCE OF FUNDS.—The Secretary may use amounts made available to the Forest Service for any of fiscal years 2005 through 2010 to acquire the property under paragraph (1).*

(c) *SALE OR EXCHANGE OF PROPERTY.—*

(1) *IN GENERAL.—Subject to paragraph (2), the Secretary may use, maintain, lease, sublease, sell, or exchange all or part of the property.*

(2) *TERMS.—The sale or exchange of the property under paragraph (1) shall be for market value and subject to such terms as the Secretary determines to be in the public interest.*

(3) *METHOD OF SALE OR EXCHANGE.—The sale or exchange of the property under paragraph (1) may be on a competitive or noncompetitive basis.*

(4) *CONSIDERATION.—Consideration for the sale or exchange of the property may be in the form of cash, land, or improvements (including improvements to be constructed after the date of the sale or exchange).*

(5) *DISPOSITION AND USE OF PROCEEDS.—*

(A) *DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds derived from any lease, sublease, sale, exchange, or any other use or disposition of the property in the fund established by Public Law 90–171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).*

(B) *USE OF PROCEEDS.—Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation, until expended, for the construction and maintenance of Forest Service offices and related facilities on National Forest System land in the vicinity of Sandpoint, Idaho.*

SEC. 347. (a) *SHORT TITLE.—This section may be cited as the “Chris Zajicek Memorial Land Exchange Act of 2004”.*

(b) *NATIONAL FOREST SYSTEM LAND EXCHANGE IN THE STATE OF FLORIDA.—*

(1) *IN GENERAL.—Notwithstanding the effect of the wildfire known as the “Impassable 1 Fire” on the value of the land to be exchanged, the Secretary of Agriculture (acting through the Chief of the Forest Service) may carry out the exchange agreement entered into by the Forest Service and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and dated March 5, 2004.*

(2) *VALUATION.—For purposes of determining the value of the land to be exchanged under paragraph (1), the value of the land shall be considered to be the value of the land determined by the appraisal conducted on August 21, 2003.*

SEC. 348. (a) *SHORT TITLE.—This section may be cited as the “Grey Towers National Historic Site Act of 2004”.*

(b) *FINDINGS; PURPOSES; DEFINITIONS.—*

(1) *FINDINGS.—Congress finds the following:*

(A) *James and Mary Pinchot constructed a home and estate that is known as Grey Towers in Milford, Pennsylvania.*

(B) *James and Mary Pinchot were also the progenitors of a family of notable accomplishment in the history of the Commonwealth of Pennsylvania and the Nation, in particular, their son, Gifford Pinchot.*

(C) *Gifford Pinchot was the first Chief of the Forest Service, a major influence in formulating and implementing forest conservation policies in the early 20th Century, and twice Governor of Pennsylvania.*

(D) *During the early 20th century, James and Gifford Pinchot used Grey Towers and the environs to establish scientific forestry, to develop conservation leaders, and to formulate conservation principles, thus making this site one of the primary birthplaces of the American conservation movement.*

(E) *In 1963, Gifford Bryce Pinchot, the son of Gifford and Cornelia Pinchot, donated Grey Towers and 102 acres to the Nation.*

(F) *In 1963, President John F. Kennedy dedicated the Pinchot Institute for Conservation for the greater knowledge of land and its uses at Grey Towers National Historic Landmark, thereby establishing a partnership between the public and private sectors.*

(G) *Grey Towers today is a place of historical significance where leaders in natural resource conservation meet, study, and share ideas, analyses, values, and philosophies, and is also a place where the public can learn and appreciate our conservation heritage.*

(H) *As established by President Kennedy, the Pinchot Institute for Conservation, and the Forest Service at Grey Towers operate through an established partnership in developing and delivering programs that carry on Gifford Pinchot's conservation legacy.*

(I) *Grey Towers and associated structures in and around Milford, Pennsylvania, can serve to enhance regional recreational and educational opportunities.*

(2) *PURPOSES.—The purposes of this section are as follows:*

(A) *To honor and perpetuate the memory of Gifford Pinchot.*

(B) *To promote the recreational and educational resources of Milford, Pennsylvania, and its environs.*

(C) *To authorize the Secretary of Agriculture—*

(i) *to further the scientific, policy analysis, educational, and cultural programs in natural resource conservation at Grey Towers;*

(ii) *to manage the property and environs more efficiently and effectively; and*

(iii) *to further collaborative ties with the Pinchot Institute for Conservation, and other Federal, State, and local agencies with shared interests.*

(3) *DEFINITIONS.—For the purposes of this section:*

(A) *ASSOCIATED PROPERTIES.—The term "Associated Properties" means lands and improvements outside of the Grey Towers National Historic Landmark within Pike County, Pennsylvania, and which were associated with*

*James and Mary Pinchot, the Yale School of Forestry, or the Forest Service.*

(B) *GREY TOWERS.*—The term “Grey Towers” means the buildings and surrounding area of approximately 303 acres, including the 102 acres donated in 1963 to the United States and so designated that year.

(C) *HISTORIC SITE.*—The term “Historic Site” means the Grey Towers National Historic Site, as so designated by this Act.

(D) *PINCHOT INSTITUTE.*—The term “Pinchot Institute” means the Pinchot Institute for Conservation, a nonprofit corporation established under the laws of the District of Columbia.

(E) *SECRETARY.*—The term “Secretary” means the Secretary of Agriculture.

(c) *DESIGNATION OF NATIONAL HISTORIC SITE.*—Subject to valid existing rights, all lands and improvements formerly encompassed within the Grey Towers National Historic Landmark are designated as the “Grey Towers National Historic Site”.

(d) *ADMINISTRATION.*—

(1) *PURPOSES.*—The Historic Site shall be administered for the following purposes:

(A) *Education, public demonstration projects, and research related to natural resource conservation, protection, management, and use. source conservation, protection, management, and use.*

(B) *Leadership development within the natural resource professions and the Federal civil service.*

(C) *Continuing Gifford Pinchot’s legacy through pursuit of new ideas, strategies, and solutions to natural resource issues that include economic, ecological, and social values.*

(D) *Preservation, use, and maintenance of the buildings, grounds, facilities, and archives associated with Gifford Pinchot.*

(E) *Study and interpretation of the life and works of Gifford Pinchot.*

(F) *Public recreation and enjoyment.*

(G) *Protection and enjoyment of the scenic and natural environs.*

(2) *APPLICABLE LAWS.*—The Secretary shall administer federally owned lands and interests in lands at the Historic Site and Associated Properties as components of the National Forest System in accordance with this Act, 16 U.S.C. 461 *et seq.* and other laws generally applicable to the administration of national historic sites, and the laws, rules, and regulations applicable to the National Forest System, except that the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600, *et seq.*) shall not apply.

(3) *LAND ACQUISITION.*—The Secretary is authorized to acquire, on a willing seller basis, by purchase, donation, exchange, or otherwise, privately owned lands and interests in lands, including improvements, within the Historic Site and the Associated Properties, using donated or appropriated funds.

(4) *GIFTS.*—

(A) *ACCEPTED BY ENTITIES OTHER THAN THE SECRETARY.*—Subject to such terms and conditions as the Secretary may prescribe, any public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of or in connection with, the activities and services at the Historic Site.

(B) *ACCEPTED BY THE SECRETARY.*—Gifts may be accepted by the Secretary for the benefit of or in connection with, the activities and services at the Historic Site notwithstanding the fact that a donor conducts business with or is regulated by the Department of Agriculture in any capacity.

(e) *COOPERATIVE AUTHORITIES.*—

(1) *GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.*—The Secretary is authorized to enter into Agreements for grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute, public and other private agencies, organizations, institutions, and individuals to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs at Grey Towers or to otherwise further the purposes of this section.

(2) *INTERDEPARTMENTAL.*—The Secretary and the Secretary of the Interior are authorized and encouraged to cooperate in promoting public use and enjoyment of Grey Towers and the Delaware Water Gap National Recreation Area and in otherwise furthering the administration and purposes for which both areas were designated. Such cooperation may include colocation and use of facilities within Associated Properties and elsewhere.

(3) *OTHER.*—The Secretary may authorize use of the grounds and facilities of Grey Towers by the Pinchot Institute and other participating partners including Federal, State, and local agencies, on such terms and conditions as the Secretary may prescribe, including the waiver of special use authorizations and the waiver of rental and use fees.

(f) *FUNDS.*—

(1) *FEES AND CHARGES.*—The Secretary may impose reasonable fees and charges for admission to and use of facilities on Grey Towers.

(2) *SPECIAL FUND.*—Any monies received by the Forest Service in administering Grey Towers shall be deposited into the Treasury of the United States and covered in a special fund called the Grey Towers National Historic Site Fund. Monies in the Grey Towers National Historic Site Fund shall be available until expended, without further appropriation, for support of programs of Grey Towers, and any other expenses incurred in the administration of Grey Towers.

(g) *MAP.*—The Secretary shall produce and keep for public inspection a map of the Historic Site and associated properties within Pike County, Pennsylvania, which were associated with James and Mary Pinchot, the Yale School of Forestry, or the Forest Service.

(h) *SAVINGS PROVISION.*—Nothing in this section shall be deemed to diminish the authorities of the Secretary under the Cooperative Forestry Assistance Act or any other law pertaining to the National Forest System.

*SEC. 349. (a) SHORT TITLE.—This section may be cited as the “Montana National Forests Boundary Adjustment Act of 2004”.*

*(b) DEFINITIONS.—In this section:*

*(1) FORESTS.—The term “Forests” means the Helena National Forest, Lolo National Forest, and Beaverhead-Deerlodge National Forest in the State of Montana.*

*(2) MAP.—The term “map” means—*

*(A) the map entitled “Helena National Forest Boundary Adjustment Northern Region, USDA Forest Service” and dated September 13, 2004;*

*(B) the map entitled “Lolo National Forest Boundary Adjustment Northern Region, USDA Forest Service” and dated September 13, 2004; and*

*(C) the map entitled “Deerlodge National Forest Boundary Adjustment Northern Region USDA Forest Service” and dated September 13, 2004.*

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

*(c) HELENA, LOLO, AND BEAVERHEAD-DEERLODGE NATIONAL FORESTS BOUNDARY ADJUSTMENT.—*

*(1) IN GENERAL.—The boundaries of the Forests are modified as depicted on the maps.*

*(2) MAPS.—*

*(A) AVAILABILITY.—The maps shall be on file and available for public inspection in—*

*(i) the Office of the Chief of the Forest Service; and*

*(ii) the office of the Regional Forester, Missoula, Montana.*

*(B) CORRECTION AUTHORITY.—The Secretary may make technical corrections to the maps.*

*(3) ADMINISTRATION.—Any land or interest in land acquired within the boundaries of the Forests for National Forest System purposes shall be managed in accordance with—*

*(A) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and*

*(B) the laws (including regulations) applicable to the National Forest System.*

*(4) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Forests, as adjusted under paragraph (1), shall be considered to be the boundaries of the Forests as of January 1, 1965.*

*(5) EFFECT.—Nothing in this section limits the authority of the Secretary to adjust the boundaries of the Forests under section 11 of the Act of March 1, 1911 (16 U.S.C. 521).*

*SEC. 350. 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.*

**TITLE IV—SUPPLEMENTAL APPROPRIATIONS FOR URGENT  
WILDLAND FIRE SUPPRESSION ACTIVITIES**

**DEPARTMENT OF THE INTERIOR**

**BUREAU OF LAND MANAGEMENT**

**WILDLAND FIRE MANAGEMENT**

*For an additional amount for “Wildland Fire Management”, \$100,000,000, to remain available until expended, for urgent wildland fire suppression activities pursuant to section 312 of S. Con. Res. 95 (108th Congress) as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108–287: Provided, That such funds shall only become available if funds provided for wildland fire suppression in Title I of this Act will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations and the House and Senate Committees on the Budget in writing of the need for these additional funds: Provided further, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression: Provided further, That cost containment measures shall be implemented within this account for fiscal year 2005, and the Secretary of the Interior and the Secretary of Agriculture shall submit a joint report to the Committees on Appropriations of the Senate and the House of Representatives on such cost containment measures by December 31, 2005: Provided further, That Public Law 108–287, Title X, Chapter 3 is amended under the heading “Department of the Interior, Bureau of Land Management, Wildland Fire Management”, by striking the phrases “for fiscal year 2004” and “related to the fiscal year 2004 fire season” in the text preceding the first proviso.*

**DEPARTMENT OF AGRICULTURE**

**FOREST SERVICE**

**WILDLAND FIRE MANAGEMENT**

*For an additional amount for “Wildland Fire Management”, \$400,000,000, to remain available until expended, for urgent wildland fire suppression activities pursuant to section 312 of S. Con. Res. 95 (108th Congress) as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108–287: Provided, That such funds shall only become available if funds provided for wildland fire suppression in Title II of this Act will be exhausted imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations and the House and Senate Committees on the Budget in writing of the need for these additional funds: Provided further, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression: Provided further, That cost containment measures shall be implemented within this account for fiscal year 2005, and the Secretary of Agriculture and the Secretary of the Interior shall submit a joint report to the Commit-*

*tees on Appropriations of the Senate and the House of Representatives on such cost containment measures by December 31, 2005: Provided further, That the Secretary of Agriculture shall establish an independent cost-control review panel to examine and report on fire suppression costs for individual wildfire incidents that exceed \$10,000,000 in cost: Provided further, That if the independent review panel report finds that appropriate actions were not taken to control suppression costs for one or more such wildfire incidents, then an amount equal to the aggregate estimated excess costs of suppressing those wildfire incidents shall be transferred to the Treasury from unobligated balances remaining at the end of fiscal year 2005 in the Wildland Fire Management account: Provided further, That Public Law 108-287, Title X, Chapter 3 is amended under the heading, "Department of Agriculture, Forest Service, Wildland Fire Management", by striking the phrases "for fiscal year 2004" and "related to the fiscal year 2004 fire season" in the text preceding the first proviso.*

#### TITLE V

*SEC. 501. (a) ACROSS-THE-BOARD RESCISSIONS.—there is hereby rescinded an amount equal to 0.594 percent of—*

*(1) the budget authority provided for fiscal year 2005 for any discretionary account in this Act; and*

*(2) the budget authority provided in any advance appropriation for fiscal year 2005 for any discretionary account in the Department of the Interior and Related Agencies Appropriations Act, 2004.*

*(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).*

*(c) INDIAN LAND AND WATER CLAIM SETTLEMENTS.—Under the heading "Bureau of Indian Affairs, Indian Land and Water Claims Settlements and Miscellaneous Payments to Indians", the across-the-board rescission in this section, and any subsequent across-the-board rescission for fiscal year 2005, shall apply only to the first dollar amount in the paragraph and the distribution of the rescission shall be at the discretion of the Secretary of the Interior who shall submit a report on such distribution and the rationale therefor to the House and Senate Committees on Appropriations.*

*This division may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2005".*

sons to the fiscal year 2004 amount, the 2005 budget estimates, and the House and Senate bills for 2005 follow:

[In thousands of dollars]	
New budget (obligational) authority, fiscal year 2004 .....	\$38,717,018
Budget estimates of new (obligational) authority, fiscal year 2005 .....	21,360,830
House bill, fiscal year 2005 .....	19,428,145
Senate bill, fiscal year 2005 .....	19,653,500
Conference agreement, fiscal year 2005 .....	19,839,960
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2004 .....	- 18,877,058
Budget estimates of new (obligational) authority, fiscal year 2005 .....	- 1,520,870
House bill, fiscal year 2005 .....	+ 411,815
Senate bill, fiscal year 2005 .....	+ 186,460

#### DIVISION E—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The conference agreement on the Department of the Interior and Related Agencies Appropriations Act incorporates some of the provisions of both the House passed and the Senate reported versions of the bill. Report language and allocations set forth in either House Report 108–542 or Senate Report 108–341 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.

#### TITLE I—DEPARTMENT OF THE INTERIOR

##### BUREAU OF LAND MANAGEMENT

##### MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides \$848,939,000 for management of lands and resources instead of \$840,401,000 as proposed by the House and \$855,689,000 as proposed by the Senate.

*Land Resources.*—Changes to the House level for land resources include increases of \$500,000 for the National Center for Invasive and Plant Management and \$500,000 for Idaho weed control, and a reduction of \$3,947,000 to reflect a transfer to the wild horse and burro program.

*Wildlife and Fisheries.*—The change to the House level for wildlife and fisheries is a reduction of \$603,000 to reflect a transfer to the wild horse and burro program. The managers agree to the House-proposed funding level for the National Fish and Wildlife Foundation and direct the Foundation to use the funding increase above fiscal year 2004 for projects that support sagebrush ecosystem conservation on public and private lands.

*Threatened and Endangered Species.*—The change to the House level for threatened and endangered species is a reduction of \$576,000 to reflect a transfer to the wild horse and burro program.

*Recreation Management.*—Changes to the House level for recreation management include an increase of \$1,000,000 for the Undaunted Stewardship Program and decreases of \$1,000,000 for nationwide recreation management, and \$1,039,000 to reflect a

BUREAU OF INDIAN AFFAIRS  
OPERATION OF INDIAN PROGRAMS

The conference agreement provides \$1,955,047,000 for the operation of Indian programs instead of \$1,935,033,000 as proposed by the House and \$1,951,798,000 as proposed by the Senate.

*Tribal Priority Allocations.*—Changes to the House level for tribal priority allocations include increases of \$3,000,000 for contract support costs and \$2,000,000 for welfare assistance.

*Other Recurring Programs.*—Changes to the House level for other recurring programs include increases of \$10,500,000 for tribally controlled community colleges, \$98,000 for the Alaska Sea Otter Commission, \$790,000 for the Bering Sea Fishermen's Association, \$87,000 for the Intertribal Bison Council, \$346,000 for the Chugach Regional Resources Commission, and a decrease of \$2,000,000 for the administrative cost grant fund.

*Non-recurring Programs.*—Changes to the House level for non-recurring programs include increases of \$500,000 for the Rocky Mountain Technology Foundation, \$750,000 for the rural Alaska fire program, \$1,250,000 for the Salish and Kootenai College nursing program (housing project), \$392,000 for Alaska legal services, and \$1,000,000 for the Denali Commission.

*Central Office Operations.*—Changes to the House level for central office operations include decreases of \$2,000,000 for the workforce initiative and \$1,000,000 for information resources technology.

*Special Programs and Pooled Overhead.*—Changes to the House level for special programs and pooled overhead include increases of \$500,000 for the United Tribes Technical College, \$450,000 for the United Sioux Tribes Development Corporation, \$442,000 for the Crownpoint Institute, \$1,250,000 for the Western Heritage Center distance learning program, \$750,000 for the Alaska native aviation program, and \$409,000 for e-government initiatives, and \$500,000 for the enterprise services network.

*Bill Language.*—There is a statutory earmark of \$1,000,000 for administrative cost grants to tribes for transitional costs instead of \$3,000,000 as proposed by the House and no funding as proposed by the Senate.

CONSTRUCTION

The conference agreement provides \$323,626,000 for construction instead of \$348,626,000 as proposed by the House and \$283,126,000 as proposed by the Senate. Changes to the House level include increases of \$2,500,000 for the tribal school demonstration program, \$2,500,000 for facilities maintenance of detention centers and a decrease of \$30,000,000 for school replacement construction.

The managers have included bill language directing the Bureau to provide \$4,500,000 to the Eastern Band of Cherokee education facility at the Ravensford tract, \$4,000,000 for the Sac and Fox Meskwaki settlement school and \$4,000,000 for the Twin Buttes elementary school on the Fort Berthold Reservation within the Tribal School Demonstration Program.

The managers have retained language included in the Senate bill that allows the Secretary of the Interior to assume control of construction projects if the tribes have not completed planning, design, and initial construction within 18 months of the appropriation of funds.

The managers have included bill language that allows the Office of Special Trustee for American Indians to reimburse the appropriate share of construction costs for space expansion needs identified as a result of trust reform implementation.

The managers are aware of the significant problems with Bureau owned detention centers, and have provided additional funding for facilities and deferred maintenance of these facilities. The managers urge the Department to address the operations and maintenance of detention centers in future budget submissions.

#### INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The conference agreement provides \$44,771,000 for Indian land and water claim settlements and miscellaneous payments to Indians as proposed by the House instead of \$34,771,000 as proposed by the Senate.

The managers have agreed to \$10,032,000 for the Quinault Indian Nation settlement. The managers have retained the Senate bill language which contained minor technical differences from the House.

The managers recognize that the Department of the Interior is working with Northwest Indian tribes and the shellfish industry to complete the historic Washington State shellfish settlement agreement and secure funding for it. This agreement represents nine years of hard, cooperative work by the Tribes and the shellfish industry. The managers support this effort and encourage the Department and all parties to continue working together to finalize the settlement in a timely manner. The managers agree that the Administration should provide funding for settlements such as these in the annual budget submission as the managers do not foresee having funds above the requested level for new settlements.

#### INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides \$6,421,000 for the Indian guaranteed loan program as proposed by both the House and the Senate. The managers have retained the House bill language which contained minor technical differences from the Senate.

#### ADMINISTRATIVE PROVISIONS

*Bill Language.*—The conference agreement includes language that allows certain tribes to continue to receive contract support as a supplement to administrative cost grants.

solve many of the contentious issues surrounding Indian trust management. The actions of the court concerning notifying Indian landowners of ongoing litigation will undoubtedly slow the process of consolidation of lands.

*Bill Language.*—The managers have retained bill language included by the Senate that allows Indian land consolidation funds to be transferred to the Bureau of Indian Affairs and Departmental Management accounts. The House had no similar provision.

#### NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

##### NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides \$5,818,000 for the natural resource damage assessment fund as proposed by both the House and the Senate.

#### GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

Sec. 101. The conference agreement modifies the text of Senate section 101 correcting the reference to the budget agreement in providing Secretarial authority to transfer program funds for emergencies. The House had a similar provision in section 101 of the House bill.

Sec. 102. The conference agreement modifies the text of Senate section 102 correcting the reference to the budget agreement in providing for expenditure or transfer of funds by the Secretary for natural disasters. The House had a similar provision in section 102 of the House bill.

Sec. 103. The conference agreement retains the language proposed in section 103 of the House bill providing for use of appropriated funds for operation of garages, shops, warehouses, and similar facilities. The Senate had a similar provision in section 103 of the Senate bill.

Sec. 104. The conference agreement retains an identical provision in section 104 of both the House and Senate bills, providing for vehicle and other services.

Sec. 105. The conference agreement retains the language proposed in section 105 of the House bill making permanent the use of appropriated funds to purchase uniforms or to provide a uniform allowance. The Senate had a similar provision in section 105 of the Senate bill.

Sec. 106. The conference agreement retains the language proposed in section 106 of the House bill making permanent a provision that contracts issued for services and rentals with appropriated funds be in effect for a period not to exceed 12 months. The Senate had a similar provision in section 106 of the Senate bill.

Sec. 107–109. The conference agreement retains identical provisions in sections 107–109 of both the House and Senate bills, prohibiting the expenditure of funds for Outer Continental Shelf (OCS) leasing activities in certain areas.

Sec. 110. The conference agreement retains a provision in section 110 of the House bill prohibiting the National Park Service from reducing recreation fees for non-local travel through any park unit. The Senate had no similar provision.

Sec. 111. The conference agreement retains the language proposed in section 111 of the House bill that makes permanent a provision limiting the investment of Federal funds by tribes or tribal organizations. The Senate had a similar provision in section 110 of the Senate bill.

Sec. 112. The conference agreement retains a provision in section 112 of the House bill permitting the transfer of funds between the Bureau of Indian Affairs and the Office of Special Trustee for American Indians. The Senate had an identical provision in section 111 of the Senate bill.

Sec. 113. The conference agreement retains a provision in section 113 of the House bill continuing a provision allowing the hiring of administrative law judges to address the Indian probate backlog. The Senate had an identical provision in section 112 of the Senate bill.

Sec. 114. The conference agreement retains a provision in section 114 of the House bill continuing a provision permitting the redistribution of tribal priority allocation and tribal base funds to alleviate funding inequities. The Senate had an identical provision in section 113 of the Senate bill.

Sec. 115. The conference agreement retains a provision in section 115 of the House bill continuing a provision requiring the allocation of Bureau of Indian Affairs postsecondary schools funds consistent with unmet needs. The Senate had an identical provision in section 114 of the Senate bill.

Sec. 116. The conference agreement retains the language proposed in section 115 of the Senate bill that makes permanent a limitation on the use of the Huron Cemetery in Kansas. The House had a similar provision in section 116 of the House bill.

Sec. 117. The conference agreement retains a provision in section 117 of the House bill continuing a provision permitting the conveyance of the Twin Cities Research Center of the former Bureau of Mines for the benefit of the National Wildlife Refuge System. The Senate had an identical provision in section 116 of the Senate bill.

Sec. 118. The conference agreement retains the language proposed in section 119 of the House bill making permanent a provision permitting the Bureau of Land Management to retain funds from the sale of seeds and seedlings. The Senate had a similar provision in section 117 of the Senate bill.

Sec. 119. The conference agreement retains a provision in section 120 of the House bill continuing a provision authorizing the Secretary of the Interior to use helicopters or motor vehicles to capture and transport horses and burros at the Sheldon and Hart National Wildlife Refuges. The Senate had an identical provision in section 118 of the Senate bill.

Sec. 120. The conference agreement modifies a provision in section 119 of the Senate bill limiting the implementation of Claims Maintenance and Location Fees and directs the Bureau of Land Management to establish a permit tracking system. The House had no similar provision.

Sec. 121. The conference agreement modifies a provision in section 120 of the Senate bill allowing certain funds provided for land acquisition at the Shenandoah Valley Battlefield NHD and Ice Age

NST to be granted to a State, a local government, or any other land management entity. The House had a similar provision in section 121 of the House bill.

Sec. 122. The conference agreement retains a provision in section 122 of the House bill continuing a provision prohibiting the closure of the underground lunchroom at Carlsbad Caverns NP, NM. The Senate had an identical provision in section 121 of the Senate bill.

Sec. 123. The conference agreement retains a provision in section 123 of the House bill preventing the demolition of a bridge between New Jersey and Ellis Island. The Senate had no similar provision.

Sec. 124. The conference agreement retains a provision in section 125 of the House bill continuing a provision limiting compensation for the Special Master and Court Monitor appointed by the Court in *Cobell v. Norton* to 200 percent of the highest Senior Executive Service rate of pay. The Senate had an identical provision in section 122 of the Senate bill.

Sec. 125. The conference agreement retains a provision in section 126 of the House bill continuing a provision allowing the Secretary to pay private attorney fees for employees and former employees incurred in connection with *Cobell v. Norton*. The Senate had an identical provision in section 123 of the Senate bill.

Sec. 126. The conference agreement retains a provision in section 127 of the House bill dealing with the U.S. Fish and Wildlife Service's responsibilities for mass marking of salmonid stocks. The Senate had no similar provision.

Sec. 127. The conference agreement modifies a provision in section 128 of the House bill dealing with paying for operational needs at the Midway Atoll National Wildlife Refuge airport using funds appropriated under the "Departmental Management, Salaries and Expenses" appropriation. The modification changes the word "shall" to "may". The Senate had no similar provision.

Sec. 128. The conference agreement retains a provision in section 129 of the House bill prohibiting the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on lands described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001, or land that is contiguous to that land. The Senate had an identical provision in section 124 of the Senate bill.

Sec. 129. The conference agreement retains a provision in section 130 of the House bill continuing a provision prohibiting the use of funds to study or implement a plan to drain or reduce water levels in Lake Powell. The Senate had an identical provision in section 125 of the Senate bill.

Sec. 130. The conference agreement retains a provision in section 131 of the House bill allowing the National Indian Gaming Commission to collect \$12,000,000 in fees for fiscal year 2006. The Senate had an identical provision in section 126 of the Senate bill.

Sec. 131. The conference agreement retains a provision in section 127 of the Senate bill making funds available to the tribes within the California Tribal Trust Reform Consortium and others and separates this demonstration project from the Department of

the Interior's trust reform organization. The House had a similar provision in section 132 of the House bill.

Sec. 132. The conference agreement modifies a provision in section 128 of the Senate bill dealing with grazing permits in the Jarbidge field office of the Bureau of Land Management. The House had no similar provision.

Sec. 133. The conference agreement modifies a provision in section 130 of the Senate bill restoring mining claims voided due to defective waivers of the mining maintenance fee. The House had no similar provision.

Sec. 134. The conference agreement retains a provision in section 131 of the Senate bill allowing proceeds from the University of Nevada at Las Vegas Foundation's research park leases to be used to carry out the Foundation's research mission. The House had no similar provision.

Sec. 135. The conference agreement modifies a provision in section 132 of the Senate bill extending the authority of the Secretary of the Interior to collect fees pursuant to the Surface Mining Control and Reclamation Act. The House had no similar provision.

Sec. 136. The conference agreement retains a provision in section 133 of the Senate bill authorizing the Secretary of the Interior to acquire lands for the operation and maintenance of facilities in support of transportation of visitors to Ellis, Governors, and Liberty Islands. The House had no similar provision.

Sec. 137. The conference agreement includes a new provision to redesignate the ACE Basin National Wildlife Refuge, SC, as the Ernest F. Hollings ACE Basin National Wildlife Refuge.

Sec. 138. The conference agreement includes a new provision to exempt certain coastal barrier property in South Carolina from financial assistance and flood insurance limitations under the Coastal Barriers Resources Act and the National Flood Insurance Act of 1968.

Sec. 139. The conference agreement includes a new provision resolving a boundary encroachment on lands of the Union Pacific Railroad Company in Tipton, California; requiring the Secretary of the Interior to permit continued use and occupancy of certain privately owned cabins in the Mineral King Valley in the Sequoia National Park; and authorizing the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project.

Sec. 140. The conference agreement includes a new provision to designate certain lands within the Apostle Islands National Lakeshore in the State of Wisconsin as the Gaylord A. Nelson National Wilderness.

Sec. 141. The conference agreement includes a new provision regarding special use grazing permits on the Mojave National Preserve, CA.

Sec. 142. The conference agreement includes a new provision amending Public Law 92-195 concerning the management of wild horses and burros.

Sec. 143. The conference agreement includes a new provision excluding non-native migratory bird species from application of certain prohibitions under the Migratory Bird Treaty Act.

Sec. 144. Includes a new section transferring lands from the Bureau of Land Management to the Department of Veterans Affairs for construction of a new health facility, previously announced by the Department.

Sec. 145. The conference agreement includes a new provision adjusting the boundary of the Cumberland Island Wilderness and authorizing tours of the Cumberland Island National Seashore.

Sec. 146. The conference agreement includes a new provision dealing with the 2004–2005 snowmobile season.

The conference agreement does not include a provision proposed in section 118 of the House bill authorizing a cooperative agreement with the Golden Gate National Parks Association, CA.

The conference agreement does not include a provision proposed in section 124 of the House bill prohibiting posting of clothing optional signs at Canaveral NS, FL.

The conference agreement does not include a provision proposed in section 133 of the House bill limiting the use of the National Mall for special events.

The conference agreement does not include a provision proposed in section 129 of the Senate bill amending Public Law 104–208 to modify the authorized uses of franchise fund proceeds.

TITLE II—RELATED AGENCIES  
DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
FOREST AND RANGELAND RESEARCH

The conference agreement provides \$280,278,000 for forest and rangeland research instead of \$280,654,000 as proposed by the House and \$279,883,000 as proposed by the Senate. The managers agree to the following changes to recommendations that were proposed by the House:

Project or activity	Conference recommendation	
	Change from House	Project total
General decrease .....	–\$1,800,000	.....
Fixed costs .....	–1,000,000	\$6,109,000
Forest inventory and analysis .....	4,000,000	56,714,000
Advanced housing research consortium .....	–300,000	1,300,000
Adelgid research NE station .....	0	1,500,000
Sudden oak death research .....	0	2,500,000
Emerald ash borer research in Ohio .....	–250,000	250,000
Southern pine beetle initiative .....	0	2,000,000
Olympic Natural Resource Center, WA .....	0	300,000
Western Carolina Univ. biotechnology .....	–988,000	0
Watershed condition research initiative .....	–2,247,000	4,994,000
Invasive species initiative .....	0	1,081,000
Joe Skeen Inst. Montana St. Univ. ....	350,000	350,000
Forest Products Lab salvage lumber, WI .....	600,000	600,000
NE States research cooperative .....	25,000	2,000,000
Baltimore urban watershed, MD .....	2,000	200,000
Fernow expt. forest hydrology, WV .....	230,000	230,000
Morgantown, WV pests & pathogens .....	6,000	500,000
Sitka, AK lab .....	14,000	1,130,000
Hardwood tree improvement & regen, IN .....	921,000	921,000
Coweeta, technology transfer, NC .....	4,000	300,000

## ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

The conference agreement retains the House bill language dealing with the use of receipts by the Department of Energy.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## INDIAN HEALTH SERVICE

## INDIAN HEALTH SERVICES

The conference agreement provides \$2,633,072,000 for Indian health services instead of \$2,628,322,000 as proposed by the House and \$2,633,624,000 as proposed by the Senate. The changes described below are to the House recommended funding level.

*Hospital and Health Clinic Programs.*—In hospital and clinic programs, there is a decrease of \$3,750,000 for the Indian health care improvement fund and an increase of \$500,000 for staffing at the King Cove, AK, clinic.

*Contract Health Care.*—There is an increase of \$8,000,000 for contract health care.

*Bill Language.*—The conference agreement earmarks \$487,085,000 for contract health care instead of \$479,085,000 as proposed by the House and \$491,085,000 as proposed by the Senate. The conference agreement modifies language, proposed by the Senate, earmarking funds for alcohol control, enforcement, prevention, treatment, sobriety and wellness, and education programs in Alaska. The modification provides \$15,000,000 for these programs instead of \$16,000,000 and permits the use of 15 percent of funds for administrative overhead instead of 10 percent. The House had no similar provision. The distribution of funds proposed by the Senate is modified to provide \$8,000,000 to Alaska Native regional organizations, with \$2,000,000 (rather than \$3,000,000) to be divided among the remaining organizations as specified in item (5) in the Senate report. Item (a) in the Senate report is revised as follows: (a) \$2,000,000 shall be provided as a direct lump sum payment to the State of Alaska Department of Public Safety to distribute on a timely basis to Alaska Native non-profit corporations to operate the Village Public Safety Officer Program.

The managers agree to the following:

1. The Service should reprogram the increases provided for pay cost increases so that there is an equitable distribution across all Federal and tribal programs.

2. The Recruitment of American Indians into Nursing program at the University of North Dakota is funded at last year's level, which includes the \$95,000 provided in fiscal year 2003.

3. The Service should provide a report on the use of funds to date for the special alcohol and substance control, enforcement, prevention, treatment, sobriety and wellness, and education programs in Alaska. The report should be provided no later than 60 days after enactment of this Act. This progress report was due to the House and Senate Committees on Appropriations on January 15, 2004, and the managers find the Service's lack of response totally unacceptable.

4. The Alaska Federal Health Care Access Network is funded at last year's level.

## INDIAN HEALTH FACILITIES

The conference agreement provides \$394,048,000 for Indian health facilities instead of \$405,048,000 as proposed by the House and \$364,148,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

<i>Project</i>	<i>Amount</i>
Barrow Hospital, AK .....	\$3,000,000
Clinton, OK clinic .....	19,300,000
Eagle Butte, SD clinic .....	5,000,000
Fort Belknap, MT staff quarters .....	5,000,000
Joint Ventures (using existing list) .....	4,800,000
Mobile dental units .....	1,000,000
New health clinic planning and design .....	1,000,000
Phoenix Indian Medical Center, AZ .....	4,000,000
Red Mesa, AZ health center .....	19,382,000
Sisseton, SD health center .....	17,300,000
Small ambulatory facilities .....	5,000,000
Wagner, SD staff quarters .....	2,538,000
Zuni, NM staff quarters .....	2,525,000
Subtotal .....	89,845,000
Other:	
Maintenance and improvement .....	49,897,000
Sanitation facilities .....	93,158,000
Facilities and environmental health support .....	143,567,000
Equipment .....	17,581,000
Total .....	394,048,000

*Bill Language.*—The conference agreement includes language proposed by the Senate permitting the use of funds for the purchase of land for replacement of the health care facility in Barrow, Alaska. The House had no similar provision.

The conference agreement modifies language proposed by the House permitting the use of funds to purchase land for the northern and southern California youth regional treatment centers for alcohol and substance abuse. The modification specifies that such land should be purchased using prior year unobligated funds. The Senate had no similar provision.

Bill language, proposed by the Senate, authorizing the construction of a replacement health care facility in Nome, Alaska is not included but the managers note that this project should be considered in future budget requests.

The managers agree to the following:

1. The funds provided for the Barrow, AK hospital are for land acquisition and planning. The total estimated cost of the facility is \$125 million.

2. The Service should finalize the site selections for the northern and southern California youth regional treatment centers for alcohol and substance abuse and, after the sites are selected, include funds in the budget request for construction of these facilities.

3. The funds included for the Eagle Butte, SD, clinic are for site preparation.

4. The total estimated cost of the Fort Belknap, MT, staff quarters project is \$8,300,000. The \$5,000,000 provided for fiscal year 2005 should be used to construct staff quarters in Harlem, MT. Funding for staff quarters in Hayes, MT, should be included in the fiscal year 2006 budget request.

5. Funds for the Phoenix Indian Medical Center, AZ, are for the design of a southwest clinic and a southeast clinic.

6. The funds for new health clinic planning and design are to initiate design of the San Carlos, AZ, clinic and the Kayenta, AZ, clinic. The Service recently approved the program justification documents for these two facilities.

7. The Service should move quickly to issue a new solicitation for small ambulatory care facilities. There should be a 30-day tribal comment period prior to issuance of the final solicitation.

8. The Service has informed the Committees that the funds provided for the Sisseton, SD, clinic should be sufficient to complete this project.

#### ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

The conference agreement continues language, included in the fiscal year 2004 appropriation, as proposed by the House, prohibiting the imposition of certain staffing restrictions on the Indian Health Service.

The conference agreement modifies language proposed by the House, permitting the use of third party collections for the purchase of land for expansion of the IHS hospital in Tahlequah, OK subject to advance approval by the House and Senate Committees on Appropriations. The modification retains the original text and adds language authorizing permanent service unit status for the Tulsa and Oklahoma City pilot health programs.

#### OTHER RELATED AGENCIES

##### OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

###### SALARIES AND EXPENSES

The conference agreement provides \$5,000,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation as proposed by the Senate instead of \$11,000,000 as proposed by the House. The managers understand that there are large carryover balances in this program that can be used to continue the program in fiscal year 2005.

##### INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

###### PAYMENT TO THE INSTITUTE

The conference agreement provides \$6,000,000 for payment to the institute as proposed by both the House and the Senate.

*Bill Language.*—The conference agreement retains Senate language that allows up to \$1,000,000 of the funding to be used for the institute's learning center.

##### SMITHSONIAN INSTITUTION

###### SALARIES AND EXPENSES

The conference agreement provides \$495,925,000 for salaries and expenses of the Smithsonian Institution instead of \$496,925,000 as proposed by the House and \$490,125,000 as pro-

## COMMISSION OF FINE ARTS

## SALARIES AND EXPENSES

The conference agreement provides \$1,793,000 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.

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

## SALARIES AND EXPENSES

The conference agreement provides \$4,600,000 for salaries and expenses of the Advisory Council on Historic Preservation as proposed by both the House and the Senate.

## NATIONAL CAPITAL PLANNING COMMISSION

## SALARIES AND EXPENSES

The conference agreement provides \$8,000,000 for salaries and expenses of the National Capital Planning Commission as proposed by the Senate instead of \$7,999,000 as proposed by the House.

## UNITED STATES HOLOCAUST MEMORIAL MUSEUM

## HOLOCAUST MEMORIAL MUSEUM

The conference agreement provides \$41,433,000 for the Holocaust Memorial Museum as proposed by the House and the Senate.

## PRESIDIO TRUST

## PRESIDIO TRUST FUND

The conference agreement provides \$20,000,000 for the Presidio Trust Fund as proposed by both the House and the Senate.

## TITLE III—GENERAL PROVISIONS

The conference agreement retains identical provisions in sections 301–309 of both the House and Senate bills.

Sec. 310. The conference agreement retains the language proposed in section 310 of the Senate bill providing one-year authority, as in past years, for the collection and use of private funds by the National Endowment for the Arts and the National Endowment for the Humanities. The House had a similar provision in section 310 of the House bill but it extended through 2009.

Sec. 311. The conference agreement retains the one-year authority, similar to previous years, proposed in section 311 of the Senate bill directing the National Endowment for the Arts on funding distribution. The House had a similar provision in section 311 of the House bill but it extended through 2009.

The conference agreement retains identical provisions in sections 312–316 of both the House and Senate bills.

Sec. 317. The conference agreement continues the provision in section 317 of the Senate bill addressing timber sales involving Alaska western red cedar for one year as was done previously. The House had no similar provision.

Sec. 318. The conference agreement modifies language proposed in section 317 of the House bill and in section 332 of the Senate bill concerning the Forest Service reforestation fund. The conference agreement does not contain bill language stating that the four purposes of the reforestation fund are of equal priority but the Forest Service should not give overall priority to one particular purpose over the others. The managers note that the Knutson-Vandenberg Act was amended in 1976 to allow the use of timber purchaser funds for: (1) planting trees, (2) sowing with tree seeds, (3) cutting or removing undesirable trees or other growth to improve future timber growth, and (4) protecting and improving the future productivity of the renewable resources of the forest land, including sale area improvement operations maintenance and construction, reforestation, and wildlife habitat management. The managers stress that, in selecting activities to be funded using the KV fund, the Secretary shall give, to the maximum extent practicable, equal importance to all four of these purposes. The Forest Service should not withhold funding for one or another of these purposes, but rather, decisions should be made forest by forest and project by project as to what are the most important conservation efforts.

Sec. 319. The conference agreement retains a provision in section 318 of the House bill continuing a provision prohibiting the Forest Service from using projects under the recreation fee demonstration program to supplant existing concessions. The Senate had an identical provision in section 318 of the Senate bill.

Sec. 320. The conference agreement retains the language proposed in section 319 of the Senate bill, as was in previous Acts, regarding the Forest Service land management planning revision requirements. The House had a similar provision in section 319 of the House bill.

Sec. 321. The conference agreement retains a provision in section 320 of the House bill continuing a provision limiting preleasing, leasing, and related activities within the boundaries of national monuments. The Senate had an identical provision in section 320 of the Senate bill.

Sec. 322. The conference agreement retains the language proposed in section 321 of the Senate bill extending the Forest Service Conveyances Pilot Program for two more years. The House had a similar provision in section 321 of the House bill. The managers are pleased with the operation of this program by the Forest Service and request that its management continue as in the past.

Sec. 323. The conference agreement replaces a provision in sections 322 of both the House and Senate bills. The new provision makes a technical correction to the Harriet Tubman Special Resource Study Act.

Sec. 324. The conference agreement retains a provision in section 323 of the House bill continuing a provision providing the Secretary of the Interior and the Secretary of Agriculture the author-

ity to enter into reciprocal agreements with foreign nations concerning the personal liability of firefighters. The Senate had an identical provision in section 323 of the Senate bill.

Sec. 325. The conference agreement retains a provision in section 324 of the House bill allowing the Eagle Butte Service Unit of the Indian Health Service to utilize health care funding in a more efficient manner. The Senate had an identical provision in section 324 of the Senate bill.

Sec. 326. The conference agreement retains a provision in section 325 of the House bill continuing a provision prohibiting the transfer of funds to other agencies other than as provided in this Act. The Senate had an identical provision in section 325 of the Senate bill.

Sec. 327. The conference agreement retains a provision in section 326 of the House bill carried in previous years limiting funds for oil or gas leasing or permitting on the Finger Lakes National Forest, NY. The Senate had no similar provision.

Sec. 328. The conference agreement retains the language proposed in section 326 of the Senate bill allowing the Secretary of Agriculture and the Secretary of the Interior to consider local contractors when awarding contracts for certain activities on public lands. The House had a similar provision in section 328 of the House bill.

Sec. 329. The conference agreement retains a provision in section 329 of the House bill continuing a provision which limits the use of funds for filing declarations of taking or condemnations. This provision does not apply to the Everglades National Park Protection and Environmental Act. The Senate had an identical provision in section 327 of the Senate bill.

Sec. 330. The conference agreement modifies a provision in section 328 of the Senate bill concerning judicial review of timber sales in Region 10 of the Forest Service; this authority is provided for one year. The House had no similar provision.

Sec. 331. The conference agreement retains a provision in section 330 of the House bill restricting the Forest Service use of the Recreation Fee Demonstration program to certain developed sites. The Senate had no similar provision.

Sec. 332. The conference agreement modifies the language proposed in section 331 of the House bill providing guidance on competitive sourcing activities and clarifying annual reporting requirements to specify the reporting of the full costs associated with sourcing studies and related activities. The Senate had a similar provision in section 329 of the Senate bill.

Sec. 333. The conference agreement retains a provision in section 332 of the House bill requiring overhead charges, deductions, reserves or holdbacks to be presented in annual budget justifications, with changes presented to the Appropriations Committees for approval. The Senate had an identical provision in section 330 of the Senate bill.

Sec. 334. The conference agreement modifies a provision in section 331 of the Senate bill prohibiting the transfer of funds for SAFECOM and Disaster Management projects. The House had a more restrictive provision in section 333 of the House bill.

Sec. 335. The conference agreement retains a provision in section 334 of the House bill, with a minor technical modification, au-

thorizing the conveyance of land within the San Bernardino National Forest, CA. The Senate had no similar provision.

Sec. 336. The conference agreement retains a provision in section 335 of the House bill encouraging cooperative hazardous fuels projects with the State of Colorado and the Forest Service, and extending this authority to the Bureau of Land Management. The Senate had no similar provision.

Sec. 337. The conference agreement retains a provision in section 333 of the Senate bill allowing the State of Utah, through contracts or cooperative agreements with the Forest Service, to perform certain activities on Forest Service lands. The House had no similar provision.

Sec. 338. The conference agreement modifies a provision in section 335 of the Senate bill requiring that contact centers associated with the national recreation reservation service be located within the United States. The House had no similar provision.

Sec. 339. The conference agreement modifies a provision in section 339 of the Senate bill allowing categorical exclusions for certain Forest Service grazing allotments. The House had no similar provision.

Sec. 340. The conference agreement retains a provision in section 340 of the Senate bill amending Public Law 90-542 regarding certain hunting camps on the Salmon River. The House had no similar provision. The managers note that this provision establishes use and occupancy as of June 6, 2003, for three special use permits. The purpose of this language is to clarify the legislative intent of the Central Idaho Wilderness Act and the inclusion of the three hunting camps as an existing use. The managers understand that all future modifications to these camps will be such that the camps retain their basic characteristics and the modifications do not substantially alter the existing scope of use.

Sec. 341. The conference agreement retains a provision in section 341 of the Senate bill allowing the Eastern Nevada Landscape Coalition to enter into agreements with the Department of the Interior and the Department of Agriculture. The House had no similar provision.

Sec. 342. The conference agreement retains a provision in section 342 of the Senate bill conveying certain lands in the Tongass National Forest to the Community of Elfin Cove, Alaska. The House had no similar provision.

Sec. 343. The conference agreement modifies a provision in section 343 of the Senate bill providing a three-year (versus a permanent) extension of a prohibition on Alaska Native villages assuming administration of health services contracts, and clarifying that Eastern Aleutian Tribes, Inc. be considered an Alaska Native regional health entity for purposes of disbursement of funds. The House had no similar provision.

Sec. 344. The conference agreement modifies a provision in section 344 of the Senate bill providing for the use of previously appropriated funds for the acquisition of lands for the construction of the Seward, Alaska Interagency Center.

Sec. 345. The conference agreement includes a new provision to extend the Forest Service rights-of-way cost recovery authority originally provided in fiscal year 2000.

Sec. 346. The conference agreement includes a new provision to provide for the conveyance of the Sandpoint Federal Building and associated land in Sandpoint, Idaho.

Sec. 347. The conference agreement includes a new provision authorizing the Secretary of Agriculture to carry out a national forest land exchange in the State of Florida.

Sec. 348. The conference agreement includes a new provision designating the Grey Towers National Historic Site in the Commonwealth of Pennsylvania.

Sec. 349. The conference agreement includes a new provision to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana.

Sec. 350. The conference agreement includes a new provision for a \$5,000,000 grant to Kendall County, Illinois.

The conference agreement does not include a provision proposed in section 327 of the House bill limiting the use of funds for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House.

The conference agreement does not include a provision proposed in section 334 of the Senate bill exempting certain local residents from paying fees under the Recreation Fee Demonstration program on the White Mountain National Forest.

The conference agreement does not include a provision proposed in section 336 of the Senate bill amending the Alaska National Interest Lands Conservation Act to allow for fishery management and enhancement projects in additional wilderness areas in Alaska.

The conference agreement does not include a provision proposed in section 337 of the Senate bill allowing Alaska residents with subsistence rights who are aged, infirm, or disabled to designate another individual to engage in subsistence activities for them and to reimburse such designated person.

The conference agreement does not include a provision on Missouri River water levels proposed by the Senate in section 338 of the Senate bill.

#### TITLE IV—SUPPLEMENTAL APPROPRIATIONS FOR URGENT WILDLAND FIRE SUPPRESSION ACTIVITIES

The conference agreement includes supplemental appropriations for the Department of the Interior and the Forest Service that provide an additional \$500,000,000 in wildland fire suppression funds. This includes \$100,000,000 for the Department of the Interior and \$400,000,000 for the Department of Agriculture.

The conference agreement does not include the provisions included in Title IV, Chapter 1 of the House bill that provided supplemental appropriations for the Department of the Interior and the Forest Service in fiscal year 2004. These funds were included in the fiscal year 2005 Department of Defense appropriation passed earlier this year (P. L. 108–287, Title X, Chapter 3).

The purpose of this account is to provide funds so firefighting can continue during a severe fire season without the need to borrow from other land management accounts to pay for wildfire suppression. The conference agreement still contains authority for each

Secretary, as appropriate, to utilize funds from other accounts under their jurisdiction, if all firefighting funds are exhausted.

The conference agreement retains language from the Senate bill providing that these funds will become available only if the funds provided in Titles I and II of this Act will be exhausted imminently and the House and Senate Committees on Appropriations and the Budget are notified. The managers understand that the urgent wildland fire suppression funding is only available because the conference agreement provides the full 10-year average cost of fire suppression in Titles I and II.

The conference agreement modifies language contained in the House bill that allows funds in this title to be transferred to other Interior and Forest Service accounts, as appropriate, to repay amounts that have been borrowed during wildland fire suppression crises.

The managers are very concerned about the high cost of fire suppression and have included a number of cost containment measures in this Act. The conference agreement modifies language included in the House bill that directs the Secretary of the Interior and the Secretary of Agriculture to submit a report that outlines the specific cost containment measures that are being implemented to contain wildland fire suppression costs. The managers expect to receive a single, joint report from both Secretaries.

The conference agreement allows unused funds from each Department's fiscal year 2004 wildland fire management appropriation to be used in subsequent years for future urgent wildfire suppression activities.

## DEPARTMENT OF THE INTERIOR

### BUREAU OF LAND MANAGEMENT

#### WILDLAND FIRE MANAGEMENT

The conference agreement provides an additional amount of \$100,000,000 for Wildland Fire Management, for urgent wildfire suppression activities as described above.

## DEPARTMENT OF AGRICULTURE

### FOREST SERVICE

#### WILDLAND FIRE MANAGEMENT

The conference agreement includes an additional amount of \$400,000,000 for Wildland Fire Management, for urgent wildfire suppression activities as described above.

The conference agreement includes language contained in the Senate bill that establishes an independent cost-control review panel for individual wildfire incidents exceeding \$10,000,000 in suppression costs. The conference agreement modifies language contained in the Senate bill that directed the transfer of funds from unobligated balances in the wildland fire management account to the U.S. Treasury if the independent cost-control review panel finds that appropriate actions were not taken to control suppression costs.

## TITLE IV—GENERAL PROVISIONS

The conference agreement does not include a provision proposed in section 401 of the House bill prohibiting the use of recreational fee funds for biological monitoring of species listed under the Endangered Species Act. The Department of the Interior has assured the managers that this practice will not be pursued.

The conference agreement does not include a provision proposed in section 402 of the House bill prohibiting the use of funds for the planning, design, study, or construction of forest development roads in the Tongass National Forest for the purpose of private harvest.

The conference agreement does not include a provision proposed in section 403 of the House bill directing the Department of the Interior to submit a report on public access to the Statue of Liberty.

## TITLE V—ACROSS-THE-BOARD RESCISSIONS

Sec. 501. The conference agreement includes an across the board reduction of 0.594 percent. This reduction should be applied to each program, project, and activity, except for Miscellaneous Payments to Indians, which has a different application of the rescission as specified in the statutory language.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 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.....	36,038	34,238	35,238	-800
Range management.....	72,459	68,204	70,204	-2,255
Forestry management.....	8,093	9,025	9,025	+932
Riparian management.....	22,015	21,540	21,540	-475
Cultural resources management.....	15,479	15,142	15,142	-337
Wild horse and burro management.....	29,051	39,612	39,612	+10,561
Subtotal, Land Resources.....	183,135	187,761	190,761	+7,626
Wildlife and Fisheries				
Wildlife management.....	22,387	25,428	25,428	+3,041
Fisheries management.....	11,711	12,456	12,056	+345
Subtotal, Wildlife and Fisheries.....	34,098	37,884	37,484	+3,386
Threatened and endangered species.....	21,940	21,452	21,452	-488
Recreation Management				
Wilderness management.....	17,673	16,677	16,677	-996
Recreation resources management.....	44,603	43,209	44,809	+206
Subtotal, Recreation Management.....	62,276	59,886	61,486	-790
Energy and Minerals				
Oil and gas.....	88,195	85,625	88,625	+430
Coal management.....	9,380	8,944	9,444	+54
Other mineral resources.....	10,294	9,854	10,104	-190
Subtotal, Energy and Minerals.....	107,879	104,423	108,173	+294
Alaska minerals.....	2,453	2,232	4,000	+1,547
Realty and Ownership Management				
Alaska conveyance.....	41,920	33,068	42,568	+648
Cadastral survey.....	16,691	13,768	15,818	-873
Land and realty management.....	34,635	35,563	35,563	+928
Subtotal, Realty and Ownership Management.....	93,246	82,399	93,949	+703
Resource Protection and Maintenance				
Resource management planning.....	48,510	50,056	49,556	+1,046
Resource protection and law enforcement.....	16,283	15,042	17,042	+759
Hazardous materials management.....	16,497	16,080	16,080	-417
Subtotal, Resource Protection and Maintenance.....	81,290	81,178	82,678	+1,388
Transportation and Facilities Maintenance				
Operations.....	6,311	5,151	6,151	-160
Annual maintenance.....	31,846	31,045	31,045	-801
Deferred maintenance.....	12,349	11,036	41,772	+29,423
Infrastructure improvement.....	31,027	28,236	---	-31,027
Subtotal, Transportation/Facilities Maintenance.....	81,533	76,468	78,968	-2,565
Land and resources information systems.....	18,757	18,317	18,317	-440
Mining Law Administration				
Administration.....	32,485	32,696	32,696	+211
Offsetting fees.....	-32,485	-32,696	-32,696	-211
Subtotal, Mining Law Administration.....	---	---	---	---
Workforce and Organizational Support				
Information systems operations.....	18,531	19,928	19,928	+1,397
Administrative support.....	49,203	50,878	50,878	+1,675
Bureauwide fixed costs.....	69,331	73,656	73,365	+4,034
Subtotal, Workforce and Organizational Support.....	137,065	144,462	144,171	+7,106
Challenge cost share.....	18,176	21,000	7,500	-8,676
Total, Management of Lands and Resources.....	839,848	837,462	848,939	+9,091

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
<b>Wildland Fire Management</b>				
Preparedness.....	274,303	283,018	262,644	-11,659
Fire suppression operations.....	192,903	221,523	221,523	+28,620
Borrowing repayment (emergency appropriations).....	98,416	---	---	-98,416
Supplemental appropriations (P.L. 108-287).....	100,000	---	---	-100,000
Subtotal, Fire suppression operations.....	391,319	221,523	221,523	-169,796
<b>Other operations</b>				
Hazardous fuels reduction.....	183,896	209,282	204,282	+20,386
Burned area rehabilitation.....	24,198	24,276	24,276	+78
State and local fire assistance.....	9,877	5,000	10,000	+123
Fire facilities.....	---	---	12,374	+12,374
Joint fire science.....	---	---	8,000	+8,000
Subtotal, Other operations.....	217,971	238,558	258,932	+40,961
Total, Wildland Fire Management.....	883,593	743,099	743,099	-140,494
<b>Central Hazardous Materials Fund</b>				
Bureau of Land Management.....	9,856	9,855	9,855	-1
<b>Construction</b>				
Construction.....	13,804	6,476	11,500	-2,304
<b>Land Acquisition</b>				
<b>Land Acquisition</b>				
Acquisitions.....	13,432	19,000	6,850	-6,582
Emergencies and hardships.....	988	1,500	1,500	+512
Acquisition management.....	3,456	3,000	3,000	-456
Land exchange equalization payment.....	494	500	---	-494
Total, Land Acquisition.....	18,370	24,000	11,350	-7,020
<b>Oregon and California Grant Lands</b>				
Western Oregon resources management.....	86,376	97,059	90,058	+3,682
Western Oregon information and resource data systems.....	2,175	2,181	2,181	+6
Western Oregon transportation & facilities maintenance.....	10,777	10,782	10,782	+5
Western Oregon construction and acquisition.....	293	295	295	+2
Jobs in the woods.....	5,736	5,741	5,741	+5
Total, Oregon and California Grant Lands.....	105,357	116,058	109,057	+3,700
<b>Range Improvements</b>				
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	---
<b>Service Charges, Deposits, and Forfeitures</b>				
Rights-of-way processing.....	9,500	14,500	14,500	+5,000
Adopt-a-horse program.....	1,225	1,225	1,225	---
Repair of damaged lands.....	5,000	5,000	5,000	---
Cost recoverable realty cases.....	515	515	515	---
Timber purchaser expenses.....	50	50	50	---
Copy fees.....	3,200	3,200	3,200	---
Subtotal (gross).....	19,490	24,490	24,490	+5,000
Offsetting fees.....	-19,490	-24,490	-24,490	-5,000
Total, Service Charges, Deposits & Forfeitures.....	---	---	---	---
<b>Miscellaneous Trust Funds</b>				
Current appropriations.....	12,405	12,405	12,405	---
TOTAL, BUREAU OF LAND MANAGEMENT.....	1,893,233	1,759,355	1,756,205	-137,028

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs Enacted
<b>UNITED STATES FISH AND WILDLIFE SERVICE</b>				
<b>Resource Management</b>				
<b>Ecological Services</b>				
<b>Endangered species</b>				
Candidate conservation.....	9,808	8,610	9,520	-288
Listing.....	12,135	17,226	15,500	+3,365
Consultation.....	47,146	45,450	46,450	-896
Recovery.....	67,907	58,154	69,154	+1,247
Subtotal, Endangered species.....	136,996	129,440	140,624	+3,628
Habitat conservation.....	87,322	96,843	94,780	+7,458
Environmental contaminants.....	10,672	10,740	10,740	+68
Subtotal, Ecological Services.....	234,990	237,023	246,144	+11,154
<b>Refuges and Wildlife</b>				
Refuge operations and maintenance.....	391,493	387,657	390,427	-1,066
Migratory bird management.....	32,096	36,668	35,668	+3,572
Law enforcement operations.....	53,898	51,345	53,260	-436
Subtotal, Refuges and Wildlife.....	477,285	475,670	479,355	+2,070
<b>Fisheries</b>				
Hatchery operations and maintenance.....	57,992	57,004	59,504	+1,512
Fish and wildlife management.....	56,330	46,794	56,684	-354
Operational shortfall.....	---	---	885	+885
Subtotal, Fisheries.....	114,322	103,798	117,073	+2,751
<b>General Administration</b>				
Science excellence initiative.....	---	2,000	---	---
Central office administration.....	17,062	18,128	18,128	+1,066
Regional office administration.....	23,494	23,164	23,164	-330
Service-wide administrative support.....	56,998	58,942	58,942	+1,944
National Fish and Wildlife Foundation.....	7,575	7,870	7,870	+295
National Conservation Training Center.....	16,285	15,968	17,105	+820
International affairs.....	8,077	8,624	9,024	+947
Caddo Lake Ramsar Center.....	395	---	400	+5
Subtotal, General Administration.....	129,886	134,496	134,633	+4,747
Total, Resource Management.....	956,483	950,987	977,205	+20,722
<b>Construction</b>				
<b>Construction and rehabilitation</b>				
Line item construction.....	48,627	11,093	42,382	-6,245
Nationwide engineering services.....	11,181	11,018	11,018	-163
Total, Construction.....	59,808	22,111	53,400	-6,408
<b>Land Acquisition</b>				
<b>Fish and Wildlife Service</b>				
Acquisitions - Federal refuge lands.....	29,700	29,176	22,911	-6,789
Inholdings.....	1,481	2,500	1,500	+19
Emergencies and hardships.....	988	2,000	1,000	+12
Exchanges.....	494	1,000	1,750	+1,256
Acquisition management.....	8,395	8,365	8,365	-30
Cost allocation methodology.....	2,033	2,000	2,000	-33
Total, Land Acquisition.....	43,091	45,041	37,526	-5,565
<b>Landowner Incentive Program</b>				
Grants to States.....	29,630	50,000	22,000	-7,630
<b>Private Stewardship Grants Program</b>				
Stewardship grants.....	7,408	10,000	7,000	-408
<b>Cooperative Endangered Species Conservation Fund</b>				
Grants to States.....	29,659	37,415	29,659	---
MCP land acquisition.....	49,384	50,000	49,384	---

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference Conference	Conference vs. Enacted
Administration.....	2,553	2,585	2,553	---
Total, Cooperative Endangered Species Fund.....	81,596	90,000	81,596	---
National Wildlife Refuge Fund				
Payments in lieu of taxes.....	14,237	14,414	14,414	+177
North American Wetlands Conservation Fund				
Wetlands conservation.....	36,030	51,840	36,480	+450
Administration.....	1,501	2,160	1,520	+19
Total, North American Wetlands Conservation Fund.....	37,531	54,000	38,000	+469
Neotropical Migratory Bird Conservation Fund				
Migratory bird grants.....	3,951	---	4,000	+49
Multinational Species Conservation Fund				
African elephant conservation.....	1,383	1,350	1,400	+17
Rhinoceros and tiger conservation.....	1,383	1,450	1,500	+117
Asian elephant conservation.....	1,383	1,350	1,400	+17
Great ape conservation.....	1,383	1,350	1,400	+17
Marine turtles.....	---	---	100	+100
Neotropical migratory bird conservation.....	---	4,000	---	---
Total, Multinational Species Conservation Fund.....	5,532	9,500	5,800	+288
State and Tribal Wildlife Grants				
State and tribal wildlife grants.....	89,138	80,000	70,000	+862
TOTAL, U.S. FISH AND WILDLIFE SERVICE.....	1,308,405	1,326,053	1,310,941	+2,536
NATIONAL PARK SERVICE				
Operation of the National Park System				
Park Management				
Resource stewardship.....	335,306	343,467	342,967	+7,661
Visitor services.....	319,763	330,256	326,856	+7,093
Maintenance.....	559,211	586,093	573,178	+13,967
Park support.....	282,329	300,570	285,946	+3,617
Additional park base increase.....	---	---	52,654	+52,654
Subtotal, Park Management.....	1,496,609	1,560,386	1,581,601	+84,992
External administrative costs.....	112,951	125,681	125,681	+12,730
Total, Operation of the National Park System.....	1,609,560	1,686,067	1,707,282	+97,722
United States Park Police				
Park Police.....	77,888	81,204	81,204	+3,316
National Recreation and Preservation				
Recreation programs.....	548	551	551	+3
Natural programs.....	10,875	10,966	11,018	+143
Cultural programs.....	19,690	19,814	20,214	+524
International park affairs.....	1,605	1,616	1,616	+11
Environmental and compliance review.....	396	397	397	+1
Grant administration.....	1,576	1,892	1,892	+316
Heritage Partnership Programs				
Commissions and grants.....	14,152	2,378	14,163	+11
Newly authorized areas.....	---	---	500	+500
Administrative support.....	122	122	122	---
Subtotal, Heritage Partnership Programs.....	14,274	2,500	14,785	+511
Statutory or Contractual Aid				
Alaska National Parks.....	---	---	750	+750
Benjamin Franklin Tercentenary Commission.....	198	---	250	+62
Black Jack Battlefield trust.....	---	---	89	+89
Blue Ridge Parkway (Folk Art Center).....	741	---	---	-741

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
Brown Foundation.....	198	---	250	+52
Chesapeake Bay Gateway.....	2,469	---	2,500	+31
Dayton Aviation Heritage Commission.....	85	---	---	-85
Flight 93 Memorial (Somerset).....	294	---	250	-44
French and Indian War (PA).....	494	---	---	-494
George Washington Memorial Bridge (Gravelly Point).....	---	---	100	+100
Ft. Mandan, Ft. Lincoln, & Northern Plains Foundation.....	---	---	625	+625
Harry S. Truman Statue.....	50	---	---	-50
Ice Age National Scientific Reserve.....	796	---	796	---
Jamestown 2007.....	197	---	400	+203
Johnstown Area Heritage Association.....	49	---	49	---
Keweenaw NHP (Main Street).....	---	---	900	+900
Lake Roosevelt Forum.....	50	---	---	-50
Lamprey River.....	988	---	900	-88
Lower Eastside Tenement Museum.....	---	---	250	+250
Mandan Interpretive Center and Lodge project.....	494	---	---	-494
Marlin Luther King, Jr. Center.....	522	---	---	-522
Mississippi Museum of Natural Science.....	---	---	750	+750
Nt. Ranier National Park (study).....	---	---	700	+700
Natchez NHP (Forks of the Road).....	---	---	150	+150
Native Hawaiian culture and arts program.....	731	---	750	+19
New Orleans Jazz Commission.....	66	---	---	-66
Oklahoma City Memorial.....	1,581	---	---	-1,581
Office of Arctic Studies.....	1,481	---	---	-1,481
Roosevelt Campobello International Park Commission.....	837	---	---	-837
Sewall-Belmont House.....	---	---	400	+400
Sleeping Rainbow Ranch, Capitol Reef NP.....	491	---	600	+109
Subtotal, Statutory or Contractual Aid.....	12,812	---	11,359	-1,453
Total, National Recreation and Preservation.....	61,776	37,736	61,832	+56
Urban Park and Recreation Fund				
Urban park grants.....	301	---	---	-301
Historic Preservation Fund				
State historic preservation offices.....	34,569	34,570	36,000	+1,431
Tribal grants.....	2,963	2,963	3,250	+287
Save America's Treasures.....	32,594	30,000	30,000	-2,594
Preserve America.....	---	10,000	---	-10,000
National trust (endowment).....	494	---	---	-494
HBCUs.....	2,963	---	3,500	+537
Total, Historic Preservation Fund.....	73,589	77,533	72,750	-4,784
Construction				
Emergency and unscheduled.....	5,432	4,000	4,000	-1,432
Housing.....	7,901	8,000	8,000	+99
Equipment replacement.....	35,023	39,100	38,344	+3,321
Planning, construction.....	24,179	21,220	21,220	-2,959
General management plans.....	13,254	13,313	13,313	+59
Line item construction and maintenance.....	214,295	214,183	192,421	-21,874
Construction program management.....	27,128	27,364	27,364	+236
Dam safety.....	2,667	2,700	2,700	+33
Total, Construction.....	329,879	329,880	307,362	-22,517
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.....	91,360	91,360	91,000	-360
Administrative expenses.....	2,469	2,469	1,500	-969
Total, Assistance to States.....	93,829	93,829	92,500	-1,329
National Park Service				
Acquisitions.....	27,445	65,784	40,400	+12,955
Emergencies and hardships.....	1,975	4,000	2,500	+525
Acquisition management.....	10,370	10,511	10,511	+141

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
Inholdings.....	1,975	4,000	2,500	+525
Total, National Park Service.....	41,765	84,295	55,911	+14,146
Total, Land Acquisition and State Assistance.....	135,594	178,124	148,411	+12,817
TOTAL, NATIONAL PARK SERVICE.....	2,258,581	2,360,544	2,348,841	+90,260
Appropriations.....	(2,288,581)	(2,390,544)	(2,378,841)	(+90,260)
Rescission.....	(-30,000)	(-30,000)	(-30,000)	---
UNITED STATES GEOLOGICAL SURVEY				
Surveys, Investigations, and Research				
Mapping, Remote Sensing, and Geographic Investigations				
Cooperative topographic mapping.....	80,843	71,048	72,399	-8,444
Land remote sensing.....	33,678	33,132	33,191	-487
Geographic analysis and monitoring.....	15,238	14,761	14,834	-404
Subtotal, National Mapping Program.....	129,759	118,941	120,424	-9,335
Geologic Hazards, Resource and Processes				
Geologic hazards assessments.....	75,283	73,007	77,052	+1,769
Geologic landscape and coastal assessments.....	78,351	75,230	77,331	-1,020
Geologic resource assessments.....	80,549	72,517	78,121	-2,428
Subtotal, Geologic Hazards, Resource & Processes	234,183	220,754	232,504	-1,679
Water Resources Investigations				
Hydrologic monitoring, assessments and research				
Ground water resources program.....	5,967	6,688	7,100	+1,133
National water quality assessment.....	63,285	62,506	62,559	-728
Toxic substances hydrology.....	14,902	12,638	14,690	-212
Hydrologic research and development.....	17,112	14,333	16,234	-878
National streamflow information program.....	14,179	14,018	14,018	-161
Hydrologic networks and analysis.....	29,852	29,492	29,961	+109
Subtotal, Hydrologic monitoring, assessments and research.....	145,297	139,675	144,562	-735
Federal-State program.....	63,995	63,007	63,262	-733
Water resources research institutes.....	6,422	---	6,500	+78
Subtotal, Water Resources Investigations.....	215,714	202,682	214,324	-1,390
Biological Research				
Biological research and monitoring.....	135,110	129,226	135,066	-44
Biological information management and delivery.....	24,662	24,265	24,337	-325
Cooperative research units.....	14,757	14,113	14,816	+59
Subtotal, Biological Research.....	174,529	167,604	174,219	-310
Enterprise Information				
Enterprise information security and technology.....	---	22,498	23,034	+23,034
Enterprise information resources.....	---	17,233	17,228	+17,228
Federal geographic data coordination.....	---	5,416	4,736	+4,736
Subtotal, Enterprise Information.....	---	45,147	44,998	+44,998
Science support.....	90,811	68,716	66,508	-24,303
Facilities.....	92,989	95,944	95,944	+2,955
TOTAL, UNITED STATES GEOLOGICAL SURVEY.....	937,985	919,788	948,921	+10,936
MINERALS MANAGEMENT SERVICE				
Royalty and Offshore Minerals Management				
OCS Lands				
Leasing and environmental program.....	37,037	37,462	37,462	+425
Resource evaluation.....	27,081	28,057	29,857	+2,776
Regulatory program.....	49,465	50,438	52,038	+2,573
Information management program.....	25,706	30,147	30,147	+4,441
Subtotal, OCS Lands.....	139,289	146,104	149,504	+10,215

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
<b>Royalty Management</b>				
Compliance and asset management.....	45,857	47,749	41,949	-3,908
Revenue and operations.....	33,860	34,142	34,142	+282
Indian allottee refunds.....	15	15	15	---
Subtotal, Royalty Management.....	79,732	81,906	76,106	-3,826
<b>General Administration</b>				
Executive direction.....	2,049	2,072	2,072	+23
Policy and management improvement.....	4,111	4,176	4,176	+65
Administrative operations.....	16,639	17,181	17,181	+542
General support services.....	21,890	23,866	23,866	+2,176
Subtotal, General Administration.....	44,489	47,295	47,295	+2,806
Subtotal (gross).....	263,510	275,305	272,905	+9,395
Use of receipts.....	-100,230	-103,730	-103,730	-3,500
Total, Royalty and Offshore Minerals Management.....	163,280	171,575	169,175	+5,895
<b>Oil Spill Research</b>				
Oil spill research.....	7,017	7,105	7,105	+88
TOTAL, MINERALS MANAGEMENT SERVICE.....	170,297	178,680	176,280	+5,983
<b>OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT</b>				
<b>Regulation and Technology</b>				
Environmental restoration.....	161	161	161	---
Environmental protection.....	78,484	78,953	80,953	+2,469
Technology development and transfer.....	12,592	13,487	13,487	+895
Financial management.....	485	492	492	+7
Executive direction.....	13,391	14,712	14,712	+1,321
Subtotal, Regulation and Technology.....	105,113	108,805	109,805	+4,692
Civil penalties.....	271	100	100	-171
Total, Regulation and Technology.....	105,384	108,905	109,905	+4,521
<b>Abandoned Mine Reclamation Fund</b>				
Environmental restoration.....	173,472	170,229	170,229	-3,243
Legislative proposal.....	---	53,000	---	---
Technology development and transfer.....	4,132	4,542	4,542	+410
Financial management.....	6,183	8,565	8,565	+2,382
Executive direction.....	6,804	7,527	7,527	+723
Total, Abandoned Mine Reclamation Fund.....	190,591	243,863	190,863	-272
TOTAL, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT.....	295,975	352,768	300,768	+4,793
<b>BUREAU OF INDIAN AFFAIRS</b>				
<b>Operation of Indian Programs</b>				
<b>Tribal Budget System</b>				
<b>Tribal Priority Allocations</b>				
Tribal government.....	387,223	391,866	394,666	+7,443
Human services.....	147,745	147,465	149,465	+1,720
Education.....	49,375	48,980	48,980	-395
Public safety and justice.....	1,229	1,239	1,239	+10
Community development.....	39,969	41,226	41,226	+1,257
Resources management.....	62,253	62,872	62,872	+619
Trust services.....	57,654	56,906	56,906	-748
General administration.....	25,189	25,277	25,277	+88
Subtotal, Tribal Priority Allocations.....	770,637	775,631	780,631	+9,994

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
<b>Other Recurring Programs</b>				
<b>Education</b>				
School operations				
Forward-funded.....	452,874	453,115	456,057	+3,183
Other school operations.....	69,129	69,253	69,253	+124
Subtotal, School operations.....	522,003	522,368	525,310	+3,307
Continuing education.....	48,600	43,390	53,890	+5,290
Subtotal, Education.....	570,603	565,758	579,200	+8,597
Resources management.....	43,533	34,853	42,724	-809
Subtotal, Other Recurring Programs.....	614,136	600,611	621,924	+7,788
<b>Non-Recurring Programs</b>				
Community development.....	2,469	---	---	-2,469
Resources management.....	35,988	36,584	40,626	+4,638
Trust services.....	37,184	36,427	36,427	-757
Subtotal, Non-Recurring Programs.....	75,641	73,011	77,053	+1,412
<b>Total, Tribal Budget System.....</b>	<b>1,460,414</b>	<b>1,449,253</b>	<b>1,479,608</b>	<b>+19,194</b>
<b>BIA Operations</b>				
<b>Central Office Operations</b>				
Tribal government.....	2,867	3,136	2,279	-588
Human services.....	896	899	899	+3
Community development.....	864	871	---	-864
Resources management.....	3,445	3,464	3,464	+19
Trust services.....	5,252	19,340	19,340	+14,088
<b>General administration</b>				
Education program management.....	2,383	2,381	2,381	-2
Education personnel services.....	2,107	2,135	5,946	+3,839
Other general administration.....	70,692	102,218	107,712	+37,020
Subtotal, General administration.....	75,182	106,734	116,039	+40,857
Subtotal, Central Office Operations.....	88,506	134,444	142,021	+53,515
<b>Regional Office Operations</b>				
Tribal government.....	1,328	1,111	1,111	-217
Human services.....	3,152	3,081	3,081	-71
Community development.....	846	789	789	-57
Resources management.....	5,407	5,394	5,394	-13
Trust services.....	24,134	24,388	24,388	+254
General administration.....	28,819	27,760	7,183	-21,636
Subtotal, Regional Office Operations.....	63,686	62,523	41,946	-21,740
<b>Special Programs and Pooled Overhead</b>				
Education.....	16,252	16,566	16,566	+314
Public safety and justice.....	172,495	182,600	182,600	+10,105
Community development.....	8,254	1,057	9,272	+1,018
Resources management.....	1,290	1,287	1,287	-3
General administration.....	81,809	81,747	81,747	-62
Subtotal, Special Programs and Pooled Overhead.....	280,100	283,257	291,472	+11,372
<b>Total, BIA Operations.....</b>	<b>432,292</b>	<b>480,224</b>	<b>475,439</b>	<b>+43,147</b>
<b>Total, Operation of Indian Programs.....</b>	<b>1,892,706</b>	<b>1,929,477</b>	<b>1,955,047</b>	<b>+62,341</b>
<b>BIA SPLITS</b>				
Natural resources.....	(151,916)	(144,454)	(156,367)	(+4,451)
Forward-funding.....	(452,874)	(453,115)	(456,057)	(+3,183)
Education.....	(187,846)	(182,705)	(197,016)	(+9,170)
Community development.....	(1,100,070)	(1,149,203)	(1,145,607)	(+45,537)
<b>Total, BIA splits.....</b>	<b>(1,892,706)</b>	<b>(1,929,477)</b>	<b>(1,955,047)</b>	<b>(+62,341)</b>

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
<b>Construction</b>				
Education.....	294,954	229,063	267,083	-27,871
Public safety and justice.....	4,981	4,985	7,485	+2,504
Resources management.....	38,679	40,857	40,857	+2,178
General administration.....	2,154	2,156	2,156	+2
Construction management.....	6,057	6,045	6,045	-12
<b>Total, Construction.....</b>	<b>346,825</b>	<b>283,126</b>	<b>323,626</b>	<b>-23,199</b>
<b>Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians</b>				
White Earth Land Settlement Act (Admin).....	629	625	625	-4
Hoopa-Yurok settlement fund.....	252	250	250	-2
Pyramid Lake water rights settlement.....	143	142	142	-1
Ute Indian water rights settlement.....	20,782	---	---	-20,782
Rocky Boy's.....	33	---	---	-33
Shivwits Band Settlement.....	123	---	---	-123
Santo Domingo Pueblo Settlement.....	9,884	---	---	-9,884
Colorado Ute Settlement.....	8,052	8,000	8,000	-52
Cherokee, Choctaw, and Chickasaw settlement.....	10,000	9,972	9,972	-28
Quinalt Settlement.....	9,936	32	10,032	+96
Transfer from '03 FWS land acquisition.....	-4,968	---	---	+4,968
Zuni Water Settlement.....	---	14,000	14,000	+14,000
Cuba Lake Settlement.....	---	1,750	1,750	+1,750
<b>Total, Miscellaneous Payments to Indians.....</b>	<b>54,866</b>	<b>34,771</b>	<b>44,771</b>	<b>-10,095</b>
<b>Indian Guaranteed Loan Program Account</b>				
Indian guaranteed loan program account.....	6,417	6,421	6,421	+4
<b>TOTAL, BUREAU OF INDIAN AFFAIRS.....</b>	<b>2,300,814</b>	<b>2,253,795</b>	<b>2,329,865</b>	<b>+29,051</b>
<b>DEPARTMENTAL OFFICES</b>				
<b>Insular Affairs</b>				
<b>Assistance to Territories</b>				
<b>Territorial Assistance</b>				
Office of Insular Affairs.....	6,243	6,563	6,563	+320
Technical assistance.....	12,406	7,561	11,881	-525
Maintenance assistance fund.....	2,272	2,300	2,300	+28
Brown tree snake.....	2,321	2,700	2,700	+379
Insular management controls.....	1,472	1,491	1,491	+19
Coral reef initiative.....	494	500	500	+6
Insular measures and assessments.....	---	1,000	---	---
<b>Subtotal, Territorial Assistance.....</b>	<b>25,208</b>	<b>22,115</b>	<b>25,435</b>	<b>+227</b>
<b>American Samoa</b>				
Operations grants.....	22,816	23,100	23,100	+284
<b>Northern Marianas</b>				
Covenant grants.....	27,720	27,720	27,720	---
<b>Total, Assistance to Territories.....</b>	<b>75,744</b>	<b>72,935</b>	<b>76,255</b>	<b>+511</b>
<b>Compact of Free Association</b>				
Compact of Free Association - Federal services.....	2,700	3,941	2,999	+299
Mandatory payments - program grant assistance.....	2,000	2,000	2,000	---
Enewetak support.....	1,679	---	500	-1,179
<b>Total, Compact of Free Association.....</b>	<b>6,379</b>	<b>5,941</b>	<b>5,499</b>	<b>-880</b>
<b>Total, Insular Affairs.....</b>	<b>82,123</b>	<b>78,876</b>	<b>81,754</b>	<b>-369</b>
<b>Departmental Management</b>				
Departmental direction.....	13,457	13,546	13,546	+89
Management and coordination.....	28,560	29,356	28,956	+396
Hearings and appeals.....	7,981	8,030	8,030	+49
Central services.....	26,885	27,978	27,938	+1,053
Bureau of Mines workers compensation/unemployment.....	683	638	638	-45
Take Pride in America.....	494	1,000	497	+3

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
Financial and business management system.....	---	18,555	14,250	+14,250
Grant to Kendall County, Illinois.....	4,939	---	---	-4,939
Foreign currency account.....	-1,400	---	---	+1,400
General reduction.....	---	---	-3,000	-3,000
Subtotal, Departmental management.....	81,598	98,103	90,855	+9,256
By transfer from Central Hazardous Material Fund.....	---	---	-13,500	-13,500
Total, Departmental Management.....	81,599	99,103	77,355	-4,244
Working Capital Fund				
Working capital fund (cancellation).....	-20,000	---	---	+20,000
Financial management system migration project.....	11,555	---	---	-11,555
Subtotal, Working Capital fund.....	-8,445	---	---	+8,445
Payments in Lieu of Taxes				
Payments to local governments.....	224,696	226,000	230,000	+5,304
Office of the Solicitor				
Legal services.....	39,419	41,865	41,492	+2,073
General administration.....	9,302	10,280	9,838	+536
Ethics.....	1,032	1,308	1,054	+22
Total, Office of the Solicitor.....	49,753	53,453	52,384	+2,631
Office of Inspector General				
Audit.....	16,188	17,049	16,499	+311
Contracted CFO Audits.....	3,765	---	---	-3,765
Investigations.....	7,977	14,270	13,720	+5,743
Program integrity.....	1,832	---	---	-1,832
Policy and management.....	8,509	---	---	-8,509
Administrative services and information management.....	---	8,081	7,581	+7,581
Total, Office of Inspector General.....	38,271	39,400	37,800	-471
Office of Special Trustee for American Indians				
Federal Trust Programs				
Program operations, support, and improvements.....	185,058	245,419	194,020	+8,962
Executive direction.....	2,247	2,247	2,247	---
Total, Federal Trust programs.....	187,305	247,666	196,267	+8,962
Indian Land Consolidation Program				
Indian land consolidation.....	21,709	70,000	35,000	+13,291
Total, Office of Special Trustee for American Indians.....	209,014	317,666	231,267	+22,253
Natural Resource Damage Assessment Fund				
Damage assessments.....	3,885	3,899	3,899	+14
Program management.....	1,432	1,548	1,548	+116
Restoration support.....	247	371	371	+124
Total, Natural Resource Damage Assessment Fund.....	5,564	5,818	5,818	-254
Miscellaneous appropriations (P.L. 108-199).....	99	---	---	-99
TOTAL, DEPARTMENTAL OFFICES.....	682,674	820,316	716,378	+33,704
TOTAL, TITLE I, DEPARTMENT OF THE INTERIOR.....	9,847,964	9,971,299	9,888,199	+40,235
Appropriations.....	(9,779,548)	(10,001,299)	(9,918,199)	(+138,651)
Emergency appropriations.....	(98,416)	---	---	(-98,416)
Rescission.....	(-30,000)	(-30,000)	(-30,000)	---

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
TITLE II - RELATED AGENCIES				
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
Forest and Rangeland Research				
Forest and rangeland research.....	266,387	280,654	280,278	+13,891
State and Private Forestry				
Forest Health Management				
Federal lands forest health management.....	53,829	46,012	55,000	+1,171
Cooperative lands forest health management.....	44,741	25,214	48,300	+3,559
Emerging pests and pathogens.....	---	10,000	---	---
Subtotal, Forest Health Management.....	98,570	81,226	103,300	+4,730
Cooperative Fire Protection				
State fire assistance.....	33,384	25,062	33,384	---
Volunteer fire assistance.....	5,037	5,043	8,000	+963
Emergency appropriations (P.L. 108-199).....	24,853	---	---	-24,853
Subtotal, Cooperative Fire Protection.....	63,274	30,105	39,384	-23,890
Cooperative Forestry				
Forest stewardship.....	31,884	40,692	32,775	+891
Forest Legacy.....	64,134	100,019	57,939	-6,185
Urban and Community Forestry.....	34,864	31,961	32,400	-2,464
Economic action programs.....	25,606	---	19,300	-6,306
Forest resource information and analysis.....	4,939	5,028	5,028	+89
Subtotal, Cooperative Forestry.....	161,427	177,700	147,442	-13,985
International program.....	5,926	5,357	6,500	+574
Total, State and Private Forestry.....	329,197	294,388	296,626	-32,571
National Forest System				
Land management planning.....	69,995	59,057	64,057	-5,938
Inventory and monitoring.....	169,659	191,345	169,659	---
Recreation, heritage and wilderness.....	255,050	257,344	260,969	+5,919
Wildlife and fish habitat management.....	135,683	134,522	136,647	+964
Grazing management.....	45,899	43,422	48,711	+2,812
Forest products.....	265,013	274,297	277,097	+12,084
Vegetation and watershed management.....	193,889	194,335	192,285	-1,404
Minerals and geology management.....	53,399	59,532	56,532	+3,133
Landownership management.....	91,550	92,427	93,427	+1,877
Law enforcement operations.....	82,828	82,326	87,226	+4,398
Valles Caldera National Preserve.....	3,112	992	3,650	+538
Hazardous fuels.....	---	266,238	---	---
Centennial of Service challenge.....	---	---	10,000	+10,000
Total, National Forest System.....	1,385,877	1,655,837	1,400,260	+34,383
Wildland Fire Management				
Preparedness.....	671,621	666,227	686,000	+14,379
Fire suppression operations.....	597,130	685,400	658,000	+60,870
Borrowing repayment (emergency appropriations).....	299,224	---	---	-299,224
Supplemental appropriations (P.L. 108-287).....	400,000	---	---	-400,000
Subtotal, Fire suppression operations.....	1,296,354	685,400	658,000	-638,354
Other operations				
Hazardous fuels.....	233,480	---	266,238	+32,758
Rehabilitation.....	6,914	3,000	13,000	+6,086
Fire plan research and development.....	22,025	19,361	22,025	---
Joint fire sciences program.....	7,901	---	8,000	+99
Forest health management (federal lands).....	14,815	7,171	15,000	+185
Forest health management (co-op lands).....	9,877	5,482	10,000	+123
State fire assistance.....	51,063	34,245	40,745	+10,318
Volunteer fire assistance.....	8,138	8,000	8,000	-138
Subtotal, Other operations.....	354,213	77,259	383,008	+28,795

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
Emergency appropriations (P.L. 108-199).....	24,853	---	---	-24,853
Total, Wildland Fire Management.....	2,347,041	1,428,886	1,727,008	-620,033
=====				
Capital Improvement and Maintenance				
Facilities.....	214,366	191,338	201,568	-12,798
Roads.....	234,538	227,906	229,586	-4,952
Trails.....	74,718	71,791	76,774	+2,056
Infrastructure improvement.....	31,605	10,024	14,024	-17,581
Total, Capital Improvement and Maintenance.....	555,227	501,059	521,952	-33,275
=====				
Land Acquisition				
Forest Service				
Acquisitions.....	49,573	49,385	46,366	-3,207
Acquisition management.....	14,815	13,000	13,000	-1,815
Cash equalization.....	494	1,500	1,000	+506
Critical inholdings/wilderness protection.....	1,481	3,000	1,500	+19
Total, Land Acquisition.....	66,363	66,885	61,866	-4,497
=====				
Acquisition of lands for national forests, special acts.....	1,056	1,069	1,069	+13
Acquisition of lands to complete land exchanges.....	231	234	234	+3
Range betterment fund.....	2,963	3,064	3,064	+101
Gifts, donations and bequests for forest and rangeland research.....	90	65	65	-25
Management of national forest lands for subsistence uses.....	5,467	5,962	5,962	+495
TOTAL, FOREST SERVICE.....	4,939,899	4,238,103	4,298,364	-641,515
=====				
DEPARTMENT OF ENERGY				
Clean Coal Technology				
Deferral.....	-97,000	---	-257,000	-160,000
Rescission.....	-88,000	-237,000	---	+88,000
Total, Clean Coal Technology.....	-185,000	-237,000	-257,000	-72,000
=====				
Fossil Energy Research and Development				
Clean coal power initiative.....	169,881	50,000	50,000	-119,881
FutureGen.....	8,889	237,000	18,000	+9,111
Fuels and Power Systems				
Central Systems				
Innovations for existing plants.....	21,729	18,050	19,350	-2,379
Advanced Systems				
Integrated gasification combined cycle.....	50,372	34,450	46,450	-3,922
Combustion systems including hybrid.....	4,939	---	5,300	+361
Turbines.....	12,840	12,000	15,600	+2,760
Subtotal, Advanced Systems.....	68,151	46,450	67,350	-801
Subtotal, Central Systems.....	89,880	64,500	86,700	-3,180
Sequestration R&D				
Greenhouse gas control.....	40,297	49,000	46,000	+5,703
Fuels				
Transportation fuels and chemicals.....	21,927	16,000	23,800	+1,873
Solid fuels and feedstocks.....	5,985	---	6,000	+15
Advanced fuels research.....	3,308	---	2,800	-508
Subtotal, Fuels.....	31,220	16,000	32,600	+1,380
Advanced Research				
Coal utilization science.....	11,852	8,000	17,800	+5,948
Materials.....	11,111	8,000	11,000	-111
Technology crosscut.....	11,326	10,500	10,500	-826
University coal research.....	2,945	3,000	3,000	+55

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
HBCUs, education and training .....	981	1,000	1,000	+19
Subtotal, Advanced Research .....	36,215	30,500	43,300	+5,085
Distributed Generation Systems - Fuel Cells				
Advanced research .....	9,876	---	12,376	+2,500
Systems development .....	10,865	---	3,000	-7,865
Vision 21-hybrids .....	12,840	---	5,100	-7,740
Innovative concepts .....	35,063	23,000	55,000	+19,937
Novel generation .....	2,469	---	3,000	+531
Subtotal, Distributed Generation Systems - Fuel Cells .....	71,113	23,000	78,476	+7,363
U.S./China Energy and Environmental Center .....	988	---	1,000	+12
Subtotal, Fuels and Power Systems .....	271,713	183,000	288,076	+16,363
Gas				
Natural Gas Technologies				
Exploration and production .....	22,203	17,500	24,000	+1,797
Gas hydrates .....	9,383	6,000	9,500	+117
Infrastructure .....	8,939	---	8,471	-468
Effective environmental protection .....	2,469	2,500	3,500	+1,031
Subtotal, Gas .....	42,994	26,000	45,471	+2,477
Petroleum - Oil Technology				
Exploration and production supporting research .....	18,450	3,000	19,000	+550
Reservoir life extension/management .....	6,914	5,000	6,000	-914
Effective environmental protection .....	9,714	7,000	9,400	-314
Subtotal, Petroleum - Oil Technology .....	35,078	15,000	34,400	-678
Cooperative R&D .....	8,395	3,000	8,400	+5
Fossil energy environmental restoration .....	9,595	6,000	9,600	+5
Import/export authorization .....	2,716	1,799	1,799	-917
Headquarters program direction .....	22,189	22,749	22,749	+560
Energy Technology Center program direction .....	69,221	69,251	69,251	+30
Clean coal program direction .....	14,815	14,000	14,000	-815
General plant projects .....	6,914	---	7,000	+86
Advanced metallurgical processes .....	9,876	8,000	10,000	+124
Special recruitment programs .....	---	---	665	+665
National Academy of Sciences program review .....	494	---	500	+6
Total, Fossil Energy Research and Development .....	672,770	635,799	579,911	-92,859
Naval Petroleum and Oil Shale Reserves				
Oil Reserves				
Production and operations .....	9,699	8,676	8,676	-1,023
Management .....	8,296	9,324	9,324	+1,028
Total, Naval Petroleum and Oil Shale Reserves .....	17,995	18,000	18,000	+5
Elk Hills School Lands Fund				
Elk Hills school lands fund .....	---	36,000	---	---
Advance appropriations from previous years .....	36,000	36,000	36,000	---
Advance appropriations, FY 2005 .....	36,000	---	---	-36,000
Advance appropriations, FY 2006 .....	---	---	36,000	+36,000
Total, Elk Hills School Lands Fund .....	72,000	72,000	72,000	---
Energy Conservation				
Vehicle technologies .....	178,003	156,656	169,756	-8,247
Fuel cell technologies .....	65,187	77,500	76,000	+10,813
Intergovernmental activities				
Weatherization assistance grants .....	227,166	---	---	-227,166
State energy program grants .....	43,952	40,798	44,798	+846
State energy activities .....	2,324	2,353	2,353	+29
Gateway deployment .....	35,170	29,716	35,466	+296
Total, Intergovernmental activities .....	308,612	72,867	82,617	-225,995
Distributed energy resources .....	61,023	53,080	60,980	-43
Building technologies .....	59,866	58,284	68,084	+8,218
Industrial technologies .....	93,068	58,102	76,411	-16,657

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
-----				
Biomass and biorefinery systems R&D.....	7,506	8,680	7,680	+174
Federal energy management program.....	19,716	17,900	18,400	-1,316
Program management.....	85,004	81,664	89,164	+4,160
Total, Energy Conservation.....	877,985	584,733	649,092	-228,893
=====				
Economic Regulation				
Office of Hearings and Appeals.....	1,034	---	---	-1,034
Strategic Petroleum Reserve				
Storage facilities development and operations.....	155,045	155,100	155,100	+55
Management.....	15,904	17,000	17,000	+1,096
Total, Strategic Petroleum Reserve.....	170,949	172,100	172,100	+1,151
=====				
Northeast Home Heating Oil Reserve				
Northeast home heating oil reserve.....	4,939	5,000	5,000	+61
Energy Information Administration				
National energy information system.....	81,100	85,000	85,000	+3,900
=====				
TOTAL, DEPARTMENT OF ENERGY.....	1,713,772	1,335,632	1,324,103	-389,669
=====				
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
INDIAN HEALTH SERVICE				
Indian Health Services				
Clinical Services				
IHS and tribal health delivery				
Hospital and health clinic programs.....	1,249,782	1,295,353	1,307,103	+57,321
Dental health program.....	104,513	110,255	110,255	+5,742
Mental health program.....	53,294	55,801	55,801	+2,507
Alcohol and substance abuse program.....	138,250	141,680	141,680	+3,430
Contract care.....	479,070	479,085	487,085	+8,015
Catastrophic health emergency fund.....	---	18,000	18,000	+18,000
Subtotal, Clinical Services.....	2,024,909	2,100,174	2,119,924	+95,015
Preventive Health				
Public health nursing.....	42,580	45,576	45,576	+2,996
Health education.....	11,793	12,633	12,633	+840
Community health representatives program.....	50,996	52,383	52,383	+1,387
Immunization (Alaska).....	1,561	1,604	1,604	+43
Subtotal, Preventive Health.....	106,930	112,196	112,196	+5,266
Urban health projects				
Urban health projects.....	31,619	32,410	32,410	+791
Indian health professions.....	30,774	30,803	30,803	+29
Tribal management.....	2,376	2,376	2,376	---
Direct operations.....	60,714	61,795	62,293	+1,579
Self-governance.....	5,644	5,672	5,672	+28
Contract support costs.....	267,398	267,398	267,398	---
Medicare/Medicaid Reimbursements				
Hospital and clinic accreditation (Est. collecting).....	(567,620)	(598,662)	(598,662)	(+31,042)
Total, Indian Health Services.....	2,530,364	2,612,824	2,633,072	+102,708
(Non-contract services).....	(2,051,294)	(2,115,739)	(2,127,987)	(+76,693)
(Contract care).....	(479,070)	(479,085)	(487,085)	(+8,015)
(Catastrophic health emergency fund).....	---	(18,000)	(18,000)	(+18,000)
=====				
Indian Health Facilities				
Maintenance and improvement.....	48,897	48,897	49,897	+1,000
Sanitation facilities.....	93,015	103,158	93,158	+143
Construction facilities.....	94,555	41,745	89,845	-4,710
Facilities and environmental health support.....	137,803	143,567	143,567	+5,764

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
Equipment .....	17,081	17,081	17,581	+500
Total, Indian Health Facilities .....	391,351	354,448	394,048	+2,697
TOTAL, INDIAN HEALTH SERVICE.....	2,921,715	2,967,272	3,027,120	+105,405
OTHER RELATED AGENCIES				
OFFICE OF NAVAJO AND HOPÍ INDIAN RELOCATION				
Salaries and expenses .....	13,366	11,000	5,000	-8,366
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT				
Payment to the Institute.....	6,173	6,000	6,000	-173
SMITHSONIAN INSTITUTION				
Salaries and Expenses				
Museum and Research Institutes				
Anacostia Museum and Center for African American History and Culture .....	1,884	1,890	1,890	+6
Archives of American Art.....	1,826	1,832	1,832	+6
Arthur M. Sackler Gallery/Freer Gallery of Art.....	5,719	5,737	5,737	+18
Center for Folklife and Cultural Heritage.....	1,930	1,936	1,936	+6
Cooper-Hewitt, National Design Museum.....	3,088	3,097	3,097	+9
Hirshhorn Museum and Sculpture Garden.....	4,099	4,053	4,053	-46
National Air and Space Museum.....	21,233	16,491	16,491	-4,742
National Museum of African American History and Culture.....	---	5,000	4,000	+4,000
National Museum of African Art.....	4,510	4,234	4,234	-276
Smithsonian American Art Museum.....	7,644	7,668	7,668	+24
National Museum of American History.....	20,182	20,409	20,409	+227
National Museum of the American Indian.....	38,135	32,189	32,189	-5,946
National Museum of Natural History.....	42,785	42,490	42,490	-295
National Portrait Gallery.....	4,925	5,027	5,027	+102
National Zoological Park.....	18,492	17,824	17,824	-668
Astrophysical Observatory.....	21,532	21,601	21,601	+69
Center for Materials Research and Education.....	3,498	3,510	3,510	+12
Environmental Research Center.....	2,876	3,048	3,048	+172
Tropical Research Institute.....	11,141	11,176	11,676	+535
Subtotal, Museums and Research Institutes.....	215,499	209,192	208,692	-6,807
Program Support and Outreach				
Outreach.....	9,277	10,106	10,106	+829
Communications .....	1,369	1,457	1,457	+88
Institution-wide programs.....	6,119	6,138	6,138	+19
Office of Exhibits Central.....	2,626	2,635	2,635	+9
Major scientific instrumentation.....	4,939	4,000	4,000	-939
Museum Support Center.....	1,657	1,663	1,663	+6
Smithsonian Institution Archives.....	1,643	1,649	1,649	+6
Smithsonian Institution Libraries.....	8,704	8,732	8,732	+28
Subtotal, Program Support and Outreach.....	36,334	36,380	36,380	+46
Administration .....	63,890	66,616	64,916	+1,026
Facilities Services				
Facilities maintenance.....	40,115	39,943	39,943	-172
Facilities operations, security and support .....	140,074	146,994	146,994	+5,920
Subtotal, Facilities Services.....	180,189	186,937	186,937	+5,748
Offsetting reduction, FY 2004.....	-7,259	---	---	+7,259
Total, Salaries and Expenses.....	488,653	499,125	495,925	+7,272
Facilities Capital				
Revitalization.....	89,553	111,910	111,910	+22,357
Construction.....	9,876	8,990	7,990	-1,886

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
Facilities planning and design.....	8,197	8,000	8,000	-197
Total, Facilities capital.....	107,626	128,900	127,900	+20,274
TOTAL, SMITHSONIAN INSTITUTION.....	596,279	628,025	623,825	+27,546
NATIONAL GALLERY OF ART				
Salaries and Expenses				
Care and utilization of art collections.....	29,837	31,947	31,947	+2,110
Operation and maintenance of buildings and grounds.....	20,626	22,351	22,351	+1,725
Protection of buildings, grounds and contents.....	18,926	19,867	19,867	+941
General administration.....	17,379	18,835	18,835	+1,456
Total, Salaries and Expenses.....	86,768	93,000	93,000	+6,232
Repair, Restoration and Renovation of Buildings				
Base program.....	11,457	11,100	11,100	-357
TOTAL, NATIONAL GALLERY OF ART.....	98,225	104,100	104,100	+5,875
JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS				
Operations and maintenance.....	16,356	17,152	17,152	+796
Construction.....	15,803	16,334	16,334	+531
TOTAL, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.....	32,159	33,486	33,486	+1,327
WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS				
Salaries and expenses.....	8,498	8,987	8,987	+489
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES				
National Endowment for the Arts				
Grants and Administration				
Grants				
Direct grants.....	46,541	47,121	46,541	---
Challenge America grants.....	13,038	13,200	13,038	---
National Initiative: American Masterpieces.....	---	9,000	2,000	+2,000
State partnerships				
State and regional.....	24,418	24,723	24,418	---
Underserved set-aside.....	6,609	6,691	6,609	---
Challenge America grants.....	8,691	8,800	8,691	---
National Initiative: American Masterpieces.....	---	6,000	---	---
Subtotal, State partnerships.....	39,718	46,214	39,718	---
Subtotal, Grants.....	99,297	115,535	101,297	+2,000
Program support.....	1,288	1,515	1,288	---
Administration.....	20,387	22,350	20,387	---
Total, Arts.....	120,972	139,400	122,972	+2,000
National Endowment for the Humanities				
Grants and Administration				
Grants				
Federal/State partnership.....	31,436	31,829	31,829	+393
Preservation and access.....	18,672	18,905	18,905	+233
Public programs.....	12,952	13,114	13,114	+162
Research programs.....	12,902	13,063	13,063	+161
Education programs.....	12,466	12,624	12,624	+156
Program development.....	392	397	397	+5
We The People Initiative grants.....	9,876	33,000	11,376	+1,500
Subtotal, Grants.....	98,698	122,932	101,308	+2,610

DEPARTMENT OF INTERIOR AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Conference	Conference vs. Enacted
-----				
Administrative Areas				
Administration.....	20,688	22,946	22,569	+1,881
Total, Grants and Administration.....	119,386	145,878	123,877	+4,491
=====				
Matching Grants				
Treasury funds.....	5,616	5,686	5,686	+70
Challenge grants.....	10,308	10,436	10,436	+128
Total, Matching Grants.....	15,924	16,122	16,122	+198
=====				
Total, Humanities.....	135,310	162,000	139,999	+4,689
=====				
TOTAL, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES.....	256,282	301,400	262,971	+6,689
=====				
COMMISSION OF FINE ARTS				
Salaries and expenses.....	1,405	1,793	1,793	+388
NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS				
Grants.....	6,914	5,000	7,000	+86
ADVISORY COUNCIL ON HISTORIC PRESERVATION				
Salaries and expenses.....	3,951	4,600	4,600	+649
NATIONAL CAPITAL PLANNING COMMISSION				
Salaries and expenses.....	7,635	8,155	8,000	+365
UNITED STATES HOLOCAUST MEMORIAL MUSEUM				
Holocaust Memorial Museum.....	39,505	41,433	41,433	+1,928
PRESIDIO TRUST				
Operations.....	20,445	20,000	20,000	-445
=====				
TOTAL, TITLE II, RELATED AGENCIES.....	10,666,223	9,714,986	9,776,802	-889,421
Appropriations.....	(10,430,293)	(9,915,986)	(9,961,802)	(-468,491)
Emergency appropriations.....	(348,930)	---	---	(-348,930)
Advance appropriations.....	(72,000)	(36,000)	(72,000)	---
Rescission.....	(-88,000)	(-237,000)	---	(+88,000)
Deferrals.....	(-97,000)	---	(-257,000)	(-160,000)
=====				
TITLE IV - EMERGENCY WILDLAND FIRE APPROPRIATIONS				
BUREAU OF LAND MANAGEMENT				
Wildland Fire Management				
Fire suppression operations.....	---	---	100,000	+100,000
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
Wildland Fire Management				
Fire suppression operations.....	---	---	400,000	+400,000
=====				
TOTAL, TITLE IV, EMERGENCY WILDLAND FIRE.....	---	---	500,000	+500,000
=====				
TITLE V - GENERAL PROVISION				
Across-the-board cut (.594%) (rescission) (sec. 501).....	---	---	-120,024	-120,024
=====				
GRAND TOTAL, ALL TITLES.....	20,514,187	19,686,285	20,044,977	-469,210
=====				

## CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2005 recommended by the Committee of Conference, with comparisons to the fiscal year 2004 amount, the 2005 budget estimates, and the House and Senate bills for 2005 follow:

[In thousands of dollars]	
New budget (obligational) authority, fiscal year 2004 .....	\$20,514,187
Budget estimates of new (obligational) authority, fiscal year 2005 .....	19,686,285
House bill, fiscal year 2005 .....	20,030,125
Senate bill, fiscal year 2005 .....	20,256,914
Conference agreement, fiscal year 2005 .....	20,044,977
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2004 .....	- 469,210
Budget estimates of new (obligational) authority, fiscal year 2005 .....	+358,692
House bill, fiscal year 2005 .....	+14,852
Senate bill, fiscal year 2005 .....	-211,937

DIVISION F—LABOR, HEALTH AND HUMAN SERVICES, AND  
EDUCATION, AND RELATED AGENCIES APPROPRIATIONS  
2005

In implementing this agreement, the Departments and agencies should be guided by the language and instructions set forth in House Report 108–636 accompanying the bill H.R. 5006 and Senate Report 108–345 accompanying the bill, S. 2810.

In the cases where the language and instructions in either report specifically address the allocation of funds, each has been reviewed by the conferees and those that are jointly concurred in have been endorsed in this joint statement.

In the cases in which the House or the Senate have directed the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations.

The conferees note that section 518 sets forth the reprogramming requirements and limitations for the Departments and agencies funded through this Division, including the requirement to make a written request to the chairmen of the Committees 15 days prior to reprogramming, or to the announcement of intent to reprogram, funds in excess of 10 percent, or \$500,000, whichever is less, between programs, projects and activities.

Finally, the conferees request that statements on the effect of this appropriation Act on the Departments and agencies funded in this Division be submitted to the Committees within 45 days of enactment of this Act. The conferees expect that these statements will provide sufficient detail to show the allocation of funds among programs, projects and activities, particularly in accounts where the final appropriation is different than that of the budget request. Furthermore, the conferees request the statements to also include the effect of the appropriation on any new activities or major initiatives discussed in the budget justifications accompanying the fiscal year 2005 budget.

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2005, put in place by this bill, incorporates the following agreements of the managers: